

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

3

4 Recommendation:

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

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

9

10 1 New Hampshire Medical Malpractice Joint Underwriting Association; Transfer of Excess
11 Surplus to General Fund.

12 I. Notwithstanding any other provision of law, the New Hampshire Medical Malpractice
13 Joint Underwriting Association (NHMMJUA), by and through its board of directors, and any person
14 having responsibility and authority for the custody or investment of the assets of the NHMMJUA are
15 hereby authorized and directed to transfer no later than July 31, 2009 for the fiscal year ending
16 June 30, 2009 the sum of \$65,000,000, and by June 30, 2010 the additional sum of \$22,500,000, and
17 by June 30, 2011 the additional sum of \$22,500,000 from the Post-1985 Account to the general fund.
18 This sum shall be used for the purpose of supporting programs that promote access to needed health
19 care for underserved persons.

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

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

31 IV. Notwithstanding any other provision of law, the state shall hold harmless, defend, and
32 indemnify any state officer, any person with responsibility and authority for the custody or

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

16 2 Tobacco Tax; Rate Increased. Amend RSA 78:7 to read as follows:

17 78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.33~~] **\$1.78**
18 for each package containing 20 cigarettes or at a rate proportional to such rate for packages
19 containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment
20 of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in
21 which such products usually are sold at retail. The word "package" as used in this section shall not
22 include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this
23 state is prohibited by the Constitution of the United States.

24 3 Tobacco Tax; Applicability. Section 2 of this act shall apply to all persons licensed under
25 RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a
26 report of such inventory with the department of revenue administration on a form prescribed by the
27 commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2009
28 shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of
29 computing penalties under RSA 21-J.

30 4 Meals and Rooms Tax; Rate Increased. Amend RSA 78-A:6 to read as follows:

31 78-A:6 Imposition of Tax.

32 I. A tax of [~~8~~] **9** percent of the rent is imposed upon each occupancy.

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

34 (a) [~~Three~~] **Four** cents for a charge between \$.36 and \$.37 inclusive;

35 (b) [~~Four~~] **Five** cents for a charge between \$.38 and \$.50 inclusive;

36 (c) [~~Five~~] **Six** cents for a charge between \$.51 and \$.62 inclusive;

37 (d) [~~Six~~] **Seven** cents for a charge between \$.63 and \$.75 inclusive;

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- 1 (e) ~~Seven~~ **Eight** cents for a charge between \$.76 and \$.87 inclusive;
- 2 (f) ~~Eight~~ **Nine** cents for a charge between \$.88 and \$1.00 inclusive;
- 3 (g) ~~Eight~~ **Nine** percent of the charge for taxable meals over \$1.00, provided that
- 4 fractions of cents shall be rounded up to the next whole cent.

5 II-a. A tax of ~~[8]~~ **9** percent is imposed upon the gross rental receipts of each rental.

6 III. The operator shall collect the taxes imposed by this section and shall pay them over to

7 the state as provided in this chapter.

8 5 Meals and Rooms Tax; Definition of Hotel; Campsites. Amend the introductory paragraph of

9 RSA 78-A:3, III to read as follows:

10 III. "Hotel" means an establishment which holds itself out to the public by offering sleeping

11 accommodations for rent, whether or not the major portion of its operating receipts is derived from

12 sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and

13 cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished room houses, boarding

14 houses, private clubs, hostels, cottages, camps, ***campsites***, chalets, barracks, dormitories, and

15 apartments. The term does not include the following:

16 6 Tax on Meals and Rooms; Disposition of Revenue. Amend RSA 78-A:26, I(a) to read as follows:

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

18 (1) ***The amount necessary to provide payments of principal and interest on***

19 ***the bonds and notes authorized under RSA 198:15-a, II for the fiscal years ending June 30,***

20 ***2009, June 30, 2010, and June 30, 2011; and***

21 (2) ***An amount equal to 3.15 percent of net income distributed under this***

22 ***subparagraph which shall be credited to the department of resources and development,***

23 ***division of travel and tourism development.***

24 7 Special Fund. Amend RSA 6:12, I(b)(21) to read as follows:

25 (21) The money received under ***RSA 78-A:26, I(a) and*** RSA 230:52, II, which shall

26 be credited to the division of travel and tourism development, department of resources and economic

27 development.

28 8 Meals and Rooms Tax; Distributions to Cities and Towns. Notwithstanding any provision of

29 law, for each fiscal year of the biennium ending June 30, 2011, the state treasurer shall fund the

30 distribution of revenue to cities and towns pursuant to the formula for determining the amount of

31 revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year

32 2009 level of distribution.

33 9 State Treasurer and State Accounts; Suspension of Revenue Sharing. Notwithstanding any

34 provision of law, for the biennium ending June 30, 2011, the state treasurer shall suspend the

35 distribution of revenue to cities and towns pursuant to the formula for determining the amount of

36 revenue returnable to cities and towns under RSA 31-A.

37 10 Contingent School Building Aid Transfer; Fiscal Year 2009. Amend 2008S, 1:8 to read as

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1 follows:

2 1:8 Contingent School Building Aid Transfer; Fiscal Year 2009.

3 I. ~~[In the event of a general fund unreserved, undesignated deficit at the close of fiscal year~~
4 ~~2009 as determined by the official audit performed pursuant to RSA 21-I:8, I(h),]~~ The commissioner
5 of administrative services shall transfer appropriation authority and expenditures from the general
6 fund to the capital fund related to the school building aid program pursuant to 2007, 262, PAU 06-
7 03-02-02-02, in an amount equal to ~~[the lesser of:~~

8 (a) \$40,000,000~~[-or~~

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

10 II. The state treasurer is hereby authorized to borrow upon the credit of the state and may
11 issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance
12 with RSA 6-A, in the amount transferred from the general fund to the capital fund for the school
13 building aid program as provided in paragraph I. Payments of principal and interest on the bonds
14 and notes shall be made from ~~[the general fund]~~ **funds designated under RSA 78-A:26, I(a).**

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

18 11 School Building Aid; Fiscal Years 2010 and 2011. The sum of \$44,943,448 for the fiscal year
19 ending June 30, 2010, and the sum of \$46,260,234 for the fiscal year ending June 30, 2011 are
20 hereby appropriated to the department of education for payment of grants under the school building
21 aid program pursuant to RSA 198:15-a. The state treasurer is hereby authorized to borrow such
22 amounts upon the credit of the state and may issue bonds and notes in the name of and on behalf of
23 the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the
24 bonds and notes shall be made when due from funds designated under RSA 78-A:26, I(a).

25 12 School Building Aid; Bonding of Appropriation. Amend RSA 198:15-a to read as follows:

26 198:15-a Annual Grant for the Payment of Debt Service for School Construction.

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

1 **II. To provide funds for appropriations made to the department of education**
2 **relative to paragraph I for the fiscal years ending June 30, 2009, June 30, 2010, and June**
3 **30, 2011, the state treasurer is hereby authorized to borrow upon the credit of the state the**
4 **sums necessary for payment of such grants and for said purpose may issue bonds and notes**
5 **in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.**
6 **Payments of principal and interest on the bonds and notes shall be made when due by the**
7 **state treasurer from funds designated under RSA 78-A:26, I(a).**

8 13 Committee Established. There is established a committee to study the school building aid
9 grant program.

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

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

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

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

16 III. The committee shall study:

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

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

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

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

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

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

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

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

32 VI. The committee shall submit an interim report on or before December 15, 2009 and a
33 final report on or before November 1, 2010, containing its findings and any recommendations for
34 proposed legislation to the president of the senate, the speaker of the house of representatives, the
35 senate clerk, the house clerk, the governor, and the state library.

36 14 Copies of Motor Vehicle Records; Fees. Amend RSA 260:15, II to read as follows:

37 II. The department may issue a copy of any motor vehicle record upon the request of an

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

6 15 Motor Vehicle Record Fees. The provisions of section 14 of this act, relative to fees charged to
7 insurance companies and authorized agents for copies of motor vehicle records, shall not affect fees
8 charged by the department of safety under RSA 260:14, XIII or XV(b).

9 16 Fees Collected from Drivers. Amend RSA 263:42, II to read as follows:

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

15 17 Department of Safety; Personnel Reallocations Authorized. For the biennium ending
16 June 30, 2011, the commissioner of safety, whenever he or she deems it will improve the efficiency
17 and effectiveness of the delivery of service within the department, may, with approval of the fiscal
18 committee of the general court and governor and council and further subject to approval of the
19 position classifications by the director of personnel, eliminate certain personnel positions that may
20 become vacant during the biennium and establish in their place other personnel positions from the
21 same funding source, provided the cost of the new positions does not exceed the amounts budgeted
22 for the positions being eliminated. The commissioner of safety shall submit reports on or before
23 December 1, 2009, June 30, 2010, and December 1, 2010 to the chairmen of the house and senate
24 executive departments and administration committees on any actions taken as a result of this
25 authorization.

26 18 Division of State Police; Transfers Authorized. Notwithstanding the provisions of RSA 9:16-
27 a, RSA 9:17, RSA 9:17-a, and RSA 9:17-c, the commissioner of administrative services, upon the
28 request of the commissioner of safety, is authorized to transfer within and among any and all
29 components and class codes of the budget of the division of state police for the biennium ending June
30 30, 2011, regardless of funding source or mix, sufficient funds to cover overtime obligations for state
31 police activities within the traffic bureau and detective bureau, witness fees, and the accompanying
32 benefits. The total amount transferred shall not exceed \$300,000. When making the transfers, every
33 effort shall be made to maintain the original funding sources for the amounts transferred.

34 19 Department of Health and Human Services; Authority to Fill Unfunded Positions.
35 Notwithstanding any provision of law to the contrary, the commissioner of the department of health
36 and human services may fill unfunded positions during the biennium ending June 30, 2011, provided
37 that the total expenditure for such positions shall not exceed the amount appropriated for personal

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1 services, permanent, and personal services, unclassified.

2 20 Department of Health and Human Services; Department of Revenue Administration; Medical
3 Assistance; Memorandum of Understanding.

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

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

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

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

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

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

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

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

24 21 Department of Health and Human Services; Bureau of Behavioral Health; Mental Health
25 Low Utilizers and Prior Authorization. For the biennium ending June 30, 2011, the department of
26 health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults
27 with low service utilization of community mental health services, as identified in He-M 401.07;
28 provided, that the department also shall establish, by rule under RSA 541-A, a procedure for such
29 persons or community mental health providers to request a waiver of the \$4,000 limit based on
30 legitimate treatment considerations.

31 22 Department of Health and Human Services; Bureau of Elderly and Adult Services; County
32 Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County
33 Payments. Amend RSA 167:18-a, II to read as follows:

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

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

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

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

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

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

5 23 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund
6 Suspended. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2011, all gross
7 revenue derived by the liquor commission from the sale of liquor and related products, or from
8 license fees, shall be deposited into the liquor commission fund.

9 24 Department of Health and Human Services; Direct Graduate Medical Education. The
10 commissioner of the department of health and human services shall submit a Title XIX Medicaid
11 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the
12 provision of direct graduate medical education payments to hospitals as contemplated at 42 U.S.C.
13 section 1396a(a)(30)(A) to be effective July 1, 2009. Upon approval of the state plan amendment, and
14 as of the effective date of the state plan amendment, any obligations for payment of direct graduate
15 medical education are suspended until June 30, 2011.

16 25 New Paragraph; Department of Health and Human Services; State Children's Health
17 Insurance Program. Amend RSA 126-A:3 by inserting after paragraph VII the following new
18 paragraph:

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

27 26 Department of Health and Human Services; Medicaid State Plan Amendment; Medicaid
28 Provider Classification for Certain Critical Access Hospitals. The department of health and human
29 services shall submit a state plan amendment for approval by the federal Centers of Medicare and
30 Medicaid Services creating a Medicaid provider classification for critical access hospitals located in
31 Coos county to allow for differentiated reimbursement for maternity-related labor and delivery
32 services to assure uninterrupted access to such services consistent with 42 C.F.R. section
33 447.253(b)(1)(ii)(C).

34 27 Department of Health and Human Services; Medical Home Pilot Program. The department
35 of health and human services shall develop a medical home pilot program utilizing disease
36 management funds available when the disease management contract ends and other such grant
37 funds as may become available for this purpose. The department shall report to the health and

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1 human services oversight committee every 6 months commencing in October 2009 until the pilot
2 concludes.

3 28 Repeal. RSA 126-A:4-d, relative to a Medicaid waiver to support the extension of Medicaid-
4 allowable HIV/AIDS services, is repealed.

5 29 Department of Health and Human Services; Lead Poisoning Prevention Fund; Application of
6 Receipts. Amend RSA 6:12, I(b)(51) to read as follows:

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

9 30 Department of Health and Human Services; Unclassified Positions Established.

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

12 Department of health and human services	chief pharmacist
13 Department of health and human services	pharmacist (1)
14 Department of health and human services	pharmacist (2)
15 Department of health and human services	pharmacist (3)
16 Department of health and human services	pharmacist (4)
17 Department of health and human services	pharmacist (5)
18 Department of health and human services	pharmacist (6)

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

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

24 chief pharmacist #15719
25 pharmacist #15704
26 pharmacist #15706
27 pharmacist #15741
28 pharmacist #15810
29 pharmacist #15831
30 pharmacist #16360

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

33 31 Department of Health and Human Services; Services for Children, Youth and Families;
34 Incentive Funds. Amend RSA 170-G:4, XVI to read as follows:

35 XVI. Encourage cities, towns and counties to develop and maintain prevention programs,
36 court diversion programs and alternative dispositions for juveniles other than placements outside of
37 the home through the use of a formula which shall allow for the transfer of funds to cities, towns and

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

8 32 Department of Health and Human Services; Suspension of Residential Rate Setting Rule.
9 Notwithstanding any provision of the law or rule to the contrary, for the biennium ending
10 June 30, 2011, He-C 6422 relative to the residential child care facilities rate setting is suspended.
11 The base rate for residential providers for the biennium ending June 30, 2011 shall be the rate in
12 effect on June 30, 2009.

13 33 Department of Health and Human Services; Delinquent Children; Accompanied
14 Transportation. Amend RSA 169-B:40, I(b) to read as follows:

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

18 34 Department of Health and Human Services; Child Protection Act; Accompanied
19 Transportation. Amend RSA 169-C:27, I(b) to read as follows:

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

23 35 Department of Health and Human Services; Children in Need of Services; Accompanied
24 Transportation. Amend RSA 169-D:29, I(b) to read as follows:

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

28 36 New Subparagraph; Delinquent Children; Liability of Expenses and Hearing on Liability.
29 Amend RSA 169-B:40, I by inserting after subparagraph (e) the following new subparagraph:

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

33 37 New Subparagraph; Child Protection Act; Liability of Expenses and Hearing on Liability.
34 Amend RSA 169-C:27, I by inserting after subparagraph (e) the following new subparagraph:

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

37 38 Suspension. The following are suspended for each fiscal year of the biennium ending

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1 June 30, 2011:

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

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

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

5 39 Department of Health and Human Services; Program Eligibility; Additional Revenues;
6 Transfer Among Accounts.

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

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

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

30 40 New Paragraph; Powers and Duties of Commissioners; Advertising. Amend RSA 21-G:9 by
31 inserting after paragraph V the following new paragraph:

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

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1 41 Repeal. RSA 126-A:5, XVI, relative to advertising by the department of health and human
2 services, is repealed.

3 42 Department of Environmental Services; State Revolving Loan Fund; Administrative Fee
4 Increase. Amend RSA 486:14(b) to read as follows:

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

15 43 Department of Environmental Services; Fees; Subsurface Systems Fund and Septage
16 Management Fund. Amend RSA 485-A:30, I and I-a to read as follows:

17 I. Any person submitting plans and specifications for a subdivision of land shall pay to the
18 department a fee of ~~[\$150]~~ **\$300** per lot. Said fee shall be for reviewing such plans and specifications
19 and making site inspections. Any person submitting plans and specifications for sewage or waste
20 disposal systems shall pay to the department a fee of ~~[\$140]~~ **\$290** for each system. Said fee shall be
21 for reviewing such plans and specifications, making site inspections, the administration of sludge
22 and septage management programs, and for establishing a system for electronic permitting for waste
23 disposal systems, subdivision plans, and for permits and approvals under the department's land
24 regulation authority. The fees required by this paragraph shall be paid at the time said plans and
25 specifications are submitted and shall be deposited ~~[with the treasurer as unrestricted revenue]~~ ***in***
26 ***the subsurface systems fund established in paragraph I-b.*** For the purposes of this paragraph,
27 the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are
28 operated on a seasonal basis for not more than 9 months per year.

29 I-a. In addition to fees required under paragraph I, any person submitting plans and
30 specifications for sewage or waste disposal systems shall pay to the department a fee of \$10 for each
31 system~~[- Said fee shall be for supporting a general funded position at the department to advocate for~~
32 ~~and implement long term septage disposal solutions in partnership with New Hampshire~~
33 ~~municipalities. In the event and to the extent the department is able to use funds from sources other~~
34 ~~than the general fund to support the position, it shall receive from the general fund an amount~~
35 ~~equivalent to the fees collected under this paragraph, in addition to any other appropriations,] for~~
36 use in the septage handling and treatment facilities grant program to municipalities under
37 RSA 486:3, III. ***Until July 1, 2010,*** the fees required by this paragraph shall be paid at the time

1 said plans and specifications are submitted and shall be deposited [~~with the state treasurer as~~
2 ~~unrestricted revenue~~] *in the subsurface systems fund established in paragraph I-b. After*
3 *July 1, 2010, the fees required by this paragraph shall be paid at the time said plans and*
4 *specifications are submitted and shall be deposited in the septage management fund*
5 *established in paragraph I-c.*

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

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

16 44 Permit Eligibility; Exemption. Amend RSA 485-A:35 to read as follows:

17 485-A:35 Permit Eligibility; Exemption.

18 I.(a) All applications, plans, and specifications submitted in accordance with this chapter for
19 subsurface sewage or waste disposal systems shall be prepared and signed by the person who is
20 directly responsible for them and who has a permit issued by the department to perform the work.
21 The department shall issue a permit to any person who applies to the department, and pays a fee of
22 \$80 and who has demonstrated a sound working knowledge of the procedures and practices required
23 in the site evaluation, design, and operation of subsurface sewage or waste disposal systems. The
24 department shall require an oral or written examination or both to determine who may qualify for a
25 permit. Permits shall be issued from January 1 and shall expire December 31 of every other year.
26 Permits shall be renewable upon proper application, payment of a biennial fee of \$80, and
27 documentation of compliance with the continuing education requirement of subparagraph (b). A
28 permit issued to any person may be suspended, revoked or not renewed only for just cause and after
29 the permit holder has had a full opportunity to be heard by the department. An appeal from a
30 decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 541. ***All fees***
31 ***shall be deposited in the subsurface systems fund established in RSA 485-A:30, I-b.***

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

34 II. Any person who desires to submit plans and specifications for a sewage or waste disposal
35 system for the person's own domicile shall not be required to obtain a permit under this paragraph
36 provided that the person attests to eligibility for this exemption in the application for construction
37 approval. The commissioner shall adopt rules, prepared under the supervision of a professional

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1 engineer licensed to practice engineering in the state of New Hampshire, pursuant to RSA 541-A,
2 relative to requiring a permit holder to be a licensed professional engineer with a civil or sanitary
3 designation in order to submit applications for construction approval in certain complex situations.

4 All fees collected pursuant to this ~~[paragraph]~~ **section** shall be deposited ~~[with the state treasurer as~~
5 ~~unrestricted revenue]~~ **in the subsurface systems fund established in RSA 485-A:30, I-b.**

6 45 System Installer Permit. Amend RSA 485-A:36, I(a) to read as follows:

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

28 46 New Subparagraphs; Dedicated Funds; Subsurface Systems Fund and Septage Management
29 Fund Added. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new
30 subparagraphs:

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

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

33 47 New Subparagraph; General Revenue Exemptions; Motor Vehicle Air Pollution Abatement
34 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

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

37 48 New Chapter; Motor Vehicle Air Pollution Abatement Fund. Amend RSA by inserting after

1 chapter 125-R the following new chapter:

2 CHAPTER 125-S

3 MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

4 125-S:1 Purpose. The general court finds that emissions of air contaminants from motor
5 vehicles represent a potential serious health problem to the citizens of New Hampshire and a threat
6 to the air quality of the state. The purpose of this chapter is to establish a fund to be used for costs
7 incurred by the department of environmental services in the prevention and abatement of emissions
8 of air contaminants from motor vehicles registered for on-road use in the state of New Hampshire.

9 125-S:2 Definitions. In this chapter:

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

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

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

15 125-S:3 Fund Established. There is established a motor vehicle air pollution abatement fund,
16 which shall be administered by the department of environmental services. This fund shall be used
17 for costs incurred by the department in the course of carrying out activities that are designed to
18 reduce air pollution in the state from the mobile source sector. All fees and monetary grants, gifts,
19 donations, or interest generated by these funds shall be deposited with the state treasurer in a
20 special nonlapsing fund to be known as the motor vehicle air pollution abatement fund and shall be
21 continually appropriated to the department for the administration of this chapter.

22 125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement
23 fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2.

24 49 Inspection Sticker Fees. Amend RSA 266:2 to read as follows:

25 266:2 Fees. The fee for inspection stickers shall be [~~\$2.50~~] **\$3.25** for each sticker furnished an
26 approved inspection station. ***The division shall transfer \$.25 of each fee collected under this***
27 ***section to the motor vehicle air pollution abatement fund established by RSA 125-S:3 and***
28 ***\$.25 of each fee collected under this section to the general fund.*** All unused stickers returned
29 by the approved inspection station to the division shall be refundable at the rate of [~~\$2.50~~] **\$3.25**
30 each, except that unused stickers purchased from the division for a fee of \$2.50 shall be refundable
31 at the rate of \$2.50 each.

32 50 New Hampshire Retirement System; Member Contribution Rates. Amend RSA 100-A:16,
33 I(a) to read as follows:

34 I. MEMBER ANNUITY SAVINGS FUND.

35 (a) The member annuity savings fund shall be a fund in which shall be accumulated the
36 contributions deducted from the compensation of members to provide for their member annuities
37 together with any amounts transferred thereto from a similar fund under one or more of the

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1 predecessor systems. Such contribution shall be, for each member, dependent upon the member's
2 employment classification at the rate determined in accordance with the following table:

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

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

28 51 New Paragraph; Retirement System; Definitions. Amend RSA 100-A:1 by inserting after
29 paragraph XXXI the following new paragraph:

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

33 52 Employer Contributions; State Payment; Group II Extra or Special Duty. Amend RSA 100-
34 A:16, II(b)-(c) to read as follows:

35 (b) The contributions of each employer for benefits under the retirement system on
36 account of group II members shall consist of a percentage of the earnable compensation of its
37 members to be known as the "normal contribution," and an additional amount to be known as the

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

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

31 53 New Paragraph; Employer Report; Extra or Special Duty. Amend RSA 100-A:16 by inserting
32 after paragraph V the following new paragraph:

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

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1 employer shall be responsible for the full amount of employer contributions required under RSA 100-
2 A16, II(b) attributable to extra or special duty.

3 54 New Paragraph; Retirement System; Retiree Health Insurance Premium Contribution.
4 Amend RSA 100-A:54 by inserting after paragraph II the following new paragraph:

5 III. The retirement system shall deduct from the monthly retirement allowance of retired
6 state employees under the age of 65 years receiving medical and surgical benefits provided pursuant
7 to RSA 21-I:30, the premium contribution amounts of \$65 per month for each such retiree and \$65
8 per month for each applicable spouse; provided that the charge to each household shall not exceed
9 \$130 per month. Deducted amounts, which shall be in addition to and notwithstanding any amounts
10 payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b,
11 shall be deposited in the employee and retiree benefit risk management fund. In the event the
12 retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement
13 system shall so notify the department of administrative services, which shall invoice and collect from
14 the retiree the remaining contribution amount.

15 55 New Subparagraph; Retirement System; Certification of State Employer Contributions;
16 Medical Subsidy Payment. Amend RSA 100-A:16, III by inserting after subparagraph (c) the
17 following new subparagraph:

18 (d) Notwithstanding RSA 100-A:16, III(a), the New Hampshire retirement system board
19 of trustees shall, within a reasonable period of time not to exceed 30 days from the effective date of
20 this subparagraph, certify to the commissioner of administrative services the amounts that will
21 become due and payable by the state during the biennium beginning July 1, 2009 based upon a state
22 employee group other post-employment benefit (OPEB) plan balance as of July 1, 2009 for the state
23 medical plan subtrust of \$0.00. Such certification shall in all other respects be based upon the data
24 and assumptions used to calculate the state employer rate as certified in September 2008. In no
25 event shall the board of trustees certify a rate in any subsequent year based upon payments made
26 from the medical plan subtrust to the state prior to July 1, 2009.

27 56 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the
28 notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall
29 recalculate employer contribution rates for the state fiscal years 2010 and 2011 to reflect the
30 requirements of RSA 100-A:16, II(b) and (c) as amended by this act. Notwithstanding the notice
31 requirements of RSA 100-A:16, III, such employer contribution rates shall be effective for the
32 biennium beginning July 1, 2009, and the recertification of employer contribution percentages,
33 applicable beginning July 1, 2009, shall be provided to each employer within a reasonable period of
34 time not to exceed 30 days from the effective date of this section. The exception to the notice
35 requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer
36 contribution rates for the biennium beginning July 1, 2009.

37 57 District Courts; Judicial District Consolidation. Amend RSA 502-A:1 to read as follows:

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1 location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the
2 communities within the district, provided, however, that the court shall not be located in any
3 building which does not meet the minimum standard prescribed by the New Hampshire court
4 accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the
5 principal court location and elsewhere in the district as justice may require.

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

11 Belknap County

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

17 Carroll County

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

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

33 Merrimack County

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

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1 Court.

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

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

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

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

24 ~~XVII. [Repealed.]~~

Hillsborough County

25
26 ~~[XVIII.] XVI.~~ MANCHESTER DISTRICT. The Manchester district shall consist of the city
27 of Manchester. The district court for the district shall be located in Manchester, holding sessions
28 regularly therein as justice may require. The name of the court shall be Manchester District Court.

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

33 ~~[XX.] XVIII.~~ MERRIMACK DISTRICT. The Merrimack district shall consist of the towns of
34 Merrimack, Litchfield, and Bedford. The district court for the district shall be located in Merrimack,
35 holding sessions regularly therein and elsewhere in the district as justice may require. The name of
36 the court shall be the Merrimack District Court.

37 ~~[XXI.] XIX.~~ MILFORD DISTRICT. The Milford district shall consist of the towns of Milford,

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1 Brookline, Amherst, Mason, Wilton, Lyndeborough, and Mont Vernon. The district court for the
2 district shall be located in Milford, holding sessions regularly therein and elsewhere in the district as
3 justice may require. The name of the court shall be Milford District Court.

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

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

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

Cheshire County

24
25 ~~[XXV.]~~ **XXIII.** KEENE DISTRICT. The Keene district shall consist of the city of Keene and
26 the towns of Stoddard, Westmoreland, Surry, Gilsum, Sullivan, Nelson, Roxbury, Marlow, Swanzey,
27 Marlborough, Winchester, Richmond, Hinsdale, Harrisville, Walpole, Alstead, Troy, and
28 Chesterfield. The district court for the district shall be located in Keene, holding sessions regularly
29 therein and elsewhere in the district as justice may require. The name of the court shall be Keene
30 District Court.

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

Sullivan County

37

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

11 ~~[XXVII a. [Repealed.]]~~

Grafton County

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

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

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

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

Coos County

35
36 ~~[XXXII.]~~ **XXX.** BERLIN-GORHAM DISTRICT. The Berlin-Gorham district shall consist of
37 the city of Berlin and the towns of Gorham, Milan, Dummer, Shelburne, and Randolph and the

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1 unincorporated places of Cambridge, Success, Bean's Purchase, Martin's Location, Green's Grant,
2 Pinkham's Grant, Sargent's Purchase, Thompson and Meserve's Purchase and Low and Burbank's
3 Grant. The court shall be located in a city or town within the judicial district in a location and
4 facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities
5 within the district, provided, however, that the court shall not be located in any building which does
6 not meet the minimum standard prescribed by the New Hampshire court accreditation commission
7 pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

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

14 ~~[XXXIV.]~~ **XXXII.** LANCASTER DISTRICT. The Lancaster district shall consist of the towns
15 of Lancaster, Stark, Northumberland, Carroll, Whitefield, Dalton and Jefferson, and the
16 unincorporated places of Kilkenny, Bean's Grant, Chandler's Purchase, and Crawford's Purchase.
17 The district court for the district shall be located in Lancaster, holding sessions regularly therein
18 and elsewhere in the district as justice may require. The name of the court shall be Lancaster
19 District Court.

20 58 Committee Established. There is established a committee to evaluate the physical
21 consolidation of the Claremont and Newport district courts and family division sites and the closing
22 of the Colebrook and Milford district courts.

23 59 Membership and Compensation.

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

25 (a) Three members of the house of representatives, appointed by the speaker of the
26 house of representatives.

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

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

30 60 Duties. The committee shall evaluate the physical consolidation of the Claremont and
31 Newport district courts and family division sites and the closing of the Colebrook and Milford district
32 courts.

33 61 Chairperson; Quorum. The members of the committee shall elect a chairperson from among
34 the members. The first meeting of the committee shall be called by the first-named house member.
35 The first meeting of the committee shall be held within 45 days of the effective date of this section.
36 Three members of the committee shall constitute a quorum.

37 62 Report. The committee shall report its findings and any recommendations for proposed

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1 legislation regarding the physical consolidation of the Claremont and Newport district courts and
2 family division sites and the closing of the Colebrook and Milford district courts to the speaker of the
3 house of representatives, the president of the senate, the house clerk, the senate clerk, the governor,
4 and the state library on or before November 1, 2009.

5 63 New Paragraph; Discretionary Sentences; Release from State Prison. Amend RSA 651:25 by
6 inserting after paragraph VI the following new paragraph:

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

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

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

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

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

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

22 64 Department of Administrative Services; Suspension of Bumping Rights. The displacement of
23 classified state employees by more senior classified state employees, or so-called bumping, pursuant
24 to administrative rule Per 1101.02 (i) through (l) under the authority of RSA 21-I:43 by the director
25 of the division of personnel is hereby suspended from the effective date of this section to June 30,
26 2011. The procedure for layoffs of permanent employees pursuant to administrative rule Per
27 1101.02 (d), prohibiting the layoff of permanent employees while there are temporary fill-in, part-
28 time, or probationary employees serving in the same class of position within the same division of the
29 agency, is hereby suspended from the effective date of this section to June 30, 2011.

30 65 Rehiring of Laid Off State Employees.

31 I. For purposes of this section, "laid off" means any person who receives written notice of the
32 state's intent to lay him or her off or who is laid off between July 1, 2009 and June 30, 2010, as a
33 result of reorganization or downsizing of state government.

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

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

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

17 66 State Employees Group Insurance; Restrictions on Self-Insured Plans. Amend RSA 21-I:30-
18 b, I(a) to read as follows:

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

21 67 Department of Administrative Services; Commissioner; Directors. Amend RSA 21-I:2, II to
22 read as follows:

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

28 68 New Section; Department of Administrative Services; Deputy Commissioner. Amend
29 RSA 21-I by inserting after section 3-a the following new section:

30 21-I:3-b Deputy Commissioner.

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

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

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1 69 Department of Administrative Services; Salary of Deputy Commissioner. The position of
2 deputy commissioner established under RSA 21-I:3-b shall be unfunded for the biennium ending
3 June 30, 2011. In the event funding becomes available during the biennium, the commissioner of the
4 department of administrative services may request transfer approval authority from the fiscal
5 committee of the general court, and if granted, shall transfer such funds to fund the position.

6 70 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) as
7 follows:

8 Delete:

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

10 Insert:

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

12 71 Real Estate Commission; Renewal Notice. Amend RSA 331-A:19, I to read as follows:

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

16 72 Real Estate Commission; Rulemaking Notice. Amend RSA 331-A:7, VII to read as follows:

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

22 73 New Section; Department of Transportation; Director of Policy and Administration. Amend
23 RSA 21-L by inserting after section 5-a the following new section:

24 21-L:5-b Director of Policy and Administration.

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

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

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

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

5 74 Eastern New Hampshire Turnpike; Authority Granted. Amend the introductory paragraph
6 of RSA 237:17 to read as follows:

7 237:17 Authority Granted. The commissioner of transportation, with the approval of the
8 governor and council, shall locate and construct a continuous highway from a point on the
9 Massachusetts-New Hampshire boundary in the town of Seabrook to a point *on the*
10 *New Hampshire-Maine boundary* in the city of Portsmouth, and from ~~[said point]~~ *the*
11 *Portsmouth traffic circle* in the city of Portsmouth to a point in the vicinity of the ~~[city of~~
12 ~~Rochester]~~ *town of Milton*, and shall operate and maintain said highway as a toll road as
13 hereinafter provided.

14 75 Highways Named. Amend RSA 237:18 to read as follows:

15 237:18 Highways Named. The portion of the toll road from *the Massachusetts-*
16 *New Hampshire boundary in the town of* Seabrook ~~[connecting with route 1 in Maine]~~ *to a point*
17 *on the New Hampshire-Maine boundary in the city of Portsmouth* shall be designated as the
18 Blue Star memorial highway as provided in chapter 115, Laws of 1949, and shall be located on the
19 road as now constructed. That part of the said toll road from ~~[a point]~~ *the Portsmouth traffic*
20 *circle* in the city of Portsmouth to a point in the vicinity of the ~~[city of Rochester]~~ *town of Milton*,
21 shall be designated and named Spaulding turnpike.

22 76 New Section; Department of Transportation; Expansion of the Turnpike System. Amend
23 RSA 237 by inserting after section 49-a the following new section:

24 237:50 Acquisition; Authority Granted.

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

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

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1 III. Acquisition and expansion of the eastern New Hampshire turnpike system for
2 \$120,000,000 plus interest shall be at the state borrowing rate to be paid over a maximum 20-year
3 term to the highway fund from the New Hampshire turnpike system reserve account as follows:
4 \$30,000,000 in fiscal year 2010, \$20,000,000 in fiscal year 2011, and the balance to be paid under
5 terms and conditions to be determined by the commissioner of transportation and the state
6 treasurer.

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

11 77 Issuance of Revenue Bonds. Amend RSA 237-A:2 to read as follows:

12 237-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known
13 as "turnpike system revenue bonds." The bonds may be issued from time to time for the purpose of
14 financing the project costs of construction of any turnpike or of paying or refunding any bonds issued
15 pursuant to RSA 237 or interest thereon. Any such bonds issued to pay or refund bonds issued
16 pursuant to RSA 237 or interest thereon may be issued in sufficient amount to cover items described
17 in RSA 237-A:7. Bonds issued hereunder shall be special obligations of the state and the principal
18 of, premium, if any, and interest on all bonds shall be payable solely from the particular funds
19 provided therefor under this chapter. The bonds shall be issued by the treasurer in such amounts as
20 the governor and council shall determine, not exceeding in the aggregate [~~\$586,050,000~~
21 **\$766,050,000**. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including
22 rates variable from time to time as determined by such index, banker's loan rate or other method as
23 may be determined by the treasurer, and shall mature at such time or times as may be determined
24 by the treasurer, except that no bond shall mature more than 40 years from the date of its issue.
25 Bonds may be made redeemable before maturity either at the option of the state or at the option of
26 the holder, or on the occurrence of specified events, at such price or prices and under such terms and
27 conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall
28 determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the
29 treasurer and countersigned by the governor. The bonds may be sold in such manner, either at
30 public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of
31 interest, as the treasurer may determine.

32 78 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(a) to read as
33 follows:

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

35 RSA 237:2, I, IX.

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

36 79 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(k) to read as
37 follows:

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1 any other provision of law, for the biennium ending June 30, 2011, all moneys collected from the sale
2 of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits shall be deposited
3 in the fish and game fund and shall be used for the purposes specified in RSA 206:34-a.

4 86 State Government Waste Reduction, Recycling, and Recycled Products Purchase; Plan for
5 State Recycling Program. Amend 2008, 359:1 to read as follows:

6 359:1 Plan for State Recycling Program. This act is a plan for the state recycling program and
7 shall not mandate the expenditure of funds during the 2008-2009 ~~biennium~~ **and 2010-2011**
8 **bienniums.**

9 87 Boards, Commissions, and Councils; Expiration Date.

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

17 (b) The McAuliffe-Shepard discovery center commission and the Connecticut River
18 Valley resource commission shall be exempt from the provisions of subparagraph (a).

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

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

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

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

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

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

37 (c) Members of the committee shall receive mileage at the legislative rate when

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1 attending to the duties of the committee.

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

5 (e) The members of the study committee shall elect a chairperson from among the
6 members. The first meeting of the committee shall be called by the first-named senate member. The
7 first meeting of the committee shall be held within 45 days of the effective date of this section. Three
8 members of the committee shall constitute a quorum.

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

12 88 Committee on Consolidation of Boards, Commissions, and Councils Established.

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

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

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

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

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

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

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

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

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

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

37 (e) Consolidation of or uniformity in the administrative functions of the boards,

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1 including but not limited to, purchasing, personnel management, database design, and website
2 design;

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

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

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

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

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

15 89 New Section; Department of Resources and Economic Development; Workforce Development.
16 Amend RSA 12-A by inserting after section 2-i the following new section:

17 12-A:2-j Workforce Development. The commissioner of the department of resources and
18 economic development shall plan, develop, and administer workforce investment activities,
19 programs, and grants under the federal Workforce Investment Act of 1998, 29 U.S.C. section 2801 et
20 seq., as such may be amended, reauthorized, and in effect from time to time, and shall discharge the
21 day-to-day operational responsibilities and obligations of the New Hampshire Workforce
22 Opportunity Council established under RSA 12-A:60. The commissioner shall coordinate with the
23 New Hampshire Workforce Opportunity Council to promote state and local investment systems that
24 increase the employment, retention, and earnings of participants, and increase occupational skill
25 attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare
26 dependency, and enhance the productivity and competitiveness of the nation.

27 90 New Paragraph; Powers of the Director of Economic Development. Amend RSA 12-A:22 by
28 inserting after subparagraph IX the following new paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

22 91 New Subdivision; Department of Resources and Economic Development; New Hampshire
23 Workforce Opportunity Council; Workforce Opportunity Fund. Amend RSA 12-A by inserting after
24 section 59 the following new subdivision:

New Hampshire Workforce Opportunity Council

25 12-A:60 New Hampshire Workforce Opportunity Council.

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

27 II. Membership of the council shall be as set forth in section 111(b) of the Workforce
28 Investment Act of 1998, Public Law 105-220, codified at 29 U.S.C. section 2801 et seq., as such may
29 be amended, reauthorized, and in effect from time to time. Members of the council shall be
30 appointed by the governor and shall serve at the pleasure of the governor. The governor shall select
31 a chairperson for the council from among the members of the council, in accordance with 29 U.S.C.
32 section 2821(c).
33

34 III. The council shall meet no less frequently than semi-annually, shall have the powers and
35 responsibilities of the state workforce investment board under the Workforce Investment Act of
36 1998, and shall assist the governor in:

37 (a) Development of the state plan required under section 112 of the Workforce

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1 Investment Act of 1998.

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

5 (1) Development of linkages in order to assure coordination and non-duplication
6 among the programs and activities described in section 121(b) of the Workforce Investment Act of
7 1998; and

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

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

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

13 (e) Development of the allocation formulas for the distribution of funds for adult
14 employment and training activities and youth activities to local areas as permitted under sections
15 128(b)(3)(B) and 133(b)(3)(B) of the Workforce Investment Act of 1998.

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

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

22 (h) Development of the statewide employment statistics system described in section
23 15(e) of the Wagner-Peyser Act.

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

25 12-A:61 New Hampshire Workforce Opportunity Fund.

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

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

34 (a) Workforce Investment Act Adult and Dislocated Worker programs.

35 (b) Workforce Investment Act Youth programs.

36 (c) Workforce Investment Act Senior Community Service Employment programs.

37 (d) Workforce Investment Act Disability programs.

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1 (e) Workforce Investment Act Regional Innovation and National Emergency grant
2 programs.

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

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

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

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

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

31 92 New Subparagraph; Application of Receipts; Workforce Opportunity Fund. Amend RSA 6:12,
32 I(b) by inserting after subparagraph (276) the following new subparagraph:

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

35 93 Training Fund. Amend RSA 282-A:138-a to read as follows:

36 282-A:138-a Training Fund.

37 I. There is hereby created in the state treasury a special fund to be known as the training

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

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

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

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

18 94 Repeal. 2000, 317:2, relative to membership on the workforce investment board, is repealed.

19 95 Department of Insurance; New Hampshire Citizens Health Initiative. The New Hampshire
20 insurance department is hereby authorized and directed to seek governor and council approval to
21 enter into a cooperative project agreement with the university system of New Hampshire, acting
22 through the university of New Hampshire, whereby the New Hampshire Institute for Health Policy
23 and Practice will support the efforts of the New Hampshire Citizens Health Initiative (CHI). This
24 agreement shall provide for operational support of the CHI, as well as technical assistance and
25 consultant services to support CHI Pillar Projects relating to health care provider reimbursement,
26 medical home, health information technology and exchange, and health care finance and structure
27 transparency. Funding for this agreement provided by the insurance department shall not exceed
28 \$380,000 through June 30, 2011.

29 96 New Section; Real Estate Commission; Fees Collected Electronically; Handling Charge.
30 Amend RSA 331-A by inserting after section 24-a the following new section:

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

35 97 Horse and Dog Racing; Employees. Amend RSA 284:3 to read as follows:

36 284:3 Employees. At least [~~85~~] **70** percent of the persons employed by a person, association, or
37 corporation conducting a racing plant **or simulcasting** under the provisions hereof shall have

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1 resided in this state for a period of not less than one year. The provisions of this section shall not
2 apply to the construction of a racing plant or its equipment.

3 98 Horse and Dog Racing; Racing and Charitable Gaming Commission; Rulemaking. Amend
4 RSA 284:12, III to read as follows:

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

7 99 Horse and Dog Racing; License Required; Investigation Fees. Amend RSA 284:12-a to read
8 as follows:

9 284:12-a License Required; Investigation Fees.

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

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

19 100 License; Live Running or Harness Horse Racing. Amend the introductory paragraph of
20 RSA 284:15, I to read as follows:

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

26 101 Requirements; Simulcast Dog Racing. Amend RSA 284:15-a to read as follows:

27 284:15-a Requirements. Any person, association, or corporation desiring to hold **or simulcast** a
28 dog race for public exhibition at **or for** which pari-mutuel pools are to be sold, shall apply to said
29 commission for a license to do so. The application shall be signed and sworn to by the person or
30 executive officer of the association or corporation and shall contain the information set forth in
31 RSA 284:15. Any New Hampshire agricultural fair association certified as such, by the
32 commissioner of agriculture, markets, and food, shall be entitled to one special 6-day racing license
33 annually.

34 102 Issuance of Licenses; Simulcast Racing. Amend RSA 284:16 to read as follows:

35 284:16 Issuance of Licenses. If the commission is satisfied that all the provisions hereof and the
36 rules and regulations prescribed have been and will be complied with by the applicant and that the
37 financial backing upon which said application is predicated is sound and is committed in support of

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1 said application, it may issue a license which shall expire on the thirty-first day of December. The
2 license shall set forth the name of the licensee, the place where the races or race meets **or**
3 **simulcastings** are to be held, and the time and number of days during which racing **or**
4 **simulcasting** may be conducted by said licensee. Any license issued shall not be transferable nor
5 assignable. Said commission shall have power to revoke any license for good cause upon reasonable
6 notice and hearing. The commission may at any time for cause require the removal of any employee
7 or official employed by any licensee hereunder. The license of any corporation shall automatically
8 cease upon the change in ownership, legal or equitable, of 50 percent or more of the voting stock of
9 the corporation and the corporation shall not hold a running or harness horse race or meet for public
10 exhibition without a new license.

11 103 Issuance of Licenses; Simulcasting Races. Amend RSA 284:16-a to read as follows:

12 284:16-a Issuance of Licenses. If the greyhound racing commission is satisfied that all the
13 provisions hereof and the rules and regulations prescribed have been and will be complied with by
14 the applicant and that the financial backing upon which said application is predicated is sound and
15 is committed in support of said application, it may issue a license which shall expire on the thirty-
16 first day of December. The license shall set forth the name of the licensee, the place where the races
17 or race meets **or simulcastings** are to be held, and the time and number of days during which
18 racing **or simulcasting** may be conducted by said licensee. Any license issued shall not be
19 transferable nor assignable. Said commission shall have power to revoke any license for good cause
20 upon reasonable notice and hearing. The commission may at any time for cause require the removal
21 of any employee or official employed by any licensee hereunder. The license of any corporation shall
22 automatically cease upon the change in ownership, legal or equitable, of 50 percent or more of the
23 voting stock of the corporation and the corporation shall not hold a dog race or meet for public
24 exhibition without a new license. Any New Hampshire agricultural fair association certified as such,
25 by the commissioner of agriculture, markets, and food, shall be entitled to one special 6-day license
26 annually to hold a dog race meet.

27 104 Pari-Mutuel Pools on Simulcast Racing; Live Running and Harness Horse Racing. Amend
28 RSA 284:22-a, I(c) to read as follows:

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

35 105 New Subparagraph; Pari-Mutuel Pools on Simulcast Racing; Live Running and Harness
36 Horse Racing. Amend RSA 284:22-a, II by inserting after subparagraph (b) the following new
37 subparagraph:

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

7 106 Department of Revenue Administration; Position of Field Audit Team Leader.

8 I. There is established the unclassified position of field audit team leader for the department
9 of revenue administration. The salary for the position shall be as set forth in RSA 94:1-a.

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

12 107 Unclassified Officers; Field Audit Team Leader Added. Amend RSA 94:1-a, I(a) as follows:

13 Insert:

14 DD Department of revenue administration field audit team leader

15 108 New Section; Supreme Court; Judicial Branch Information Technology Fund. Amend RSA
16 490 by inserting after section 26-g the following new section:

17 490:26-h Judicial Branch Information Technology Fund.

18 I. Except as provided in paragraph IV:

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

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

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

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

35 IV. On or before September 1 of each year, the judicial branch shall submit a written report
36 of the income and expenditures of the judicial branch information technology fund to the fiscal
37 committee of the general court and the state treasurer. If such report is not submitted, any balance

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1 in the fund shall lapse to the general fund and the percentage of each entry fee which is designated
2 for the judicial branch information technology fund under paragraph I shall be deposited in the
3 general fund.

4 109 Penalty Assessment. Amend RSA 188-F:31, I to read as follows:

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

9 110 Penalty Assessment. Amend RSA 188-F:31, IV to read as follows:

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

16 111 Supreme Court; Entry Fees. Amend RSA 490:24, I to read as follows:

17 I. For the benefit of the state, there shall be paid to the clerk for the entry of every reserved
18 case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other
19 document supplementary to the entered case, and for any service rendered by the clerk, such fees as
20 shall from time to time be established by the court. The clerk shall set aside 7 percent of each entry
21 fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and**
22 **14 percent of each entry fee paid into the court for deposit into the judicial branch**
23 **information technology fund established under RSA 490:26-h**. The proceeds of fees for motions
24 to appear in court pro hac vice shall be paid into the law library revolving fund established in
25 RSA 490:25, III.

26 112 Judicial Branch Family Division; Entry Fees. Amend RSA 490-D:12, II to read as follows:

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

32 113 Superior Court; Entry Fees. Amend RSA 499:18, II to read as follows:

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

37 114 District Court Entry Fees. Amend RSA 502-A:28, II to read as follows:

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

5 115 Probate Court Entry Fees. Amend RSA 548:23-a, II to read as follows:

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

10 116 New Subparagraph; Application of Receipts; Judicial Branch Information Technology Fund.
11 Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

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

14 117 Uniform Fines; Judicial Branch Information Technology Fund; Credit Cards. Amend
15 RSA 262:44, I to read as follows:

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

37 118 Beverage. Amend RSA 175:1, VIII to read as follows:

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

6 119 New Subparagraph; General Revenue Exceptions. Amend RSA 6:12, I(b) by inserting after
7 subparagraph (276) the following new subparagraph:

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

9 120 Purchase of Supplies; Exemptions; Liquor Commission. RSA 21-I:18, I(b) is repealed and
10 reenacted to read as follows:

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

15 121 Divisions and Directors. RSA 176:8 is repealed and reenacted to read as follows:

16 176:8 Divisions and Directors. The commission shall have 3 divisions under the direction of
17 unclassified division directors. The directors shall be appointed by the commission and serve at the
18 pleasure of the commission based on good behavior and competence. There shall be a division of
19 marketing, merchandising, and warehousing, a division of administration, and a division of
20 enforcement and licensing.

21 122 Liquor Commission Funds. Amend RSA 176:16 to read as follows:

22 176:16 Funds.

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

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

34 III. Fifty percent of the amount by which the current year gross profits exceed fiscal year
35 2001 actual gross profit, but not more than 5 percent of the current year gross profits derived by the
36 commission from the sale of liquor and other revenues, shall be deposited into the alcohol abuse
37 prevention and treatment fund established by RSA 176-A:1.

1 *IV. Notwithstanding any other provision of law, if the expenditure of additional*
2 *funds over budget estimates is necessary for the proper funding of retirement and health*
3 *benefits for commission employees, the commission may request, with prior approval of the*
4 *fiscal committee of the general court, that the governor and council authorize the transfer*
5 *of funds from the liquor commission fund.*

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

12 123 Liquor Commission; State Stores. RSA 177:1 is repealed and reenacted to read as follows:

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

20 124 Closing of State Liquor Stores. RSA 177:2, I is repealed and reenacted to read as follows:

21 I. The commission may close any state liquor store to improve profitability and efficiency. In
22 determining net operating profit or loss, the commission shall adhere to generally accepted
23 accounting principles for both revenues and expenses and shall include an allocation for indirect
24 costs. All information regarding a decision to close any state liquor store shall be made available, by
25 the commission, to the public upon request. The commission shall provide public notice 30 days
26 prior to closing any state liquor store. The commission shall submit a quarterly report of state liquor
27 store closings to the fiscal committee of the general court.

28 125 References Changed. Amend RSA 178:11, V to read as follows:

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

34 126 New Section; Combination Conditional License. Amend RSA 178 by inserting after section
35 17 the following new section:

36 178:17-a Combination Conditional License.

37 I. At its discretion, the commission may combine license types and issue a combination

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

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

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

10 127 Location of Agency Liquor Stores. Amend RSA 177:11 to read as follows:

11 177:11 Location of Agency Liquor Stores.

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

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

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

18 (c) ~~Neither~~ The proposed agency liquor store ~~[nor any state liquor store is]~~ **shall not be**
19 within ~~5~~ **10** road miles of an existing state liquor store or an existing agency liquor store.

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

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

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

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

31 (a) The commission shall, in accordance with RSA 541-A, give public notice that agency
32 liquor stores may be established in a particular municipality ***to serve persons located in that***
33 ***municipality and in the surrounding relevant market. The public notice shall identify the***
34 ***surrounding relevant market that the agency store is intended to serve and all***
35 ***municipalities, or portions thereof, included therein. A copy of the public notice shall at***
36 ***the same time be forwarded by certified mail by the commission to the governing body of***
37 ***the municipality in which the agency store may be established and to the governing bodies***

1 *of any additional municipalities located, in whole or in part, in the surrounding relevant*
2 *market that the agency store is intended to serve.* The commission shall request all parties in
3 the municipality, interested in establishing an agency liquor store there, to apply to the commission.

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

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

14 (d) ~~[The commission shall issue a license to all persons qualifying under the~~
15 ~~commission's rules.]~~ **Upon the written request of the governing body of the municipality in**
16 **which the proposed agency store may be located, or of the governing body of any**
17 **municipality located in the surrounding relevant market as identified by the commission,**
18 **that is received by the commission within 14 days of the date of the public notice forwarded**
19 **to such a municipality under subparagraph (a), the commission shall in accordance with**
20 **RSA 541-A publish notice and schedule a hearing on the proposed location of an agency**
21 **store in such municipality. Any public hearing shall be held within 45 days of the close of**
22 **the public comment period in the municipality in which the agency store may be located.**

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

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

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

35 128 Licensing of Agency Liquor Stores. During the period beginning July 1, 2009 and ending
36 June 30, 2011:

37 I. The liquor commission may only issue new agency liquor store licenses for stores in the

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1 same market area in which the commission has closed state liquor stores during the biennium, but
2 no more than one new agency liquor store may be licensed in any single market area.

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

4 129 Department of Health and Human Services and Department of Safety Agreement Relative
5 to Fee for State Criminal Record Check. Notwithstanding any provision of law to the contrary, the
6 commissioner of the department of safety and the commissioner of the department of health and
7 human services shall negotiate a reduced fee for performing a state criminal record check of
8 department of health and human services employees, service providers, and licensed and license-
9 exempt child day care providers.

10 130 New Subparagraph; Rulemaking Exemption; Fee for Criminal Record Check. Amend
11 RSA 541-A:21, I by inserting after subparagraph (bb) the following new subparagraph:

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

15 131 Annulment of Criminal Records. Amend RSA 651:5, IX to read as follows:

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

28 132 Great Bay; Reference to Saltwater License. Amend RSA 211:17-b to read as follows:

29 211:17-b Operation of Motor Vehicles, Snowmobiles, or OHRVs on Ice on Great Bay. No person
30 shall drive a motor vehicle, snowmobile, or OHRV on the ice on Great Bay, except that any person
31 who holds a New Hampshire [~~fishing~~] ***recreational saltwater*** license ***under RSA 214:9, XVI*** may
32 do so, provided that he *or she* does not drive or park his *or her* vehicle any closer than 300 feet to
33 any occupied so-called bob-house, fishing shanty, or fishing hole other than the one [~~he~~] ***the person***
34 occupies. The provisions of this section shall not apply to any person engaged in emergency rescue
35 operations or public service of any description. No person driving a motor vehicle, snowmobile, or
36 OHRV on the ice on Great Bay shall operate said vehicle at a speed greater than 10 miles per hour.
37 Whoever violates any provision of this section shall be guilty of a violation.

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1 133 New Paragraph; Licenses; Application; Recreational Saltwater License. Amend RSA 214:9
2 by inserting after paragraph XV the following new paragraph:

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

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

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

22 (d) In this paragraph:

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

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

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

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

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

35 (e) The following fees shall apply:

36 (1) \$15 for resident and nonresident individuals.

37 (2) \$75 for charter boats and other for-hire vessels, except party boats.

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1 (3) \$150 for party boats.

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

4 134 License Required; Marine Species Added. Amend RSA 214:1 to read as follows:

5 214:1 License Required. No person, except as hereinafter provided, shall at any time fish, hunt,
6 trap, shoot, pursue, take or kill freshwater fish, **marine and estuarine finfish species**, saltwater
7 smelt, saltwater shad, saltwater salmonoids, wild birds, or wild animals in this state, without first
8 procuring a proper and valid license to do so, and then only in accordance with the terms of such
9 license and subject to all the provisions of this title. The licensee shall carry such license on his **or**
10 **her** person when so engaged, and the license shall be subject to inspection on demand of any person.

11 135 Licenses for Aged Persons. Amend RSA 214:6 to read as follows:

12 214:6 Licenses for Aged Persons. Any resident of this state who is over 65 years of age and who
13 is receiving public aid may, upon presentation of proof of such aid, make application to the executive
14 director of fish and game for a special license to ~~fish~~ **take**, and to transport fish ~~[and saltwater~~
15 ~~smelt]~~, under the restrictions of this title. Such license shall be marked in such manner as the
16 executive director may designate and there shall be no fee for such license.

17 136 Fishing License; Saltwater Species Removed. Amend RSA 214:9, II to read as follows:

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

22 137 One-Day Fishing License; Saltwater Species Removed. Amend RSA 214:9, II-b to read as
23 follows:

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

28 138 Hunting and Fishing License; Saltwater Species Removed. Amend RSA 214:9, III to read as
29 follows:

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

35 139 Hunting and Fishing License; Saltwater Species Removed. Amend RSA 214:9, VI-a to read
36 as follows:

37 VI-a. If the applicant is a nonresident and wishes to hunt and fish, \$139, and the agent shall

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1 thereupon issue a nonresident hunting and fishing license, which shall entitle the licensee to hunt,
2 shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, **and** all species
3 of freshwater fish~~[- saltwater smelt, saltwater shad, and saltwater salmonids]~~ under the restrictions
4 of this title.

5 140 Nonresident Fishing License; Saltwater Species Removed. Amend the introductory
6 paragraph of RSA 214:9, VIII to read as follows:

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

12 141 References Changed; Special License for Persons Over 68 Years of Age. Amend RSA 214:7-a
13 to read as follows:

14 214:7-a Persons Over 68 Years of Age. Any resident of this state who is 68 years of age or over
15 may make application, to any authorized agent of the state for the sale of **freshwater** fishing,
16 hunting or trapping licenses, for a special license to fish~~[-]~~ **in freshwaters and** hunt or trap, under
17 the restrictions of this title. Such license may permit the use of a muzzle-loading firearm and bow
18 and arrow. The license shall be marked in such manner as the executive director may designate,
19 and there shall be no fee, including the agent's fee, for such license. The license shall be effective for
20 the resident during the remainder of the resident's life, as long as the applicant remains a resident of
21 the state, unless sooner suspended or revoked by the executive director. The minimum residency
22 requirements of RSA 214:7-b are applicable.

23 142 Lifetime Licenses. Amend RSA 214:9-c, I(a) to read as follows:

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

29 143 Repeal. The following are repealed:

30 I. RSA 211:47, relative to an exception for fishing from the Piscataqua river.

31 II. RSA 214:1-a, relative to ice fishing on Great Bay.

32 144 Registration Fees. Amend RSA 270-E:5, I to read as follows:

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

- | | |
|------------------------------------|-------------------------------|
| 35 (a) Up to and including 16 feet | [\$12] \$24 |
| 36 (b) 16.1 feet to 21 feet | [\$17] \$34 |
| 37 (c) 21.1 feet to 30 feet | [\$26] \$52 |

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1 (d) 30.1 feet to 45 feet [~~\$36~~] **\$72**

2 (e) 45.1 feet and over [~~\$46~~] **\$92**

3 145 Lake Restoration and Preservation Fee. Amend RSA 270-E:5, II(a) to read as follows:

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

7 146 Agent Fee. Amend RSA 270-E:5, II(c) to read as follows:

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

11 147 Transfer Fee. Amend RSA 270-E:10 to read as follows:

12 270-E:10 Notice of Transfer; Destruction or Abandonment. The owner shall furnish the
13 department written notice of the transfer of all or any part of his *or her* interest, other than the
14 creation of a security interest, in a vessel registered in this state pursuant to this chapter or the
15 destruction or abandonment of such vessel within 15 days of its transfer, destruction, or
16 abandonment. Such transfer, destruction, or abandonment shall terminate the certificate of
17 numbers for such vessel, except that in the case of a transfer of a part interest which does not affect
18 the owner's rights to operate such vessel, the transfer shall not terminate the certificate of numbers.
19 If a vessel is transferred, the original number shall be retained by the new owner. A person who
20 transfers the ownership of a vessel, upon filing a new application, may have another boat registered
21 in his *or her* name for the remainder of the period for which the vessel is registered for [~~\$3~~] **\$5**.

22 148 Commercial Vessels; Penalty and License Fees. Amend RSA 270-E:22 and RSA 270-E:23 to
23 read as follows:

24 270-E:22 Commercial Vessels; Penalty.

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

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

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

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

3 270-E:23 License Fees. There shall be paid to the commissioner for every ~~[general]~~ certificate of
4 captain, master, pilot, or engineer, [~~\$4~~] **\$15**~~]; and for every limited certificate of captain, master,~~
5 ~~pilot, or engineer, \$2].~~ A ~~[general]~~ certificate shall entitle the holder thereof to act in the capacity
6 named on any vessel of the class described in the certificate~~]; a limited certificate shall entitle the~~
7 ~~holder to act in such capacity only on a particular vessel named in the certificate].~~ Only one
8 certificate shall be required to entitle the holder thereof to act in any or all of the above capacities on
9 any motorized vessel permitted to carry a maximum of 25 persons. ***If a person fails the***
10 ***examination required by RSA 270-E:22, I, the person may retake the examination for a fee***
11 ***of \$10 paid to the commissioner.*** The fees paid ***for re-examinations and*** for certificates issued
12 under this section shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

13 149 Addition to Boat Fee. Amend RSA 487:25, I to read as follows:

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

24 150 Registration Fees. RSA 270-E:5, I is repealed and reenacted to read as follows:

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

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

32 151 Department of Safety; Bureau of Marine Patrol; Report. The commissioner of the
33 department of safety shall report on the fee revenues and operating costs for fiscal years 2013 and
34 2014, and the anticipated capital costs for the next decade, of the bureau of marine patrol, division of
35 safety services, to the chairpersons of the house and senate ways and means committees on or before
36 September 1, 2015.

37 152 New Section; Outdoor Advertising; Liquor Stores. Amend RSA 236 by inserting after

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1 section 73-a the following new section:

2 236:73-b Liquor Stores. The department of transportation shall design, locate, and erect along
3 state highways suitable signs to advertise nearby state liquor stores.

4 153 Chartered Public Schools. No new chartered public schools shall be approved by the state
5 board of education under the provisions of RSA 194-B:3-a between July 1, 2009 and June 30, 2011.

6 154 Task Force Established. There is established a task force on state funding for the Virtual
7 Learning Academy Charter School.

8 155 Membership and Compensation.

9 I. The members of the task force shall be as follows:

10 (a) Three members of the house of representatives, appointed by the speaker of the
11 house of representatives.

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

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

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

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

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

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

20 156 Duties. The task force shall study the state funding for the Virtual Learning Academy
21 Charter School. In its study, the task force shall examine the following questions:

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

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

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

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

32 157 Chairperson; Quorum. The commissioner of education, or the commissioner's designee,
33 shall serve as chairperson of the task force. The first meeting of the task force shall be called by the
34 chairperson. The first meeting of the task force shall be held within 45 days of the effective date of
35 this section. Five members of the task force shall constitute a quorum.

36 158 Report. The task force shall report its findings, the results of its study, and any
37 recommendations for state funding of the Virtual Learning Academy Charter School, to the speaker

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1 of the house of representatives, the president of the senate, the house clerk, the senate clerk, the
2 chairpersons of the house and senate finance committees and the house and senate education
3 committees, the joint legislative oversight committee established in RSA 194-B:21, the governor, and
4 the state library on or before December 15, 2009.

5 159 Department of Health and Human Services; Division of Family Assistance; Employment
6 Support Program; Transportation. The department of health and human services, division of family
7 assistance, shall withdraw its request for proposals for transportation for the employment support
8 program for the biennium ending June 30, 2011 issued prior to the effective date of this section. The
9 division shall issue a new request for proposals for transportation for the employment support
10 program for the biennium ending June 30, 2011 after evaluating the feasibility of an ownership
11 option that involves providing down payments for purchases of new motor vehicles.

12 160 Department of Health and Human Services; Catastrophic Aid Program. The department of
13 health and human services shall submit to the federal Centers for Medicare and Medicaid Services a
14 Medicaid state plan amendment for the purpose of defining the criteria by which catastrophic claims
15 payments will be made to reflect only those claims with diagnostic related group (DRG) weights
16 greater than 4.0 and lengths of stay greater than 30 days to support the most medically
17 complex/high acuity cases. Funds are to be used to provide for additional inpatient payments
18 outside of the DRG system where the DRG payment plus any other insurance is below 25 percent of
19 hospital charge. The total funds available for catastrophic claims shall equal 3.3 percent of the
20 projected annual inpatient expenditure. Reimbursement shall be limited to 65 percent of charges,
21 reduced by prior payments, DRG allowed amounts, and third party insurance. The state shall
22 expend half of the catastrophic fund no later than December 31 of each year and the second half no
23 later than June 30 of each year. Claims shall be submitted to the New Hampshire Medicaid
24 program by December 15 and June 15 for the respective 6-month periods in order to be considered
25 for catastrophic payment. Claims shall be paid based upon date of service until catastrophic funds
26 for that 6-month period are exhausted. No claims or portions of claims shall be carried over into the
27 subsequent 6-month period, nor shall excess funds be carried over into the subsequent 6-month
28 period.

29 161 Bureau of Elderly and Adult Services; Nursing Services. For the fiscal year ending June 30,
30 2009, the appropriations contained in 2007, 262:1 in PAU 05-01-08-04-01, class 90 nursing services
31 and class 87 home health services shall be nonlapsing, and any balance remaining at the end of the
32 fiscal year shall be paid to nursing homes and home health services providers as additional rates.
33 The additional rates shall be based on the rate-setting methodology in effect on the effective date of
34 this section. The commissioner shall file a report with the fiscal committee of the general court by
35 October 1, 2009 which details the balance carried forward from fiscal year 2009 and the amounts to
36 be paid as additional rates.

37 162 Committee to Study the Organizational Structure of the Liquor Commission.

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

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

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

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

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

9 III. The committee shall study the organizational structure of the liquor commission,
10 including but not limited to having an executive director and the appropriate placement of liquor
11 licensing and enforcement functions.

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

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

19 163 Divisions and Directors. Amend RSA 176:8 to read as follows:

20 176:8 Divisions and Directors. The commission shall have 3 divisions under the direction of
21 unclassified division directors. The directors shall be appointed by the commission and serve at the
22 pleasure of the commission based on good behavior and competence. There shall be a division of
23 marketing, merchandising, and warehousing, a division of administration, and a division of
24 ~~[enforcement and]~~ licensing.

25 164 References Changed. Amend RSA 178:11, V to read as follows:

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

30 165 Closing of State Stores. Amend RSA 177:2, II to read as follows:

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

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1 166 Reference Changed. Amend RSA 178:22, V(h)(12) to read as follows:

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

5 167 Reference Deleted. Amend RSA 178:22, V(l)(4) to read as follows:

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

11 168 Reference Deleted. Amend RSA 178:30, IX to read as follows:

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

15 169 Limited Credits. Amend RSA 179:13, V to read as follows:

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

26 170 Reference Changed. Amend RSA 179:15 to read as follows:

27 179:15 Transportation of Beverages and Wine. A person may transport or deliver beverages and
28 wines in this state without a license, provided such beverages and wines were obtained as authorized
29 by this title and provided such beverages and wines are for consumption only and not for resale
30 purposes. Licensees may transport and deliver to their place of business beverages and wines
31 purchased as authorized under this title, and, except on-premises licensees, may transport and
32 deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles
33 operated under the control of themselves or of their employees or agents, provided that the owner of
34 such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on
35 behalf of the licensee for whom they are transporting such beverages and wines. Every person
36 operating such a vehicle, when engaged in such transportation or delivery, shall carry a copy of the
37 license in the vehicle so operated, and shall carry such evidence as the commission by rule may

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1 prescribe showing the origin and destination of the beverages and wines being transported or
2 delivered. Upon demand of any law enforcement officer, investigator, or employee of the
3 ~~[commission]~~ **department of safety**, the person operating such vehicle shall produce for inspection a
4 copy of the license and the evidence required by this section. Failure to produce such license or
5 evidence shall constitute prima facie evidence of unlawful transportation. Except as otherwise
6 provided, beverages and wines may be transported within the state only by a railroad or steamboat
7 corporation or by a person regularly and lawfully conducting a general express or trucking business,
8 and in each case holding a valid carrier's license issued by the commission. Nothing in this section
9 shall prohibit individual retail licensees from arranging for the delivery of wine products to a
10 location central for the parties involved.

11 171 Reference Deleted. Amend RSA 179:35 to read as follows:

12 179:35 Retention of Invoices and Sale and Delivery Slips. All invoices, sales slips, and delivery
13 slips, current and covering a period of 60 days prior to the current date pertaining to purchases of
14 beverages and liquor shall be retained by the licensee on the premises or be readily available for
15 examination by the ~~[commission or its liquor investigators]~~ **department of safety**.

16 172 References Deleted. Amend the section heading of RSA 179:56 and RSA 179:56, I to read as
17 follows:

18 179:56 Hearings; ~~[Investigations;]~~ False Statement; Enforcement Policy.

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

28 173 Prosecutions. Amend RSA 179:59 to read as follows:

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

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1 174 Repeal. The following are repealed:

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

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

4 175 Transfer of Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

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

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

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

20 176 New Paragraphs; Certification of Reduced Ignition Propensity Cigarettes. Amend RSA 339-
21 F:6 by inserting after paragraph III the following new paragraphs:

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

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

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

36 177 Tobacco Tax; Definition of Tobacco Products. Amend RSA 78:1, XIV to read as follows:

37 XIV. "Tobacco products" means cigarettes, loose tobacco, ~~and~~ smokeless tobacco, **snuff, and**

1 *cigars, but shall not include premium cigars.*

2 178 New Paragraph; Definition of Premium Cigars. Amend RSA 78:1 by inserting after
3 paragraph XX the following new paragraph:

4 XXI. "Premium cigars" means cigars which are made entirely by hand of all natural tobacco
5 leaf, hand constructed and hand wrapped, wholesaling for \$2 or more, and weighing more than
6 3 pounds per 1000 cigars. These cigars shall be kept in a humidor at the proper humidity.

7 179 Tobacco Tax Imposed on Tobacco Products Other Than Cigarettes. Amend RSA 78:7-c to
8 read as follows:

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

16 180 Transfers Authorized to Fund Information Technology Related Projects. Notwithstanding
17 any provision of law to the contrary, departments, agencies, and branches may transfer moneys from
18 any class line, except from personnel and benefit class lines, within their approved budgets to class
19 line 027 to fund information technology related projects which would not otherwise be funded.

20 181 Department of Information Technology; Transfers Among Accounts. Notwithstanding the
21 provisions of RSA 9:17-a or any other provision of law to the contrary, the department of information
22 technology may, subject to the approval of the fiscal committee of the general court, transfer funds
23 within and among all accounting units within said department as necessary for the efficient
24 management of the department.

25 182 Representation of Defendants. Amend RSA 604-A:1 to read as follows:

26 604-A:1 Representation of Defendants. The purpose of this chapter is to provide adequate
27 representation for indigent defendants in criminal cases, as a precondition of imprisonment, and
28 indigent juveniles charged with being delinquent in any court of this state. ***Representation of***
29 ***juveniles shall include all court ordered representation and shall be paid from funds***
30 ***appropriated for indigent defense pursuant to this chapter.*** Representation shall include
31 counsel and investigative, expert and other services and expenses, including process to compel the
32 attendance of witnesses, as may be necessary for an adequate defense before the courts of this state.

33 183 Neglected or Abused Children. Amend RSA 604-A:1-a to read as follows:

34 604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a
35 guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such
36 appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter. ***In***
37 ***cases involving a neglected or abused child, when an attorney is appointed to represent a***

1 *parent determined to be indigent pursuant to RSA 169-C:10, II, the cost of such*
2 *appointment shall be paid from funds appropriated for indigent defense pursuant to this*
3 *chapter.*

4 184 New Paragraph; Department of Corrections; Internal Organizational Units. Amend
5 RSA 21-H:4 by inserting after paragraph VI the following new paragraph:

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

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

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

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

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

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

21 185 New Paragraph; Commissioner and Other Department Officials; Appointment. Amend
22 RSA 21-H:6 by inserting after paragraph IV the following new paragraph:

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

25 186 Department of Corrections; Qualifications and Compensation of Certain Officials. Amend
26 RSA 21-H:7, I to read as follows:

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

30 187 Department of Corrections; Qualifications and Compensation of Certain Officials. Amend
31 RSA 21-H:7, III to read as follows:

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

35 188 Department of Corrections; Status in Retirement System. Amend RSA 21-H:8-a to read as
36 follows:

37 21-H:8-a [~~Assistant Commissioner~~] Status in Retirement System. For purposes of classification

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1 under RSA 100-A, the assistant commissioner, professional standards director, *director of*
2 *community corrections*, and director of security and training of the department of corrections shall
3 be considered permanent policemen if such individuals were permanent police members of group II
4 for at least 10 years prior to appointment in their respective positions, and continue to be certified as
5 police officers under RSA 188-F:26 and 188-F:27.

6 189 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) as
7 follows:

8 Delete:

9 HH Department of corrections warden, Lakes Region facility

10 190 Salary for Director of Community Corrections. The salary for the unclassified position of
11 director of community corrections established in this act shall be determined in accordance with
12 RSA 14:14-c.

13 191 Department of Corrections; Director of Community Corrections. The commissioner of the
14 department of corrections shall make a report detailing statistical information related to the
15 implementation of the division of community corrections to the president of the senate, the speaker
16 of the house of representatives, and the chairpersons of the house and senate finance committees on
17 or before November 1, 2010. The report shall include, but not be limited to statistical information
18 detailing the impact on inmate population, recidivism, and savings attributable to the
19 implementation of the division of community corrections.

20 192 New Paragraph; Court Fees. Amend RSA 490:26-a by inserting after paragraph II the
21 following new paragraph:

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

26 193 Department of Safety and Department of Health and Human Services; Transfer of Federally
27 Funded Employees. Upon the request of the commissioner of the department of health and human
28 services, the commissioner of the department of safety is authorized, with approval of the fiscal
29 committee of the general court and governor and council, to transfer to the department of health and
30 human services any or all employees currently employed at the department of safety, division of
31 homeland security and emergency management, funded by federal funds and engaged in duties
32 related to bioterrorism and public health emergency planning along with their associated
33 appropriations, supplies, and equipment as the commissioners mutually agree would enhance the
34 efficiency and effectiveness of the program.

35 194 Pistols and Revolvers; License to Carry. Amend RSA 159:6, I to read as follows:

36 I. The selectmen of a town or the mayor or chief of police of a city or some full-time police
37 officer designated by them respectively, upon application of any resident of such town or city, or the

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1 director of state police, or some person designated by such director, upon application of a
2 nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol
3 or revolver in this state for not less than 4 years from the date of issue, if it appears that the
4 applicant has good reason to fear injury to the applicant's person or property or has any proper
5 purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-
6 defense shall be considered a proper purpose. The license shall be valid for all allowable purposes
7 regardless of the purpose for which it was originally issued. The license shall be in duplicate and
8 shall bear the name, address, description, and signature of the licensee. The original shall be
9 delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4
10 years. When required, license renewal shall take place within the month of the fourth anniversary
11 of the license holder's date of birth following the date of issuance. The license shall be issued within
12 14 days after application, and, if such application is denied, the reason for such denial shall be stated
13 in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in
14 the office of the person to whom the application was made. The fee for licenses issued to residents of
15 the state shall be \$10, which fee shall be for the use of the law enforcement department of the town
16 **or city** granting said licenses; the fee for licenses granted to out-of-state residents shall be [~~\$20~~
17 **\$100**, which fee shall be for the use of the state. The director of state police is hereby authorized and
18 directed to prepare forms for the licenses required under this chapter and forms for the application
19 for such licenses and to supply the same to officials of the cities and towns authorized to issue the
20 licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be
21 paid out of the fees received from nonresident licenses.

22 195 Vanity Number Plates. Amend RSA 261:89 to read as follows:

23 261:89 Vanity Number Plates. The director is hereby authorized to design and to issue, under
24 such rules as [~~he shall deem~~] **the director deems** appropriate, vanity number plates to be used on
25 motor vehicles in lieu of other number plates. Such number plates shall be of such design and shall
26 bear such letters or letters and numbers as the director shall prescribe, but there shall be no
27 duplication of identification. Such number plates or a changeable designation of the effective period
28 thereof, as the director shall determine, shall be issued only upon application therefor and upon
29 payment of a special **vanity plate service** fee of [~~\$25~~] **\$40**, said special fee to be in addition to the
30 regular motor vehicle registration fee and any other number plate manufacturing fee otherwise
31 required by law for the particular vehicle. **Plates shall be renewed on an annual basis for \$40**
32 **per set.** All special fees collected under this section shall be paid to the state treasurer and
33 distributed as provided by RSA 263:52.

34 196 New Subparagraph; Registration Fees; Vanity Number Plates. Amend RSA 261:141, III by
35 inserting after subparagraph (bb) the following new subparagraph:

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

37 197 Fees to be Collected. Amend RSA 261:141, VII(d) to read as follows:

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

2 198 Driver Training Fund. Amend RSA 263:52, I-II to read as follows:

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

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

27 199 Repeal. RSA 263:52, III, relative to transfers from the vanity plate fund, is repealed.

28 200 School Building Authority; State Guarantee. Amend RSA 195-C:2 to read as follows:

29 195-C:2 State Guarantee. Upon the receipt of a report from the authority containing a
30 recommendation that bonds or notes of a school district should be guaranteed by the state, the
31 governor with the advice and consent of the council may award an unconditional state guarantee
32 with respect to such bonds or notes in accordance with the authority's recommendation or in some
33 lesser amount or percentage, or on the alternative basis of guarantee, as the best interests of the
34 state may require. The full faith and credit of the state are and shall be pledged for any such
35 guarantees, and the total outstanding amount of the principal of and interest on such bonds and
36 notes which has been guaranteed by the state under this section shall at no time exceed
37 ~~[\$30,000,000]~~ ***\$95,000,000***. The governor, with the advice and consent of the council, is authorized

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1 to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for
2 the purpose of honoring any guarantee awarded under this section. In the event that any state
3 funds shall be so used, the state may recover the amount thereof as provided in RSA 530.

4 201 New Section; State Bonds; Build America Bonds; Refundable Credit Payments. Amend RSA
5 6-A by inserting after section 13 the following new section:

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

12 202 Duties of Clerks; Disposition of Fines. RSA 502-A:8 is repealed and reenacted to read as
13 follows:

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

29 203 Department of Health and Human Services; Manufacture and Sale of Beverages;
30 Rulemaking. Amend 143:6, II(a) to read as follows:

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

32 204 Manufacture and Sale of Beverages. Amend RSA 143:12 to read as follows:

33 143:12 Registration by Nonresident Vendors. No beverage or beverage concentrate, for retail
34 sale, manufactured out of the state, shall be sold or offered for sale within the state unless the same
35 has first been registered by its manufacturer or by the manufacturer's agent with the department of
36 health and human services. Such registration shall be in form similar to that provided in
37 RSA 143:11 and shall be issued subject to suspension, revocation, and cancellation as elsewhere

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1 specified in this subdivision for licenses. An annual registration fee [~~of \$140~~] **established by rule**
2 **under RSA 143:6, II(a)**, to defray the cost of inspection and analysis of all the products of the same
3 manufacturing plant, shall be paid to the department of health and human services by the
4 manufacturer, importer, agent, or vendor.

5 205 Department of Health and Human Services; Homestead Food License. Amend RSA 143-
6 A:12, II to read as follows:

7 II. There is hereby established a 2-level homestead license. [~~For a level one license, a one-~~
8 ~~time fee of \$25 shall be paid to the department of health and human services. The level 2 homestead~~
9 ~~license shall be based on gross sales.] **Fees for each level shall be established by rule under**
10 **RSA 143-A:13, V and shall not exceed the cost of license processing.** It shall be unlawful for a
11 processor or a manufacturer to operate a homestead without a homestead license as required under
12 this subdivision. The commissioner and the commissioner of the department of agriculture, markets,
13 and food shall administer the homestead licensure required under this subdivision.~~

14 206 Department of Health and Human Services. Homestead Food License; Rulemaking.
15 Amend RSA 143-A:13, V to read as follows:

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

18 207 Food Protection Programs. The commissioner of the department of health and human
19 services shall provide a list of fees imposed, total fees collected, and operating costs for state fiscal
20 year 2010 for food protection programs established in RSA 143 and RSA 143-A to the house and
21 senate ways and means committees no later than September 1, 2010.

22 208 Heath Facilities; Licensure; Fees. RSA 151:5 is repealed and reenacted to read as follows:

23 151:5 Licenses. Licenses issued hereunder shall expire one year after the date of issuance.
24 Licenses shall be issued only for the premises and persons named in the application, and shall not be
25 transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.
26 Fees for an annual license shall be as follows:

27 I. Hospitals; \$25 per licensed bed.

28 II. Specialty hospital-psychiatric; \$25 per licensed bed.

29 III. Specialty hospital-rehabilitation; \$25 per licensed bed.

30 IV. Nursing homes; \$25 per licensed bed.

31 V. Acute psychiatric residential treatment programs; \$25 per licensed bed.

32 VI. Residential treatment and rehabilitation facilities; \$25 per licensed bed.

33 VII. Hospice houses; \$25 per licensed bed.

34 VIII. Adult family care homes; \$25 per licensed bed.

35 IX. Residential and supported residential care; \$15 per licensed bed.

36 X. Home health hospice providers; \$250.

37 XI. Home health care providers; \$250.

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1 XII. Personal care providers:

2 (a) Less than 10 clients; \$100.

3 (b) Ten (10) or more clients; \$250.

4 XIII. Outpatient clinics; \$500.

5 XIV. End stage renal dialysis centers; \$500.

6 XV. Ambulatory surgical centers; \$500.

7 XVI. Educational health centers; \$500.

8 XVII. Freestanding emergency rooms; \$500.

9 XVIII. Health promotion clinics; \$500.

10 XIX. Collecting stations; \$250.

11 XX. Adult day care centers; \$200.

12 XXI. Birthing centers; \$150.

13 XXII. Case management agencies; \$150.

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

15 209 Department of Health and Human Services; Prior Authorization of Wheelchair Van, Non-
16 Emergency Ambulance, Occupational Therapy Services, and Methadone Clinic Services. The
17 commissioner of health and human services shall submit Title XIX Medicaid state plan amendments
18 to the federal Centers for Medicare and Medicaid Services to implement prior authorization of
19 wheelchair van services, non-emergency ambulance services, occupational therapy services, and
20 methadone clinic services effective July 1, 2009. Upon approval of said state plan amendments, and
21 as of the effective date of the state plan amendments, all claims for wheelchair van services, non-
22 emergency ambulance services, occupational therapy services, and methadone clinic service shall
23 have an approved prior authorization prior to being paid with Medicaid funds. The commissioner
24 shall adopt rules pursuant to RSA 541-A consistent with this section.

25 210 Department of Health and Human Services; Contract for Medical Supplies and Equipment.
26 The department of health and human services shall explore and implement opportunities to procure
27 medical equipment and/or medical supplies in a manner that is cost efficient and maintains
28 adequate access under the Medicaid state plan. This may include competitive procurement of
29 certain items, redesigning the reimbursement structure to reflect commonly accepted methodologies,
30 and other opportunities as identified.

31 211 Community Mental Health Centers; Administrative Requirements Suspended. The
32 commissioner of the department of health and human services shall submit a report to the oversight
33 committee on health and human services established in RSA 126-A:13 by September 30, 2009,
34 detailing administrative and reporting requirements for community mental health centers which
35 may be suspended for the biennium ending June 30, 2011, without jeopardizing the public's health
36 and safety. The oversight committee on health and human services shall review and approve the
37 report prior to the implementation of any of the report's recommendations. The oversight committee

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1 may require revisions to the report as deemed necessary. The commissioner shall provide copies of
2 the approved report to the chairpersons of the house and senate finance committees. Said report
3 shall include, but not be limited to, the statutory or regulatory basis for each requirement, an
4 assessment of the continued need, if any, for the requirement, an assessment of any potential impact
5 on the clients served, and proposals for alternative ways to accomplish the original intent without
6 further burdening the community mental health centers.

7 212 Uncompensated Care Fund. RSA 167:64 and 167:65 are repealed and reenacted to read as
8 follows:

9 167:64 Uncompensated Care Fund.

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

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

18 (b) The commissioner is hereby authorized and directed to develop and implement a
19 schedule of payments for reimbursement of the uncompensated care costs of those hospitals that are
20 subject to the tax liability imposed under RSA 84-A and that participate in the state Medicaid
21 program. The schedule of payments to hospitals shall take effect on January 1, 2011, subject to the
22 prior review and approval of the fiscal committee of the general court and the federal Centers for
23 Medicare and Medicaid Services, and shall be structured in a manner that: (i) reduces to the
24 greatest extent practicable the disproportionate impact among hospitals of uncompensated care
25 costs; (ii) permits maximum available federal financial participation for these payments in
26 accordance with Title XIX of the Social Security Act; and (iii) is consistent with all federal laws and
27 regulations governing Title XIX disproportionate share hospital payment adjustments and
28 permissible sources of state financial participation as provided for under 42 C.F.R. part 433.

29 (c) For purposes of this section, uncompensated care costs shall include: charity care
30 costs, any portion of Medicaid patient care costs that are unreimbursed by Medicaid payments, and
31 any portion of bad debt costs that the commissioner determines would meet the criteria under 42
32 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital
33 payments under Title XIX of the Social Security Act.

34 (d) The commissioner may provide reimbursement for uncompensated care costs in
35 accordance with the approved schedule of payments through either Medicaid fee for service rate
36 adjustments or disproportionate share hospital payment adjustments, or a combination thereof.
37 Funds available under this section shall be first allocated to ensure that critical access hospitals and

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1 rehabilitation hospitals receive reimbursement for reported uncompensated care costs at the rate of
2 100 percent of the individual hospital limit for disproportionate share payments as determined by
3 the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g). Non-critical access
4 hospitals shall receive reimbursement at the highest uniform percentage of each hospital limit as the
5 funds made available under this section permit. The commissioner may create additional categories
6 of need and make further reasonable distinctions among hospitals when determining the
7 methodology for payments under this section, as necessary, to ensure that no hospital is unduly
8 burdened by the fiscal effect of uncompensated care costs.

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

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

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

18 167:65 Duties of Commissioner. The commissioner shall:

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

22 II. Seek input from the chairman of the senate health and human services committee, the
23 chairman of the house health, human services and elderly affairs committee, the chairmen of the
24 house and senate finance committees, the insurance department, and representatives of hospitals
25 currently participating in the uncompensated care program in developing the uncompensated care
26 payment system required under paragraph I, and present a report detailing all the options and
27 making recommendations to the oversight committee on health and human services, established
28 under RSA 126-A:13, not later than January 1, 2010.

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

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

34 213 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, I to read as follows:

35 I. Every person not registered as a distributor who transports motor fuel or products subject
36 to the fees stipulated in RSA 146-A, **to a point or points outside the state from a point or points**
37 **within the state**, to a point or points within the state from a point or points outside the state, **or to**

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1 *a point or points within the state from a point or points within the state*, every common
2 carrier or contract carrier who transports motor fuel or petroleum products, and every licensed
3 distributor who transports motor fuel or petroleum products exclusive of the carrier's own product
4 shall be licensed with the commissioner as a motor fuel and petroleum products transporter.

5 214 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, V to read as follows:

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

18 215 Continuation of Executive Orders. Executive Order 2008-1, directing a freeze of executive
19 branch hiring, equipment purchases, and out-of-state travel and Executive Order 2008-8, directing a
20 freeze of executive branch purchases, shall remain in effect until June 30, 2011, unless earlier
21 terminated by order of the governor.

22 216 Department of Transportation; Agreements to Lease-Purchase Vehicles and Equipment
23 Authorized. For the biennium ending June 30, 2011, the commissioner of the department of
24 transportation is authorized to enter into agreements to lease-purchase vehicles and equipment.

25 217 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received
26 in the fiscal years ending June 30, 2010 or June 30, 2011 from the Federal Emergency Management
27 Agency or Federal Highway Administration's Emergency Relief Program or any other federal
28 program providing emergency assistance to the department of transportation to reimburse costs
29 incurred for emergency response, including, but not limited to, equipment rental, snow plowing,
30 sanding, salting, flood damage response, and personnel overtime during any emergency declared
31 shall be collected by the appropriate agency and appropriated to the department of transportation.

32 218 Election Fund. Amend RSA 5:6-d, II and III to read as follows:

33 II. The treasurer shall deposit in the election fund all monies received by the state pursuant
34 to the Help America Vote Act of 2002, Public Law 107-252 [~~and all civil or administrative fines or~~
35 ~~penalties or filing fees collected by the secretary of state pursuant RSA 655; RSA 659; and RSA 664~~].
36 The treasurer shall also deposit in the election fund such other funds received under state or federal
37 law, or donated to the state by private parties, for the purposes of conducting elections, voter and

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1 election official education, election law enforcement, and related information technology projects and
2 improvements, and shall credit any interest or income earned on monies on deposit to the fund.

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

11 219 Availability of Checklist and Voter Information. Amend RSA 654:31, V to read as follows:

12 V. Except for fees collected on behalf of a city or town, fees collected by the secretary of state
13 under this section shall be deposited in the ~~[election fund established pursuant to RSA 5:6 d]~~
14 **general fund**. Fees collected by a town or city or by the secretary of state on behalf of a city or town
15 under this section shall be for the use of the town or city.

16 220 Filing Fees. Amend RSA 655:19, II to read as follows:

17 II. The fees paid to a town or city clerk by candidates for state representative shall be
18 forwarded to the treasurer of the town or city and shall be for the use of the town or city. The fees
19 paid to the secretary of state shall be deposited by the secretary of state in the ~~[election fund~~
20 ~~established pursuant to RSA 5:6 d]~~ **general fund**.

21 221 Administrative Assessment; Primary Petitions; Nomination Papers. Amend RSA 655:19-c,
22 II to read as follows:

23 II. The administrative assessment paid to a town or city clerk by candidates for state
24 representative shall be forwarded to the treasurer of the town or city and shall be for the use of the
25 town or city. The administrative assessment paid to the secretary of state shall be deposited by the
26 secretary of state into the ~~[election fund established pursuant to RSA 5:6 d]~~ **general fund**.

27 222 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, III(b) to read as follows:

28 (b) The written notice shall be served in hand or sent by registered or certified mail to
29 the last known address of such person. The person shall have 30 days to pay any civil penalty
30 assessed under this section to the secretary of state for deposit into the ~~[election fund established~~
31 ~~pursuant to RSA 5:6 d]~~ **general fund**.

32 223 Distributing Campaign Materials at Polling Place. Amend RSA 659:43, IV to read as
33 follows:

34 IV.(a) Whoever violates any of the provisions of this section shall be subject to a civil penalty
35 not to exceed \$1,000.

36 (b) The court, upon petition of the attorney general, may levy upon any person who
37 violates the provisions of RSA 659:43 a civil penalty in an amount not to exceed \$1,000 per violation.

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1 All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the
2 ~~[election fund established pursuant to RSA 5:6 d]~~ **general fund.**

3 (c) The attorney general shall have authority to notify suspected violators of this section
4 of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected
5 violators without court action, provided any civil penalty paid as settlement shall be paid to the
6 secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6 d]~~ **general**
7 **fund.**

8 224 Election Procedures; Prohibited Acts; General Provisions. Amend RSA 659:45 to read as
9 follows:

10 659:45 General Provisions. It shall be the responsibility of the moderator to report any violation
11 occurring under RSA 659:34 through RSA 659:44 to the attorney general. All fines imposed under
12 RSA 659:35 through RSA 659:44 shall be paid to the county in which the offense was committed. All
13 penalties assessed under RSA 659:34 shall be paid to the secretary of state for deposit into the
14 ~~[election fund established pursuant to RSA 5:6 d]~~ **general fund.**

15 225 Registration of Political Committees. Amend RSA 664:3, I to read as follows:

16 I. Any political committee, except the political committee of a political party, shall register
17 with the secretary of state as provided in this section. The committee shall register with the
18 secretary of state not later than 24 hours after receiving any contribution in excess of \$500 or before
19 making any expenditure in excess of \$500, but in no event later than 14 days after the formation of
20 the committee. The registration shall be accompanied by a fee of \$50, which shall be deposited by
21 the secretary of state into the ~~[election fund established pursuant to RSA 5:6 d]~~ **general fund;**
22 provided, however, that the political committee of a candidate which registers under this section
23 shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or
24 agent who is a citizen of this state and who is authorized to receive all process and other legal
25 documents on behalf of the political committee, and through whom may be obtained access to all
26 books and records of the political committee. The political committee shall file with the secretary of
27 state a statement of the purpose of the committee and shall indicate whether the committee will be
28 making independent expenditures in support of or in opposition to any candidate including a
29 statement of the name, address, occupation, and principal place of business of its chairperson and
30 treasurer or agent, and the names and addresses of other officers. The committee shall file an
31 amendment to its registration within 14 days of any change in the officers or purpose of the
32 committee.

33 226 Political Expenditures and Contributions; Enforcement; Penalty. Amend RSA 664:21, II to
34 read as follows:

35 II. Any fine assessed under the provision of this section shall be paid to the secretary of state
36 for deposit into the ~~[election fund established pursuant to RSA 5:6 d]~~ **general fund.**

37 227 Political Expenditures and Contributions; Enforcement; Penalty. Amend RSA 664:21, VI(b)-

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1 (c) to read as follows:

2 (b) The court, upon petition of the attorney general, may levy upon any person who
3 violates the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing,
4 defacing, or destroying political advertising on private property a civil penalty in an amount not to
5 exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the
6 secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6 d]~~ **general**
7 **fund.**

8 (c) The attorney general shall have authority to notify suspected violators of RSA 664:16-
9 a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political advertising
10 on private property of the state's intention to seek a civil penalty, to negotiate, and to settle with
11 such suspected violators without court action, provided any civil penalty paid as settlement shall be
12 paid to the secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6 d]~~
13 **general fund.**

14 228 Impersonation of Candidates. Amend RSA 666:7-a, II(b)-(c) to read as follows:

15 (b) The court, upon petition of the attorney general, may levy upon any person who
16 violates the provisions of RSA 666:7-a a civil penalty in an amount not to exceed \$1,000 per violation.
17 All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the
18 ~~[election fund established pursuant to RSA 5:6 d]~~ **general fund.**

19 (c) The attorney general shall have authority to notify suspected violators of this section
20 of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected
21 violators without court action, provided any civil penalty paid as settlement shall be paid to the
22 secretary of state for deposit into the ~~[election fund established pursuant to RSA 5:6 d]~~ **general**
23 **fund.**

24 229 Board of Tax and Land Appeals; Requirements for Caseload and Efficiencies Analysis
25 Report. The board of tax and land appeals shall prepare a report analyzing the mission of the board,
26 matters handled by the board, staffing of the board, changing caseloads, and proposals to achieve
27 efficiencies in board operations and costs. The board of tax and land appeals shall submit its report
28 on caseloads and efficiencies to the speaker of the house of representatives and the president of the
29 senate by December 15, 2009.

30 230 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other
31 law to the contrary, the department of administrative services shall transfer from the workers'
32 compensation fraud fund and workers' compensation safety inspection fund a total of \$500,000 to the
33 general fund on July 1, 2009.

34 231 Department of Revenue Administration. Additional Revenues from Existing State Taxes.
35 The commissioner of the department of revenue administration shall identify additional revenues
36 that may be realized from the modification to the applicability of existing state taxes or the
37 elimination of exemptions from existing state taxes, including, but not limited to, the interest and

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1 dividends tax, the real estate transfer tax, the meals and rooms tax, and the business profits tax, for
2 implementation by the legislature.

3 232 Recording Surcharge. Notwithstanding the provisions of RSA 478:17-g, II(c), for the fiscal
4 year ending June 30, 2011, 50 percent of the funds received by the treasurer for the recording
5 surcharge assessed by registers of deeds under RSA 478:17-g, II(a) shall be deposited in the trust
6 fund for the land and community heritage investment program under RSA 227-M:7 and 50 percent of
7 funds received for such surcharge shall be deposited in the general fund. The funds collected under
8 this section shall remain in the custody of the land and community heritage investment program
9 during the fiscal year ending June 30, 2011 and shall be transferred to the general fund at the end of
10 such fiscal year.

11 233 New Section; Pease Development Authority; Payments for Centralized Business Services.
12 Amend RSA 12-G by inserting after section 7 the following new section:

13 12-G:7-a Payments for Centralized Business Services. For the fiscal year ending June 30, 2010
14 and for each fiscal year thereafter, the authority shall pay the department of administrative services
15 its portion of indirect costs for centralized business services, as determined by the statewide indirect
16 cost allocation plan for the authority, including the division of ports and harbors.

17 234 Committee Established. There is established a committee to study the use of Glenclyff
18 Home and county and private nursing facilities for medically paroled inmates.

19 235 Membership and Compensation.

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

21 (a) Three members of the house of representatives, appointed by the speaker of the
22 house of representatives.

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

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

26 236 Duties. The committee shall study the use of Glenclyff Home and county and private
27 nursing facilities for medically paroled inmates, the medical parole process, and cost savings related
28 to medical parole.

29 237 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
30 among the members. The first meeting of the committee shall be called by the first-named house
31 member. The first meeting of the committee shall be held within 45 days of the effective date of this
32 section. Three members of the committee shall constitute a quorum.

33 238 Report. The committee shall report its findings and any recommendations for proposed
34 legislation to the speaker of the house of representatives, the president of the senate, the house
35 clerk, the senate clerk, the governor, and the state library on or before November 1, 2009. The
36 report shall include, but not be limited to a review of the medical parole process, bed availability at
37 Glenclyff Home and county and private nursing facilities, and cost savings related to medical parole.

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1 239 Condominium Act; Application Fees. Amend RSA 356-B:51, VII to read as follows:

2 VII. Each application shall be accompanied by a fee in an amount equal to [~~\$30~~] **\$50** per
3 unit, except that the initial application fee shall be not less than [~~\$300~~] **\$600** nor more than [~~\$2,000~~]
4 **\$5,000**, and the fee for any application for registration of additional units shall be not less than
5 [~~\$200~~] **\$400** nor more than [~~\$2,000~~] **\$5,000**.

6 240 Land Sales Full Disclosure; Application Fees. Amend RSA 356-A:5, VII to read as follows:

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

11 241 Department of Justice; Authority to Hire; Appropriation.

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

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

18 242 Supplemental Allowance; One-Year Extension. Amend the introductory paragraph of RSA
19 100-A:41-a to read as follows:

20 100-A:41-a Supplemental Allowances. The following supplemental allowances shall apply only
21 to the state fiscal year beginning July 1, 2008 **and the state fiscal year beginning July 1, 2009**:

22 243 Additional Temporary Supplemental Allowances; One-Year Extension. Amend RSA 100-
23 A:41-d, I and II to read as follows:

24 I. The additional supplemental allowance in this paragraph shall apply only for the fiscal
25 year beginning July 1, 2008 **and the state fiscal year beginning July 1, 2009**. Any retired
26 member of the New Hampshire retirement system or any of its predecessor systems who has been
27 retired for at least 12 months and whose annual retirement allowance is based on at least 15 years of
28 service and is \$20,000 or less, or any beneficiary of such member who is receiving an allowance, shall
29 be entitled to receive an additional supplemental allowance, in addition to the provisions of RSA 100-
30 A:41-a, on the retired member's latest anniversary date. The amount of the additional temporary
31 supplemental allowance under this paragraph shall be \$1,000, paid from the respective component of
32 the special account.

33 II. The supplemental allowance in this paragraph shall apply only for the fiscal year
34 beginning July 1, 2008 **and the state fiscal year beginning July 1, 2009**. Any retired member of
35 the New Hampshire retirement system or any of its predecessor systems who retired prior to
36 January 1, 1993, or any beneficiary of such member who is receiving an allowance, shall be entitled
37 to receive an additional supplemental allowance, in addition to the provisions of RSA 100-A:41-a and

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1 paragraph I, on the retired member's latest anniversary date. The amount of the additional
2 temporary supplemental allowance under this paragraph shall be \$500, paid from the respective
3 component of the special account.

4 244 Department of Safety; Motor Vehicle Registration Fees Increased. Amend RSA 261:141,
5 III(g)-(o) to read as follows:

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

7 0-3000 lbs. \$31.20 (\$2.60 per month) **(plus a \$30 surcharge)**

8 3001-5000 lbs. \$43.20 (\$3.60 per month) **(plus a \$30 surcharge)**

9 5001-8000 lbs. \$55.20 (\$4.60 per month) **(plus a \$45 surcharge)**

10 8001-~~73,280~~ **10,000** lbs. \$.96 per hundred lbs. gross weight **(plus a \$45 surcharge)**

11 **10,001-26,000 lbs. \$.96 per hundred lbs. gross weight (plus a \$55 surcharge)**

12 **26,001-73,280 lbs. \$.96 per hundred lbs. gross weight (plus a \$75 surcharge).**

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

15 (h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall
16 include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and
17 the weight of the maximum load to be carried thereby: up to 73,280 pounds \$.96 per 100 pounds
18 gross weight **plus a \$75 surcharge**, over 73,280 pounds--\$1.44 shall be charged for each 100 pounds
19 gross weight or portion thereof in excess of 73,280 pounds. **Any surcharge shall be prorated**
20 **accordingly in the case of registrations issued for more or less than a 12-month period.**

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

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

24 0-1000 lbs. \$~~8.00~~ **8.00**

25 1001-1500 lbs. \$~~6.00~~ **11.00**

26 1501-3000 lbs. \$~~12.00~~ **17.00**

27 3001-5000 lbs. \$~~24.00~~ **34.00**

28 5001-8000 lbs. \$~~36.00~~ **46.00**

29 8001-up \$~~60.00~~ **.90 per** hundred lbs. gross weight.

30 (k) For each semi-trailer not registered in connection with a truck-tractor, the gross
31 weight shall include the weight of such trailer and the weight of the maximum load to be carried
32 thereby. The registration fee shall be \$~~60.00~~ **.90** per hundred lbs. gross weight and such trailer shall
33 not be registered for less than 10,000 lbs.

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

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

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

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

10 245 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:151, VII(b) to read as
11 follows:

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

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

20 247 Department of Safety Motor Vehicle Registration Fees. RSA 261:141, III(g)-(o) is repealed
21 and reenacted to read as follows:

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

23 0-3000 lbs.	\$31.20 (\$2.60 per month)
24 3001-5000 lbs.	\$43.20 (\$3.60 per month)
25 5001-8000 lbs.	\$55.20 (\$4.60 per month)
26 8001-73,280 lbs.	\$.96 per hundred lbs. gross weight.

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

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

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

35 0-1000 lbs.	\$ 3.00
36 1001-1500 lbs.	6.00
37 1501-3000 lbs.	12.00

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1	3001-5000 lbs.	24.00
2	5001-8000 lbs.	36.00
3	8001-up	.60 per hundred lbs. gross weight.

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

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

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

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

20 (o) For each motorcycle--\$15.

21 248 Fee for Transfer of Motor Vehicle Registration. RSA 261:151, VII(b) is repealed and
22 reenacted to read as follows:

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

26 249 New Subdivision; Taxation of Gambling Winnings. Amend RSA 77 by inserting after
27 section 37 the following new subdivision:

Taxation of Gambling Winnings

28 77:38 Definitions. In this subdivision:

29 I. "Commissioner" means the commissioner of revenue administration.

30 II. "Department" means the department of revenue administration.

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

34 IV. "New Hampshire entities" means establishments the purpose of which is to engage in
35 any gaming regulated by the racing and charitable gaming commission and the sale of lottery tickets
36 as permitted by the lottery commission.
37

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1 77:39 Imposition of Tax.

2 I. A tax of 10 percent is imposed on:

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

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

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

8 77:40 Who Taxable; What Taxable.

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

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

12 77:41 Non-Taxable Income. No tax shall be levied directly or indirectly under this subdivision
13 upon any income otherwise taxable hereunder, which is received and used by any educational,
14 religious, charitable, or temperance organization incorporated or organized in this state, for the
15 purposes for which it is established.

16 77:42 Returns and Payment.

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

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

23 77:43 Extension of Time for Returns. For good cause, the commissioner may extend the time
24 within which a taxpayer is required to file a return, and, if such return is filed during the period of
25 extension, no penalty may be imposed for failure to file the return at the time required by this
26 subdivision, but the taxpayer shall be liable for interest and late payment charges as prescribed in
27 RSA 21-J:28 or RSA 21-J:33. Failure to file the return within the period of extension shall void the
28 extension.

29 77:44 Interest. Any taxpayer who fails to make payment with a return when due shall be
30 subject to interest computed as prescribed in RSA 21-J:28.

31 77:45 Inspection. Returns shall not be open to the inspection of any person except the
32 commissioner and his or her deputies, assistants, and clerks when acting under his or her authority;
33 provided that a properly authorized representative of the federal Internal Revenue Bureau may
34 inspect such returns if reciprocal inspection of New Hampshire returns in that bureau is permitted
35 to the commissioner or the commissioner's representatives.

36 77:46 Warrants, Collection. The commissioner may issue a warrant for the collection of any
37 overdue tax to the tax collector of any town or city, which shall have the same remedies and the

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1 same fees for the collection of such taxes as are provided by law for his or her collection of taxes on
2 personal estate.

3 77:47 Reassessment by Department of Revenue Administration. The department shall reassess
4 the amount of the tax in every case in which it appears in the examination of the returns that the
5 amount paid is either higher or lower than the actual tax due. The department shall notify the
6 taxpayer of any corrections made. If the department determines a deficiency, the amount of said
7 deficiency and interest as prescribed in RSA 21-J:28 shall be forwarded by the taxpayer to the
8 department within 15 days from the date of the required notice. If the reassessment results in a
9 determination of overpayment, the amount of the excess shall be repaid to the taxpayer in the
10 manner provided by RSA 21-J:28-a. All assessments made under this section shall be subject to the
11 same right of appeal as provided in RSA 21-J:28-b, and nothing contained in this section shall be
12 construed to limit the power of the commissioner to make a later assessment under RSA 21-J:29 and
13 to seek penalties for fraudulent returns as provided by RSA 77:30.

14 77:48 Penalty; Fraudulent or Incorrect Return. For purposes of the application of RSA 21-J:31
15 to this subdivision, if a return is not filed when due and the failure to file a return when due is not a
16 violation of any provision of RSA 21-J:39, then neither the \$10 nor the \$50 alternate penalties of
17 RSA 21-J:31 shall apply to the return.

18 77:49 Taxpayer Records.

19 I. Every taxpayer shall:

20 (a) Keep such records as may be necessary to determine the amount of its liability under
21 this chapter.

22 (b) Preserve such records for the period of 3 years or until any litigation or prosecution
23 under this chapter is finally determined.

24 (c) Make such records available for inspection by the commissioner or authorized agents,
25 upon demand, at reasonable times.

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

28 77:50 Disposal of Papers. The commissioner may destroy any tax returns on file in the
29 department for more than 4 years, which, in his or her opinion, are no longer of any value to the
30 state.

31 250 New Paragraph; Rulemaking. Amend RSA 21-J:13 by inserting after paragraph XII the
32 following new paragraph:

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

35 251 Repeal. RSA 284:21-r, relative to the tax exempt status of lottery and sweepstakes
36 winnings, is repealed.

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1 252 Positions Established; Department of Revenue Administration. For the purposes of
2 implementing the tax on gambling winnings under RSA 77:38 through 77:50, one labor grade 12
3 position and one labor grade 14 position are established within the department of revenue
4 administration.

5 253 Appropriation; Department of Revenue Administration. The sum of \$190,000 for the fiscal
6 year ending June 30, 2010 and the sum of \$90,000 for the fiscal year ending June 30, 2011 are
7 hereby appropriated to the department of revenue administration for the purpose of funding the
8 positions established under section 252 of this act and for programming, development and testing,
9 equipment costs, and related administrative costs of implementing the tax on gambling winnings
10 under RSA 77:38 through 77:50. The governor is authorized to draw a warrant for said sum out of
11 any money in the treasury not otherwise appropriated.

12 254 Repeal. 2008, 296:31 and 32, relative to eligibility for certain wine discounts, are repealed.

13 255 Child Care Providers; Criminal Records Check. Amend RSA 170-E:7, I and II(a) and (b) to
14 read as follows:

15 I. Child day care providers who are required to be licensed or registered according to the
16 provisions of this chapter shall, no later than an individual's first day of employment, which
17 individual is responsible for the care of, or having regular contact with children, and upon adding
18 new household members or other individuals who will have regular contact with children, submit to
19 the department, the names, birth names, birth dates, and addresses of such individuals and other
20 information required by the department as prescribed by rules adopted by the commissioner under
21 RSA 541-A. The persons described in this paragraph shall submit *directly* to the department *of*
22 *safety* a notarized criminal history records release form, as provided by the New Hampshire division
23 of state police, which authorizes the release of the person's criminal records, if any, *to the*
24 *department*. The person shall submit with the release form a complete set of fingerprints taken by
25 a qualified law enforcement agency or an authorized employee of the department *of safety*. *The*
26 *department of safety shall complete the criminal history records check and forward such*
27 *record, if any, to the department*. In the event that the first set of fingerprints is invalid due to
28 insufficient pattern, a second set of fingerprints shall be necessary to complete the criminal history
29 records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the
30 department may, in lieu of the criminal history records check, accept police clearances from every
31 city, town, or county where the person has lived during the past 5 years.

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

36 (b) The department *of safety* shall submit the criminal history records release form to
37 the New Hampshire division of state police, which shall conduct a criminal history records check

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1 through its records and through the Federal Bureau of Investigation. Upon completion of the
2 background investigation, the division of state police shall release copies of the criminal conviction
3 records to the department. The department shall maintain the confidentiality of all criminal history
4 records information received pursuant to this paragraph.

5 256 Processing of National Criminal Records Checks; Reports Required. For the biennium
6 ending June 30, 2011, the department of safety shall provide quarterly reports to the fiscal
7 committee of the general court relative to the processing of national criminal records checks for the
8 department of health and human services. The reports shall include, but not be limited to, the
9 number of fingerprints processed for the department of health and human services by location, staff
10 time allocated for processing of fingerprints for the department of health and human services, and a
11 description of funds expended and fees charged by the department of safety for this purpose.

12 257 Tobacco Tax; Distribution of Funds. Amend RSA 78:32, I to read as follows:

13 I. The commissioner shall determine the additional amount of revenue produced by any
14 additional tax in excess of [~~37 cents~~] **\$1.00** for each package containing 20 cigarettes or at a rate
15 proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco
16 products sold at retail in this state imposed by RSA 78:7 and shall certify such amount to the state
17 treasurer by October 1 of each year for deposit in the education trust fund established by
18 RSA 198:39.

19 258 Transfer of Funds to Police Standards and Training Council Training Fund. The sum of
20 \$1,500,000 is hereby transferred in fiscal year 2010 from the general fund to the police standards
21 and training council training fund established in RSA 188-F:30 for the purpose of restoring funds
22 transferred from the police standards and training council training fund in 2009, 1:5.

23 259 Disaster Relief Payments to Local Communities; October 2005 Disaster Assistance. Amend
24 2006, 42:1, as amended by 2008, 87:1, to read as follows:

25 42:1 Appropriation; State Matching Funds for Federal Emergency Management Agency Disaster
26 Assistance Grants. In response to October 2005 flood damage sustained by communities in
27 Cheshire, Sullivan, Grafton, Merrimack, and Belknap counties, a sum not to exceed \$2,911,000 is
28 hereby appropriated to the department of safety, bureau of emergency management, for the fiscal
29 year ending June 30, 2006, as the required state match for federal disaster assistance funds from the
30 Federal Emergency Management Agency for flood damage sustained during the period from
31 October 8, 2005 to October 17, 2005. With prior approval of the fiscal committee, the department of
32 safety, bureau of emergency management shall distribute the funds appropriated by this act to any
33 eligible municipality or state agency that completed a request for public assistance within the
34 required 30-day period of the October 26, 2005 declaration date. The funds shall be distributed
35 pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs
36 and state funds shall be used for the remaining costs, except that the local municipality first shall
37 pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs or \$5,000,

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1 whichever is less. The governor is authorized to draw a warrant for said sum out of any money in
2 the treasury not otherwise appropriated. The department of safety shall have the authority to
3 transfer and expend funds appropriated under this section for the purpose of providing [~~state~~
4 ~~matching~~] funds for [~~April 2007~~] **other** disaster assistance grants. Any unexpended funds shall
5 lapse to the general fund on June 30, [~~2010~~] **2011**.

6 260 Disaster Relief Payments to Local Communities; May 2006 Disaster Assistance. Amend
7 2007, 334:1, as amended by 2008, 87:2, to read as follows:

8 334:1 Appropriation; State Matching Funds for May 2006 Disaster Assistance Grants. In
9 response to flood damage sustained by communities in May 2006, a sum not to exceed \$2,200,000 is
10 hereby appropriated to the department of safety, bureau of emergency management, for the fiscal
11 year ending June 30, 2007, and an additional sum of \$400,000 is hereby appropriated to the
12 department for the fiscal year ending June 30, 2008, as the required state match for federal disaster
13 assistance funds from the Federal Emergency Management Agency (FEMA). With prior approval of
14 the fiscal committee, the department of safety, bureau of emergency management shall distribute
15 the funds appropriated by this act to any eligible FEMA applicant that submitted a timely request
16 for such assistance based on the disaster area declaration date. The funds shall be distributed
17 pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs
18 and state funds shall be used for the remaining costs, except that the local municipality first shall
19 pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs. ***The***
20 ***department of safety shall have the authority to transfer and expend funds appropriated***
21 ***under this section for the purpose of providing funds for other disaster assistance grants.***

22 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
23 otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2011.

24 261 Disaster Relief Payments to Local Communities; April 2007 Disaster Assistance. Amend
25 2008, 87:3 to read as follows:

26 87:3 Appropriation; State Matching Funds for April 2007 Disaster Assistance Grants. In
27 response to flood damage sustained by communities in April 2007, a sum not to exceed \$1,750,000 is
28 hereby appropriated to the department of safety, bureau of emergency management, for the fiscal
29 year ending June 30, 2008, as the required state match for federal disaster assistance funds from
30 FEMA. With prior approval of the fiscal committee, the department of safety, bureau of emergency
31 management shall distribute the funds appropriated by this act for payment of claims in the order in
32 which they were filed, to any eligible FEMA applicant that submitted a timely request for such
33 assistance based on the disaster area declaration date. The funds shall be distributed pursuant to
34 the following funding formula: federal funds shall be used for 75 percent of eligible costs and state
35 funds shall be used for the remaining costs, except that the local applicant first shall pay a portion of
36 such remaining costs, not to exceed 12.5 percent of its total eligible costs. The governor is authorized
37 to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any

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1 unexpended funds shall lapse to the general fund on June 30, 2012. The appropriation in this section
2 shall be in addition to any other funds appropriated for such purpose, including the appropriation in
3 2007, 334:2. ***The department of safety shall have the authority to transfer and expend funds***
4 ***appropriated under this section for the purpose of providing funds for other disaster***
5 ***assistance grants.***

6 262 Disaster Relief Payments to Local Communities; July-September 2008 Disaster Assistance.
7 Amend 2008, 392:5 to read as follows:

8 392:5 Appropriation; State Matching Funds for July-September 2008 Disaster Assistance
9 Grants. In response to tornado and heavy wind damage sustained by communities in July 2008, and
10 the heavy rains and flood damage sustained by communities between July and September 2008, a
11 sum not to exceed \$300,000 is hereby appropriated to the department of safety, division of homeland
12 security and emergency management, as the required state match for federal disaster assistance
13 funds from the Federal Emergency Management Agency (FEMA). The governor is authorized to
14 draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any
15 unexpended funds appropriated in this section shall not lapse to the general fund until
16 June 30, 2011. The appropriation in this section shall be in addition to any other funds appropriated
17 for such purpose. With prior approval of the fiscal committee of the general court, the department of
18 safety, division of homeland security and emergency management, shall distribute the funds
19 appropriated by this section for payment of claims in the order in which they were filed, to any
20 eligible FEMA applicant that submitted a timely request for such assistance based on the disaster
21 area declaration date. The funds shall be distributed pursuant to the following funding formula:
22 federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the
23 remaining costs, except that the local applicant first shall pay 12.5 percent of its total eligible costs.
24 ***The department of safety shall have the authority to transfer and expend funds***
25 ***appropriated under this section for the purpose of providing funds for other disaster***
26 ***assistance grants.***

27 263 Department of Health and Human Services; Medicaid to Schools. The department of health
28 and human services is hereby authorized and directed to identify the state funded cost of
29 administering the Medicaid to Schools program and seek appropriate federal financial participation
30 for these costs.

31 264 Medical Services for State Prisoners. Amend RSA 623-C:2, I and II to read as follows:

32 I.(a) Except as provided in subparagraphs (b) through [~~(f), no hospital or emergency room~~
33 ~~shall charge the department of corrections or its agent more than]~~ ***(d), the department of***
34 ***corrections or its agent shall pay health care facilities and hospitals*** 110 percent of the
35 Medicare allowable rate for inpatient, ***outpatient***, or emergency room care provided for prisoners in
36 state correctional facilities. ***In this chapter, health care facilities mean ambulatory and***
37 ***specialty-medical services centers licensed under RSA 151, and shall include but not be***

1 *limited to surgical, rehabilitation, long term, oncology, and dialysis centers, but shall not*
2 *include physician practices and community health care clinics.*

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

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

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

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

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

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

19 265 Department of Health and Human Services; Children's Hospital Boston. For the biennium
20 ending June 30, 2011, the department of health and human services shall remit reimbursement to
21 Children's Hospital Boston at a maximum rate of 80 percent of cost.

22 266 Department of Education; Report Relative to Charter School Enrollment. The commissioner
23 of the department of education and the director of the office of economic stimulus shall determine, in
24 consultation with the appropriate federal authorities, the degree to which the state may amend
25 existing state laws, regulations, and policies with regard to controlling the growth of enrollment in
26 public charter schools without affecting state eligibility for federal funds under the American
27 Recovery and Reinvestment Act of 2009. On or before December 15, 2009, the commissioner and
28 director shall submit a report of their findings and recommendations to the senate president, the
29 speaker of the house of representatives, the house and senate education committees, the house and
30 senate finance committees, the fiscal committees of the general court, the governor, and the state
31 library.

32 267 Liquor Commission; Concord Warehouse. The liquor commission shall evaluate the
33 efficiency and cost-effectiveness of its warehousing practices and procedures and investigate
34 alternative practices and procedures to maximize the efficiency and cost-effectiveness of warehouse
35 operations. The commission shall consider the role of the Concord warehouse in its evaluation and
36 whether to sell, lease, or enter into a concession agreement or management contract for the
37 warehouse and whether to transfer warehouse operations to another location. The liquor

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1 commission may implement a warehouse optimization plan based on its evaluation, provided the
2 plan results in a minimum of \$5,000,000 of savings transferred to the general fund during fiscal year
3 2011, and provided that any plan developed pursuant to this section shall be approved by the fiscal
4 committee of the general court and, if applicable, submitted for approval in accordance with RSA
5 4:40. The liquor commission shall submit a report on the implementation of its plan to the fiscal
6 committee of the general court on or before January 1, 2010.

7 268 Tax on Transfer of Real Property; Definition of "Real Estate Holding Company" Amended.
8 Amend RSA 78-B:1-a, VI to read as follows:

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

12 269 New Paragraph; Meals and Rentals; Surety Bond. Amend RSA 78-A:8-b by inserting after
13 paragraph I the following new paragraph:

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

20 270 Installment Payment Agreements. Amend RSA 21-J:43 to read as follows:

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

30 271 Meals and Rentals; Issuance and Renewal of Licenses. Amend RSA 78-A:4, I to read as
31 follows:

32 I. Each operator shall register with the department the name and address of each place of
33 business within the state where it operates a hotel, sells taxable meals, or rents motor vehicles. The
34 operator shall complete a registration, upon receipt of which the department shall issue a meals and
35 rentals license for each place in such form as it determines, attesting that the registration has been
36 made, ***provided that a license shall not be issued or renewed if the operator owes unpaid***
37 ***taxes, interest, or penalties from any tax administered by the department. A license may be***

1 *denied if the commissioner has reason to believe that the registration is filed by a person as*
2 *a subterfuge for the real person in interest whose license has been previously been revoked,*
3 *suspended, or not renewed for cause.* Licenses shall expire on June 30 in each odd-numbered
4 year, unless the business ceases operation, a change in ownership occurs, or the license is revoked or
5 suspended by the department prior to expiration of the license. The license shall be conspicuously
6 posted in a public area upon the premises to which it relates.

7 272 Applicability. Section 269 of this act shall take effect January 1, 2010 with respect to all
8 operators currently licensed or licensed on or after January 1, 2010.

9 273 New Paragraph; Filing Threshold. Amend RSA 77-A:6 by inserting after paragraph I the
10 following new paragraph:

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

15 274 Applicability. Section 273 of this act shall take effect for tax periods ending on or after July
16 1, 2009.

17 275 New Section; Taxation of Interest and Dividends. Definitions. Amend RSA 77 by inserting
18 after section 1 the following new section:

19 77:1-a Definitions. In this chapter:

20 I. "Accumulated profits" means:

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

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

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

29 (a) Current year profit;

30 (b) Accumulated profits of such entity; or

31 (c) Debt financed by the entity.

32 276 Taxation of Interest and Dividends; Who Taxable. Amend RSA 77:3, I(b) to read as follows:

33 (b) ~~[Partnerships, limited liability companies, associations, and]~~ Trusts, the beneficial
34 interest in which is not represented by transferable shares, whose gross interest and dividend
35 income from all sources exceeds \$2,400 during the taxable year, but not including a qualified
36 investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee
37 benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

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1 277 Taxation of Interest and Dividends; What Taxable. RSA 77:4, III is repealed and reenacted
2 to read as follows:

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

5 278 Repeal. The following are repealed:

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

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

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

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

11 279 Applicability. Sections 275 - 278 of this act shall apply for taxable periods ending on or after
12 December 31, 2009.

13 280 Severability; Provision for Taxation of Interest and Dividends. If any provision of sections
14 275-279 of this act or the application thereof to any person or circumstance is held to be invalid, the
15 invalidity shall not affect any other provision or the application of such provision to other persons or
16 circumstances, and to this end the provisions of such sections are severable.

17 281 New Subparagraphs; State Retiree Health Plan Commission; Duties Added. Amend RSA
18 100-A:56, III by inserting after subparagraph (b) the following new subparagraphs:

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

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

24 282 Commission to Evaluate Long-Term Uses of Lakes Region Facility Established.

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

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

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

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

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

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

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

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

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

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

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- 1 (9) The executive director of the department of fish and game, or designee.
2 (10) The commissioner of the department of cultural resources, or designee.
3 (11) One member of the public, appointed by the Laconia city council.
4 (12) A representative of the Lakes Region Planning Commission, appointed by the
5 commission.

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

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

11 IV. The members of the commission shall elect a chairperson from among the members. The
12 first meeting of the commission shall be called by the first-named house member. The first meeting
13 of the commission shall be held within 45 days of the effective date of this section. Eight members of
14 the commission shall constitute a quorum.

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

19 283 Aid to the Permanently and Totally Disabled; Duration of Impairment. Amend RSA 167:6,
20 VI to read as follows:

21 VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally
22 disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is
23 disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted
24 under such act, except that the minimum required duration of the impairment shall be 48 months,
25 ***unless and until the department adopts a 12-month standard in accordance with RSA***
26 ***167:3-j***. In determining disability, the standards for "substantial gainful activity" as used in the
27 Social Security Act shall apply, including all work incentive provisions including Impairment
28 Related Work Expenses, Plans to Achieve Self Support, and subsidies. No person shall be eligible to
29 receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with
30 dependent children.

31 284 New Section; Aid to the Permanently and Totally Disabled; Duration of Impairment.
32 Amend RSA 167 by inserting after section 3-i the following new section:

33 167:3-j Aid to the Permanently and Totally Disabled; Duration of Impairment.

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

37 (a) This change results in a net general fund cost savings.

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1 (b) Eligibility for APTD shall be based on a determination of disability as defined in Title
2 II, Social Security Disability Insurance (SSDI), and Title XVI, Supplemental Security Income (SSI),
3 of the Social Security Act, as amended.

4 (c) A determination of disability by the Social Security Administration or any other
5 federal agency, including the Railroad Retirement Board, using the SSI and SSDI criteria, shall
6 constitute a determination of disability for purposes of APTD.

7 (d) Applicants for APTD cash assistance shall be recipients of SSI, if eligible therefor.

8 (e) For persons applying for APTD and SSI, eligibility for both programs shall be
9 determined using the medical and financial eligibility criteria of the SSI program, through a single
10 disability determination process.

11 (f) As of the date the department implements the 12-month standard and other
12 provisions of this paragraph, all persons who have been determined by the department to be disabled
13 under the 48-month durational standard and are eligible for APTD and who have not been
14 determined to be disabled by the Social Security Administration or other federal agency using the
15 SSI/SSDI standard, shall remain eligible for APTD if they have active and pending applications for
16 or appeals of denials of SSI, SSDI, or any other federal program utilizing the SSI/ SSDI standard,
17 through the level of the Social Security Appeals Council, provided they meet all other eligibility
18 criteria.

19 (g) Applicants shall have all appeal rights provided in state and federal law.

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

29 III. If the department of health and human services adopts a 12-month standard in
30 accordance with this section, the department may apply any net savings realized from implementing
31 this standard to meet required appropriation reductions for the department contained in the state's
32 operating budget for the biennium ending June 30, 2011. The department shall estimate net savings
33 based on expenditures for aid to the permanently and totally disabled grants as compared to
34 amounts budgeted in fiscal year 2010 and 2011 for this purpose, net of any increases in Medicaid
35 medical assistance and prescription costs resulting from this change. The department shall provide
36 quarterly reports to the fiscal committee of the general court relative to any net savings realized
37 from the implementation of this section.

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1 285 Tax Exemption for Commercial and Industrial Construction. Amend RSA 72:78, I to read
2 as follows:

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

8 286 Repeal. The following are repealed:

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

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

13 287 Powers and Duties of the Town of Littleton. The town of Littleton may revise or amend the
14 powers and duties set forth in 1955, 442 in accordance with the procedures established in RSA 49-B,
15 and without legislative approval.

16 288 Nullification. Section 1 and paragraph I of section 5 of HB 518 of the 2009 regular
17 legislative session shall not take effect.

18 289 Additional Layoffs or Personnel-Related Savings. For the biennium ending June 30, 2011,
19 the governor shall implement a plan to reduce general fund appropriations through layoffs or
20 personnel-related savings by an additional \$25,000,000.

21 290 Education Trust Fund; Transfer to General Fund. Notwithstanding RSA 198:39, any funds
22 remaining in the education trust fund as of June 30, 2009, June 30, 2010, and June 30, 2011 shall be
23 transferred to the general fund as undesignated surplus.

24 291 Commission Established.

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

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

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

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

31 (3) The governor, or designee.

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

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

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

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

37 (b) Legislative members of the commission shall receive mileage at the legislative rate

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1 when attending to the duties of the commission.

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

4 IV. The members of the commission shall elect a chairperson from among the members. The
5 first meeting of the commission shall be called by the first-named house member. The first meeting
6 of the commission shall be held within 45 days of the effective date of this section. Five members of
7 the commission shall constitute a quorum.

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

11 292 Department of Health and Human Services; Diversion Incentive Grants. Notwithstanding
12 any provision of law or rule to the contrary, for the fiscal year ending June 30, 2010, the department
13 of health and human services shall distribute funds for diversion incentive grants to the same
14 providers in the same amounts as they received in fiscal year 2009. If appropriations contained in
15 accounting unit 05-95-40-403010-5857 for fiscal year 2010 are less than the amount of grants
16 distributed in fiscal year 2009, the department shall prorate grants so that all recipients receive the
17 same proportion they received during fiscal year 2009.

18 293 Effective Date.

19 I. Sections 1, 6-7, 50, and 161 of this act shall take effect June 30, 2009.

20 II. Section 55 of this act shall take effect June 1, 2009.

21 III. Sections 89-94 of this act shall take effect October 1, 2009.

22 IV. Sections 269 and 271 of this act shall take effect January 1, 2010.

23 V. Sections 132-143 of this act shall take effect January 1, 2011.

24 VI. Sections 118, 144-149, 192, and 264 of this act shall take effect 60 days after its passage.

25 VII. Section 150 of this act shall take effect July 1, 2015.

26 VIII. Sections 163-175 of this act shall take effect July 1, 2010.

27 IX. Sections 247 and 248 shall take effect July 1, 2011.

28 X. The remainder of this act shall take effect July 1, 2009.

29

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

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Larsen, Dist. 15

Rep. M. Smith, Straf. 7

Sen. Hassan, Dist. 23

Rep. Nordgren, Graf. 9

Sen. Janeway, Dist. 2

Rep. Almy, Graf. 11

Sen. Fuller Clark, Dist. 24

Rep. Hatch, Coos 3

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2009-2333-CofC

AMENDED ANALYSIS

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.
2. Increases the tobacco tax.
3. Increases the meals and rooms tax, adds campsites to the definition of hotel, and dedicates a portion of meals and rooms tax revenues to the division of travel and tourism development.
4. Funds meals and rooms distributions to cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.
5. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.
6. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year, authorizes bonded appropriations for school building aid expenses in the amount of \$44,943,448 for the 2010 fiscal year, and \$46,260,234 for the 2011 fiscal year, and provides that the state treasurer shall bond all appropriations for school building aid under RSA 198:15-a. The source of payment for the bonds and notes shall be the state portion of meals and room tax revenue.
7. Increases the fees for motor vehicle records charged to insurance companies and drivers.
8. Authorizes the commissioner of safety to make certain personnel reallocations.
9. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.
10. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.
11. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.
12. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.
13. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.
14. Suspends the liquor revenues to the alcohol abuse prevention and treatment fund for the biennium ending June 30, 2011 and requires such revenues to be deposited into the liquor commission fund.

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15. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of suspending direct graduate medical education payments to hospitals until June 30, 2011.
16. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).
17. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos county.
18. Requires the department of health and human services to establish a medical home pilot program.
19. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.
20. Clarifies what moneys are to be credited to the lead poisoning prevention fund.
21. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified pharmacist positions.
22. Changes the percentage of the amount appropriated for placement costs to be used for certain juvenile programs under the law regarding services for children, youth and families.
23. Suspends the residential child care facilities rate setting rule.
24. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
25. Suspends for the biennium laws relative to the funeral expenses to certain recipients of public assistance and certain other reimbursement for care of an assisted person.
26. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.
27. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
28. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.
29. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.
30. Increases the percentage of certain outstanding loan principal balances used to pay the costs of administering the state water pollution control and drinking water revolving loan funds.
31. Increases the fees for department review of subsurface plans and subdivisions and sewage and waste disposal systems.
32. Establishes the subsurface systems fund and the septage management fund.

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

34. Establishes different contribution rates for retirement members who are employees of the state based on whether the employee was hired on or before June 30, 2009, or after June 30, 2009.

35. Changes the state share of payment of the retirement system annual employer contribution and the provision that the state pay a share of the employer contribution for extra or special duty work of group II members in the retirement system.

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

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

38. Consolidates certain district courts.

39. Creates a committee to evaluate the physical consolidation of the Claremont and Newport district courts and family division sites and the closing of Colebrook and Milford district courts.

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

41. Suspends bumping rights for classified employees and suspends the procedure for layoffs of permanent employees pursuant to administrative rule Per 1101.02 (d) until June 30, 2011.

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

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

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

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

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

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

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

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

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

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

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

53. Suspends any mandate for expenditure of funds during the 2010-2011 biennium for state government waste reduction, recycling, and recycled products purchase.

54. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch, except the McAuliffe-Shepard discovery center commission and the Connecticut River Valley resource commission. The bill requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces. The bill also establishes a committee to study the list of non-regulatory boards, commissions, councils, advisory committees, and task forces and make recommendations relative to which such entities shall be eliminated.

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

56. Establishes the New Hampshire Workforce Opportunity Council within the department of resources and economic development.

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

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

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

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

61. Establishes a judicial branch information technology fund to be funded by a percentage of court entry fees and by an increase in the penalty assessment on court fines. Modifies how certain fines received by the state are credited, and permits persons to pay certain motor vehicle fines directly to the department of safety by credit card.

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

63. Requires the department of safety and department of health and human services to negotiate

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a reduced fee for criminal record checks performed on behalf of the department of health and human services.

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

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

66. Increases boating registration and license fees.

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

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

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

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

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

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

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

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

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

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

77. Authorizes the department of information technology to transfer funds within and among its accounting units, subject to the approval of the fiscal committee of the general court.

78. Specifies the source of funds for court-ordered representation in juvenile delinquency cases and for counsel appointed to represent an indigent parent who is alleged to have neglected or abused his or her child.

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

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

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81. Transfers federally funded positions related to bioterrorism and public health emergency planning from the department of safety to the department of health and human services.

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

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

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

85. Authorizes the state treasurer to allocate subsidy payments received from the United States Treasury relating to the issuance of Build America Bonds to appropriate funds and accounts of the state.

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

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

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

89. Requires the commissioner of health and human services to submit Medicaid state plan amendments to implement prior authorization of wheelchair van services, non-emergency ambulance services, occupational therapy services, and methadone clinic services.

90. Requires the department of health and human services to explore and implement the procurement of medical equipment and/or medical supplies in a manner that is cost efficient and maintains adequate access under the Medicaid state plan.

91. Requires the commissioner of the department of health and human services to submit a report to the oversight committee on health and human services by September 30, 2009, detailing administrative and reporting requirements for community mental health centers which may be suspended for the biennium ending June 30, 2011, without jeopardizing the public's health and safety.

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

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

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

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

96. Declares that sums received by the department of transportation during the biennium ending June 30, 2011 from any federal program for emergency assistance shall be collected by the appropriate agency and appropriated to the department of transportation.

97. Requires certain administrative fines, penalties, and filing fees collected by the secretary of state to be deposited in the general fund. Currently such fines, penalties, and filing fees are

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deposited in the election fund. The bill also eliminates a restriction on expenditures from the election fund.

98. Requires the board of tax and land appeals to submit a report the general court regarding the board's mission, caseloads, and proposals for increased efficiencies in board operations and costs.

99. Requires the department of administrative services to transfer funds from the workers' compensation civil penalty employer coverage fund and workers' compensation safety inspection fund to the general fund.

100. Requires the commissioner of the department of revenue administration to identify additional revenues that may be realized from modifications to the applicability of existing state taxes or the elimination of exemptions from existing state taxes, for implementation by the legislature.

101. Requires 50 percent of the funds received for the recording surcharge assessed by registers of deeds to be deposited in the trust fund for the land and community heritage investment program and 50 percent of such surcharge to be deposited in the general fund for the fiscal year ending June 30, 2011.

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

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

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

105. Extends the supplemental allowance and certain temporary supplemental allowance provisions for retirement system beneficiaries one additional year to the fiscal year beginning July 1, 2009.

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

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

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

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

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

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

112. Transfers funds from the general fund to the police standards and training council training

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fund for the 2010 fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

128. Nullifies a section of HB 518 of the 2009 legislative session which amends RSA 263:40-a.

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I(c), relative to driver's license application form options, and which conflicts with 2009, 75:2 (HB 211-FN).

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

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

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

132. Requires the department of health and human services to distribute funds for diversion incentive grants to the same providers in the same amounts as they received in fiscal year 2009.