State of New Hampshire

HOUSE RECORD

Second Year of the 161st General Court
Calendar and Journal of the 2010 Session

Vol. 32 **Concord, N.H.** **Friday, May 7, 2010** **No. 37**

Contains: Reports and Amendments for May 12 and May 13, Governor's Veto Message on HB 276-FN, Committee of Conference Procedures, House Bills Amended by the Senate, Hearings, Meetings, and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House sessions will be held at 10:00 a.m. on **Wednesday, May 12th** and **Thursday, May 13th.** The House will also meet on **Wednesday, May 19th**, when the House will take final action on House Bills amended by the Senate. Members might wish to review the Committee of Conference Procedures which are printed elsewhere in this Calendar.

A photograph of the House membership will be taken on Wednesday**, May 19th**, at the lunch break. We will take one photo inside the House chamber, and if the weather cooperates, one in front of the State House as well. Members will be provided with information on how to obtain copies of the photo(s).

The Speaker's Annual Ice Cream Social for members and staff will also take place on Wednesday, **May 19th,** in the driveway of the Upham-Walker House, or in case of inclement weather, in the LOB.

On April 27th the State Supreme Court issued an Opinion of the Justices regarding HB1146, "An Act eliminating requirements for additional breath tests for blood alcohol content." The decision may be found online at http://www.courts.state.nh.us/supreme/opinions/2010/2010037opini.pdf.

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on Tuesday**, May11** at **8:30 a.m.** in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **May 12** and Thursday, **May 13** at **9:00 a.m.**

in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday**, May 12** at **9:00 a.m.** in Rooms 306-308, LOB and (tentatively) on Thursday, **May 13** at **9:00 a.m.** in Rooms 305-307, LOB.

Rep. Sherman A. Packard, Republican Leader

NOTICE

The Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at noon on Thursdays for Committee Reports. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability/assignment and publication of meeting notices.

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Thursday, May 13, 2010	Last day to act on Senate Bills
Thursday, May 20, 2010	Last day to form Committees of Conference
Thursday, May 27, 2010	Last day to sign Committee of Conference re
Wednesday, June 2, 2010	Last day to act on Committee of Conference reports

GOVERNOR'S VETO MESSAGE ON HB 276-FN

By the authority vested in me, pursuant to Part II, Article 44 of the New Hampshire Constitution, on February 12, 2010, I vetoed HB 276-FN, an act relative to challenges of voters.

This legislation was passed by the House of Representatives on April 8, 2009 and was sent to the Senate. The Senate first heard and then re-referred the bill to the Senate Election Law and Veteran's Affairs Committee. The bill was brought forward this year and approved by the Senate on January 21, 2010. In passing the bill, the Senate should have amended the effective date to provide for prospective application of the voter challenge law. For this reason, I am vetoing HB 276-FN.

I appreciate the sponsor's efforts to clarify the procedures for voter challenges in state elections. I believe that any legislation governing voter challenges must continue to allow our state elections to proceed in an efficient manner while protecting the rights of all voters.

Respectfully submitted,
John H. Lynch
Governor
Dated: February 12, 2010

CONSENT CALENDAR
WEDNESDAY, MAY 12

COMMERCE AND CONSUMER AFFAIRS

SB 368, relative to notice required under the retail selling statute. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joel F Winters for Commerce and Consumer Affairs: Laws governing the three day right of rescission for home solicitation sales have been around for many decades. In exchange for returning the product to the seller, the buyer is entitled to a full refund. Buyers who exercise their right of rescission will now have an option to demand (in lieu of a refund) that any alterations to their home or property be restored to their original condition, if they can be reasonably restored. Exceptions to this right of rescission have been given to sales under $25 since 1973. The amendment updates that to $150. **Vote 15-1.**

SB 408, relative to purchasing alliances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T DeStefano for Commerce and Consumer Affairs: This bill has two components. The first establishes in statute purchasing alliances, which allows groups of small businesses within a larger organization -- for example, real estate agencies within a larger real estate service organization, auto dealers with the NH Auto Dealers Association or possibly independent businesses under chambers of commerce or within a larger regional or statewide organization -- to consolidate the administration of providing health insurance to its members. Such an alliance could, over time, reduce it's health insurance costs through effective administration and programs that improve the overall health of the members and reduce the utilization of healthcare services. The organizations under which these "alliances" can exist must have been in existence for a minimum of 10 years. That helps to prevent the creation of such groups simply for the provision of health insurance. The House has passed a similar bill in the past but it has died in the Senate. This bill obviously comes with the support of the Senate this time. These alliances will be useful for some groups between now and the full implementation of federal health reform in 2014. After that they may still be useful for administrative purposes but such effectiveness will need to be reevaluated. The second part of the bill establishes a legislative study group to look at how PEOs professional employment organizations provide health insurance to the small employers to whom they "lease" employees. For several years, these PEOs have offered health insurance as if they were large group employers. The insurance department believes that these organizations should be rating their employees as a series of small groups and, therefore, rating under the small group rules. The committee believes that this requires this further study. **Vote 17-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 435, relative to the provision of caller locations in emergency situations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This bill allows law enforcement agencies, through the enhanced 911 statewide system, to obtain from wireless telecommunications carriers call location information from the device of a user in order for the law enforcement agency to respond to a call for emergency services, or to an emergency in which there is the risk of death or serious bodily injury. It further requires law enforcement to provide with its request information establishing that the call location information is necessary to respond to an emergency situation that involves the risk of death or serious bodily injury. SB 435 does not prohibit wireless telecommunications carriers from establishing their own protocols by which they may voluntarily disclose call location information, so long as there is no provision of law to the contrary. Finally, SB 435 offers protection to the wireless telecommunications carriers from action when they have acted in good faith in accordance with the provisions of SB 435. The committee worked with the sponsors and many stakeholders to craft a bill which enhances safety, encourages cooperation and protects privacy. **Vote 15-0.**

EDUCATION

SB 373, relative to approval of alternative schools by the state board of education. **REFER FOR INTERIM STUDY.**

Rep. Judith T Reever for Education: While this bill creates a process for approving alternative schools, something not in current statute, the bill inadequately defines "alternative school" and is ambiguous regarding what courses must be offered as well as other regulations that may apply. On advice from the attorney general's office, the committee believes the bill requires further study. **Vote 19-0.**

SB 520-FN-L, relative to school district liability for special education costs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F Stiles for Education: This bill finally places into New Hampshire law that it is the financial responsibility of the residential school district to provide special education and related services for a child who attends another public school when parentally placed unless other accommodations are worked out between the two districts. This issue came about due to a court case and the law was silent on the fiscal responsibility when a student is parentally placed. The federal law is clear that the financial responsibility is not the responsibility of the parents. **Vote 18-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 313, extending the repeal date of the state park system advisory council and relative to field purchases and transfers of funds for the state park system and the bureau of trails. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill extends the state park advisory council for one year, allows the commissioner of the department of resources and economic development, for one year, to transfer funds between and among the appropriations for both the state parks system and for the bureau of trails, provides that the commissioner set fees for the entrance into and use of Jericho Mountain State Park based on the master plan and sets the weight and width of the dimensions for utility terrain vehicles, also for one year. It allows field purchases of up to $2,000 for the division of parks and recreation and the bureau of trials, and provides that the state historic sites fund receives deposits of all fees, rentals, revenue from operations, retail sales and net profit from concession operations. **Vote 18-0.**

SB 357-FN, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would allow for the deduction of medical premiums from the judges' retirement checks. Currently they are billed each month for the premium. This results in extra postage and clerical work. The original bill stated that the premium shall be deducted: The committee changed it to may be deducted so that the judge or surviving spouse could choose the preferred payment method as all other state retirees do with medical premiums. **Vote 18-0.**

SB 414, relative to the Mount Washington commission. **REFER FOR INTERIM STUDY.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill attempts to correct numerous management challenges arising from the structure of the Mount Washington Commission. These individuals represent non-profit organizations, for profit businesses, a private board and a public agency, and tasks that include developing leases, selection of appointments, and monitoring revenues and expenditures. Because of the complexity of multiple goals, missions, and relationships the committee needed additional time to review the information and gain additional insight before making recommendations. **Vote 17-0.**

SB 491, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill addresses two subjects. The first is to enhance New Hampshire business opportunity and to reduce unemployment in this state. The bill gives a selection preference to New Hampshire vendors who would in any case qualify in the procurement of goods and services by the division of plant and property management. Second, the bill bars certain vendors from competing for state contracts

when they have been debarred from performing and/or competing for federal or state contracts or have engaged in other prohibited conduct. **Vote 18-0.**

SB 493-FN, relative to the use of best value contracting by state agencies and establishing a best value procurement commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill would have created a second study commission very parallel in membership and purpose to the one proposed by SB 495. The committee felt that would duplicate both legislative and staff effort and resources, as well as being contrary to the House's current policy of reducing study commissions. Therefore, the committee recommended combining the contents of both bills into one, in this instance SB 495. Once that was accomplished, this bill was not needed. **Vote 17-0.**

FINANCE

SB 73-FN, requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption. **OUGHT TO PASS.**

Rep. Bernard L Benn for Finance: This bill requires all state departments to identify cost effective measures to reduce fossil fuel energy consumption in state-owned buildings by 25% by the year 2025. The fuel consumption levels are to be calculated on a per square foot basis, compared to a 2005 baseline. This goal complements the state's goal of obtaining 25 % of its energy from renewable energy sources in the same time period. Beginning in 2012, the departments will submit annual progress reports to the commissioner of department of administrative services detailing the efforts and results toward meeting the energy reduction goal. The commissioner will compile these reports and make them available to the public. The departments believe these reports can be done within existing resources and without additional staff. **Vote 20-0.**

SB 375, relative to the state park system as a self-supporting entity. **INEXPEDIENT TO LEGISLATE.**

Rep. W. Douglas Scamman for Finance The committee determined from testimony and our discussions that there is no statute preventing general funds from being appropriated for the park system. The practice for 20 years has been not to fund the park system with general funds. No statute needs to be passed to allow general funds to be used in the future. Future legislatures can and will do what they think is good for the state of New Hampshire and our park system. This legislation is not needed. **Vote 21-0.**

SB 481, relative to appropriations for certain turnpike system projects. **OUGHT TO PASS.**

Rep. Robert A Foose for Finance: SB 481 re-appropriates funding for several turnpike projects to take advantage of savings that resulted from other projects that have been contracted at below-budget levels. All projects involved are in the ten year plan and, as a result of this action, the state will receive more value for its budgeted funds. **Vote 21-0.**

SB 512-FN, relative to the community college system of New Hampshire. **OUGHT TO PASS.**

Rep. Peter F Bergin for Finance: This bill is a continuation of the effort, started in 2005, to make the New Hampshire community college system autonomous. It will amend the law to reflect the closing of the campus in Stratham which is now in the Pease International Trade Center. In addition, it will make budgetary changes which will further separate its dependence on administrative services. It also clarifies collective bargaining agreements, and the community college participation in the New Hampshire retirement system. The bill will have no fiscal impact on the current budget. **Vote 21-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 320, relative to occupational exposure to the human immunodeficiency virus. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rich T DiPentima for Health, Human Services and Elderly Affairs: This bill, as amended, would allow physicians licensed to practice in New Hampshire, or a person authorized by the physician, to perform an HIV test on a person who is incapable of giving consent to the test, when an individual has had an occupational exposure to the person's blood or bodily fluids. The bill

would prohibit the billing of the person and/or their insurer for such testing. This bill would provide needed protection of a health care worker who may experience an occupational exposure during the treatment of an individual who is unable to provide the required consent for this testing. This information is needed quickly in order to initiate appropriate post-exposure treatment to the exposed worker. The confidentiality of the tested individual is maintained by prohibiting the billing of the individual and/or their insurer. The bill as amended was supported by the department of health and human services and health care industry. **Vote 14-0.**

SB 427, adding duties to the oversight committee on health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: This bill would promote coordination and efficiency by combining the responsibilities of three joint committees. The bill moves the responsibilities of the developmental disabilities oversight committee to the health and human services oversight committee (HHSOC) and creates a mechanism for HHSOC to appoint other ancillary bodies to assist in carrying out its responsibilities. The amendment would also move to HHSOC the responsibilities of the joint legislative committee on elderly affairs, including liaison with the state committee on aging (SCOA), which would continue unchanged. In addition to legislative efficiency, these changes would reduce duplicative demands on the department of health and human services. The changes were developed in consultation with the department and the "committee on committees." **Vote 15-0.**

SB 518, relative to membership of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: This bill, as originally submitted, intended to add a youth member to the commission on alcohol and drug abuse prevention, intervention and treatment. While the committee, the chair of the commission and representatives from New Futures agree that youth participation regarding these issues is important, it was agreed that a more productive venue for youth would be at the task force level. This bill as amended appropriately accommodates youth involvement in these areas. **Vote 15-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 358-FN, relative to whistleblower protection and waste prevention in state government. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: This bill provides expanded protections for state and municipal employees who object or refuse to participate in activities they believe violate laws and/or are a misuse of public funds. The bill authorizes the labor commissioner to investigate illegal activities or alleged misuse of public funds that are presented by a public employee. **Vote 12-0.**

SB 416, relative to the state minimum hourly wage applicable to tipped restaurant employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P Goley for Labor, Industrial and Rehabilitative Services: The definition a restaurant used to determine who is a tipped employee was changed in 2007, and had unintended consequences. It put take-out food delivery drivers in 2 categories. If you work as a delivery driver for a restaurant with seating and service, and received tips, you are considered a tipped employee, but if you worked as a delivery driver and received tips for a restaurant that just does take-out and delivery with no seating you are not considered a tipped employee. SB 416 will put drivers who deliver food and receive tips for either a dine-in or take-out and delivery restaurant and classify them both as tipped employees. SB 416 sunsets in December 2011, giving the department of labor time to fix the existing problem in rules. **Vote 11-0.**

SB 420, relative to the use of mail-order pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary L Daniels for Labor, Industrial and Rehabilitative Services: This bill as amended places into standards for accident and health insurance that subject to the terms and conditions

of a patient's insurance plan, the patient would be guaranteed access to all pharmacies within his or her insurance plan network. It also establishes a study committee to study pharmacy benefits management for injured workers covered by the workers' compensation law. **Vote 12-0.**

PUBLIC WORKS AND HIGHWAYS

SB 316, establishing a statewide transportation policy. **REFER FOR INTERIM STUDY.**
Rep. David B Campbell for Public Works and Highways: At a recent committee work session with the representatives of the Federal Highway Administration and NH DOT regarding the preparation and effect of the state's long term statewide policy, the FHA gave the committee some excellent information and guidelines regarding this issue. Given this, the committee voted unanimously to send this legislation to interim study to allow time to thoughtfully address the state's long term transportation policy. **Vote 17-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 428, establishing a committee to study dispatch times within the enhanced 911 system. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David A Borden for Science, Technology and Energy: Some towns and residents therein feel that there is an unnecessary delay from the time a 911 call is placed to the time emergency equipment arrives. This study would create a committee to document the actual times such transactions take and identify the gaps in service, if they exist. **Vote 14-1.**

REGULAR CALENDAR

WEDNESDAY, MAY 12

COMMERCE AND CONSUMER AFFAIRS

SB 392-FN, requiring public hearings concerning health care cost increases in health care services and relative to hospital billing for services to uninsured patients. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Susi Nord for Commerce and Consumer Affairs: This bill has two parts. The first section creates an annual public hearing at the department of insurance designed to more deeply investigate the factors influencing health insurance rate increases and the second part implements a system for those without health insurance to be charged by hospitals an amount similar to what they receive from insurance companies for treatment. The current rate review system at the department of insurance does not provide opportunity for the department to systematically discern all of the different factors that impact medical trends and how those factors relate to rate increases. The public hearing process will enable the department to request more information from carriers about specific factors, will allow public discussion of the relationship between rates, costs, and charges and will enable further illumination of how administrative practices influence medical trend. Section two puts into statute practices that most of the hospitals are already voluntarily offering to patients without insurance. It sets a ceiling for what hospitals may charge those who have no insurance and it requires that disclosure of the availability of financial assistance be given to patients without insurance. Most hospitals offer greater discounts to patients with few financial resources than the bill proposes, however this bill will guarantee that all uninsured patients receive at least a minimum discount and that they will also be notified of financial assistance programs available and how to apply for further payment assistance if needed. **Vote 11-7.**
SB 455-FN, relative to New Hampshire HealthFirst. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. John B Hunt for the **Majority** of Commerce and Consumer Affairs: Understanding that the NH insurance commissioner, under current law, may enforce new rules based on the new federal health insurance law that will become effective this fall (6 months after enactment), the majority

of the committee supported the committee amendment. The committee believes that NH citizens will benefit when this new federal program is implemented through NH law and agencies. We must insure, as best we can, that this new mandate is implemented using the processes and systems that work best for NH. Our citizens should have access to NH consumer protections rather than having to rely on federal agencies for enforcement of the consumer protections provided in the new law. There is no federal insurance department; states have always administered insurance consumer protection laws. Since many new federal rules regarding health insurance reform have not yet been created, one intent of this amendment is that any new federal rule in effect prior to any legislative action that will be necessary next year, the insurance commissioner may move forward, in the meantime, to provide implementation and insurance consumer protection for New Hampshire citizens.

This non-germane amendment totally replaced the original bill. The public hearing was very well attended and several concerns were expressed, most of which were addressed by the committee amendment. One of the concerns was why was the committee acting on the bill the same day it was heard? It didn't - the subcommittee reviewed several versions of the amendment before the final one was agree upon. The Medicaid implications of the new federal legislation are not yet clearly known. So Medicaid is explicitly exempted from this authority. The need for clear legislative oversight was requested at the public hearing, The amendment now requires that the insurance commissioner will meet (monthly if necessary) with a legislative committee. The legislative intent is to allow the legislators to discuss the need for any new insurance department rule or law as to whether it needs to be enacted prior to any new legislation that will come forward in the 2011 session. Ultimately any new law or rule enacted solely under the authority provided by this legislation will sunset.

The final amendment has two other important sections that do change current NH law. The federally-approved high risk pool would be administrated by our existing NH high-risk pool. The good news is that the federal pool is fully funded because it will only operate until the "exchanges" are created in 2014. The new federal high-risk pool will probably not affect our current pool because it will only be available to those without insurance for six months and who have uninsurable preexisting conditions. The other part of the amendment that changes current NH law is to bring our law into agreement with the new federal definition related to mandatory family coverage up to the age of 26. We had to remove our requirement that the family member be unmarried.

The one issue not addressed by this amendment but that was raised by those who attended the public hearing, was the desire that NH should ignore or even defy the new federal health insurance law. Regardless of how one feels about the new federal law, the majority of the committee wanted to insure that NH citizens will continue to have the NH insurance department, not federal agencies, protecting their rights when it comes to health insurance in NH. **Vote 15-2.**

Rep. Matt J Quandt for the **Minority** of Commerce and Consumer Affairs: The minority feels that it is premature to turn over the implementation of the new federal healthcare plan to the insurance department. To date, there has been limited scrutiny of this plan regarding the impact on New Hampshire citizens in light of our specific health plans in force in New Hampshire. We need to consider costs to individuals, businesses and the state. We should consider the degree to which this state will allow the government to insert itself between doctor and patients. We need to evaluate the interaction with current state mandates, and current coverage of children and other dependents. We need to define the state role in collecting fines or taxes in regard to the federal program, and what controls and measurements are needed to assure the plan is implemented with maximum effectiveness. All of these issues should be addressed by relevant committees in the legislature, and not simply turned over the executive branch for decisions as to implementation.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 398-FN, relative to prohibited sales of alcoholic beverages. **OUGHT TO PASS.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: The committee agrees that reducing the penalty from misdemeanor to violation is appropriate when a prohibited sale of alcohol occurs during a compliance check. **Vote 12-3.**

SB 453, relative to air quality in ice rinks. **INEXPEDIENT TO LEGISLATE.**

Rep. Beth Rodd for Criminal Justice and Public Safety: The majority of the committee finds it is unnecessary to address this issue with a criminal penalty. Persons harmed by poor air quality emissions have other venues of redress such as the fire department and the EPA, both of whom have safety standards related to environmental factors. There was no indication that ice resurfacing machines constitute a widespread problem in New Hampshire rinks. In addition, rink owners and managers are motivated to voluntarily maintain high, healthy standards because the success of their business depends on it. **Vote 10-5.**

EDUCATION

SB 311, relative to special education services for persons incarcerated and persons attending Granite State high school. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy F Stiles for the **Majority** of Education: This bill clarifies the language of the special education bill passed in 2008 regarding the responsibility for special education in the county houses of corrections. The bill specifies that the houses of corrections play the role of facilitator and not provider of special education services. This role includes communications to the department of education and the residential school district and providing time and space within the correctional facility to allow the school district to provide instruction and related special education services. **Vote 17-2.**

Rep. Rick M Ladd for the **Minority** of Education: The minority is of the position that in order for the county corrections "contact person" to be effective in all matters as related to inmates eligible or receiving special education or related services, this bill should require the "contact person" to possess an established level of special education training. In order to collect and discuss an inmate's identifiable information (IEP/handicap) the "contact person" should possess a basic understanding of special education procedures, policy, and confidentiality in accordance with established rule and law. The minority strongly supports the need for special education services in the correctional system.

SB 503, relative to unique pupil identification. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Emma L Rous for the **Majority** of Education: This bill extends the highly successful unique student identifier number known as the SASID from the current K-12 public system to publicly funded preschool programs and the public higher education system. Students are assigned a number by a random number generator and individual schools enter grades, test scores, and attendance figures. Teachers and school officials can access information for their own students for the purpose of tracking areas of need and improvement. Parents and students can access their own data. Otherwise data is strictly viewed anonymously and in aggregate for the purpose of tracking trends in student achievement. The SASID has eliminated many cases of double counting and provided reliable drop-out data. Educational improvement at all levels must be based on evidence-based practice, and without data there is no evidence. For example, extending the number will make it possible to track the long-term effectiveness of public early childhood programs, to follow trends in remediation for college freshmen, to pinpoint areas of weak preparation such as math, to track the rate of college retention and completion, including time to graduation, and to facilitate the transfer of credits from the community college to the university system. Privacy is thoroughly protected with strong sanctions for violation, by provisions in the law and, at the post secondary level, by FERPA. A bipartisan majority believes the department of education has satisfactorily answered every question posed by the committee and that nothing in this bill erodes current law. The bill is supported by the early childhood and higher education communities and the department of education. **Vote 14-6.**

Rep. Paul Ingbretson for the **Minority** of Education: In 2004, because of privacy issues and NH's bedrock belief in local control of education, we created a firewall between the data warehouse (non-personally identifying information) and the random number generator (personally identifying information). Only the local school districts have legal access to the random number generator and its personally identifying information. The state has access to the data warehouse so they can aggregate the non-personally identifying information to produce their NCLB-required reports. We were assured by the DOE that there would be no need for the state to access anyone's personal information. We believe that this bill, the purpose of which was solely to broaden the scope of pupils to include federally funded pre-school programs and public post secondary programs, removes the firewall. The minority supports the bill but brings this amendment attempting to maintain that historically important safeguard.

SCR 2, encouraging New Hampshire schools to adopt environmentally sound practices. **OUGHT TO PASS.**

Rep. Rachel B Burke for Education: This bill was introduced on behalf of the legislative youth advisory council. The committee feels it is an important issue in respect to the students' efforts in the legislative process and in regard to environmental issues. **Vote 9-8.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 339, excluding certain governmental and nonprofit entities from certain licensing requirements as mortgage bankers, brokers, or services. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill amends the mortgage licensing and services laws, RSA 397-A and 397-B, to allow governmental entities and qualified bona fide non-profit organizations to make and service loans for purchase of or improvement to residential property without requiring that the entity itself be licensed as a mortgage banker or broker. The changes to this law passed by the general court last year in response to the federal secure and fair enforcement or mortgage licensing (SAFE) act that the unintended consequence of requiring that such organization themselves be licensed, which would have subjected their volunteer boards of directors, or in the case of governmental entities, elected officials, to unnecessary and counterproductive scrutiny such as credit checks and fingerprinting. Individuals who engage in loan origination or servicing will still require licensing, including employees of governmental entities and qualified non-profit organizations. **Vote 16-2.**

SB 470-FN, relative to retirement system service credit for employment as a full-time police officer with the university system of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M Reagan for Executive Departments and Administration: This bill allows more people to purchase service time in the short-funded by more than three billion dollar New Hampshire retirement system (NHRS). The committee approved amendment stops any "buy-ins" of service time out of state and in state. No evidence was offered that this would harm recruiting efforts to New Hampshire public employers. Any new employee may enter the NHRS and retain his or her financial interest in any previous enrolled system. A system actuary stated "it is almost never in the best interest of a system to allow buy-ins". The legislature is responsible for protecting New Hampshire employers, the taxpayers, from more liabilities to the system. SB470 is a small step towards increasing system financial stability now and in the future. **Vote 14-3.**

SB 495-FN, establishing a task force on state procurement policies and procedures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for the **Majority** of Executive Departments and Administration: This bill represents the product of a considerable effort to deal with two senate bills addressing state procurement policies and procedures. The bipartisan majority of the committee recognized the merit in both senate bills seeking to study ways to improve state procurement, but believed a single study committee would be more effective. In addition to a comprehensive review of current procurement policies and procedures, the proposed task force would develop criteria for no more than five best value pilot projects, which state agencies could then elect to implement under the limited enabling language provided by the majority amendment to SB 495. The projects will be

approved through the capital and department budget process. The task force would monitor and evaluate the pilot projects in order to determine whether they had in fact produced a greater value for the state and its citizens than conventional low bid projects. **Vote 14-5.**
Rep. Carol M McGuire for the **Minority** of Executive Departments and Administration: This bill, as amended, creates a statutory commission to evaluate state procurement policies, with special emphasis on preferences and best value contracting. The commission is also tasked with evaluating the appropriateness of a pilot program, determining the parameters to be used in a pilot, and initiating legislation to implement the program. The minority was unwilling to short circuit the efforts of the commission's work by authorizing a pilot program before starting the study; in particular, the minority was opposed to accepting the preliminary definition of "best value" presented at this time and exempting the pilot program from all statutory controls over state procurement actions.
SB 504-FN, relative to the effective date for the implementation of the retirement system employer assessments for excess benefits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Patricia M McMahon for the **Majority** of Executive Departments and Administration: The New Hampshire retirement system (NHRS) is conducting an "experience study" of benefits for retiring members which will be useful to determine future assessments on municipalities. This "experience study" will not conclude until this fall, therefore it would be beneficial to extend the effective date to July 1, 2011 for the implementation of assessments. The additional time will allow the NHRS to incorporate accurate and up to date information in creating the formula that will determine employer assessments. The study committee created by SB108 will continue to review and explore areas that contribute to "spiking" of employee benefits and end of career financial enhancements. Both the experience study and the pension "spiking" review of SB108 will simultaneously inform a deliberate, precise and equitable determination of obligations by each locality. **Vote 14-5.**
Rep. John M Reagan for the **Minority** of Executive Departments and Administration: This bill extends the opportunity for localities and the state to reward employers who successfully encourage retirement filing before the now extended, July 1, 2011 deadline. After July 1, 2011, employers will be assessed by the retirement system for any retirement payout costs exceeding accrued actuarial liability for each retiring employee. (By delaying the implementation date the cost shift from the large communities to the small communities will continue.) The excuse of needing more time to improve the formula for computing the excess liability is belied by the three years the system has had to write the formula. This is what the actuaries are paid to create in their work for the system.

FINANCE

SB 181-FN-A, repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission. **OUGHT TO PASS WITH AMENDMENT.**
Rep. W. Douglas Scamman for Finance: The committee felt that the transfer of liquor enforcement to the department of safety should be delayed until the next biennium. The study in SB 181 has an interim report due in November 2010. The report will give the next legislature ample time to review the report and the effects of this proposed move. They can then determine if this change should go forward or not go forward in the next biennium. **Vote 22-0.**
SB 344-FN, relative to employment and retirement benefits of certain non-judicial court employees. **INEXPEDIENT TO LEGISLATE.**
Rep. Robert A Foose for Finance: This bill proposed that an employee who had worked with distinction in the Manchester court system for 30 years be allowed to receive a benefit normally provided to members of the New Hampshire retirement system even though the Manchester retirement system in which she had been enrolled does not provide it. In researching the request the committee learned that the employee was one of six who chose to stay in the Manchester system when the option to shift to the New Hampshire system was first offered in 1984. Each of

the other five similarly situated employees had retired without requesting an end of career adjustment. After extensive discussion the committee concluded that it was inappropriate to make an exception for a single employee since the option to switch systems had existed during her entire career. **Vote 15-4.**

SB 396-FN, limiting the use of child restraint practices in schools and treatment facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John DeJoie for Finance: The policy of this bill having been approved by the House, the finance committee reviewed financial aspects of the bill. It was determined that the fiscal note was overstated due to a misunderstanding of the reporting requirements. The amendment, drafted with the support of interested parties, makes clear that reports will be made annually, but only a sample will be reported on. By reducing the number of incidents reported on, the costs of this bill have been alleviated. **Vote 18-5.**

SB 450-FN, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie K Smith for the **Majority** of Finance: SB 450 came to the house relative to costs and expenditures of the department of health and human services and other matters. Since the FY 2010-2011 budget became law 14 months ago, revenue has come in below expectations and the demand for services for New Hampshire citizens dependent upon state support has increased. While the governor can take steps to decrease spending, in some cases with the approval of the fiscal committee, he cannot adjust the judicial and legislative budgets, nor can he raise revenue without the legislature. The governor identified those actions which would require legislative approval and the committee held a series of hearings and work sessions on the governor's proposal and proposals of others. House ways and means and public works and highways committees held work sessions on certain sections of amendment 1311, hearings on other proposals, and then reported their findings to the house finance committee. The committee reviewed myriad proposals and the committee amendment reflects the committee majority's determination of the best possible mix of spending and revenue adjustments that are available to the committee at this time.

The committee approved general fund appropriations adjustments, netting $37,308,490 in cuts. The total biennial adjustments, including new revenue, debt restructuring, and other actions total a cut of $181,801,148 over the biennium.

Concerning revenue impacts, the amendment repeals both the campsite rooms and meals tax and the interest and dividend tax on LLCs. It institutes or adjusts taxes on other tobacco products (excluding cigarettes and hand wrapped cigars), an electricity generation tax which shifts the burden from in-state consumers to electricity generators, whether they be in or out of state (excluding renewable power sources), returns the insurance premium tax to 2% and institutes an estate tax on estates over $2 million.

The amendment gives authority to the state treasurer to restructure existing debt, decreased the rate of state contribution to municipalities to support their retirement expenses, and moves $80 million in state fiscal stabilization funds to FY 2010 from FY 2011.

In trying to identify general fund cuts, the committee was cognizant of the importance of supporting community based programs, job creating programs, and preventive programs. Among the changes suggested by the governor that the committee did not accept were a $318,000 cut in the domestic violence program, a $100,000 general fund cut in home support waiver services and the elimination of incentive funds, although we supported a decrease in those funds. We cut in half the cut to catastrophic aid in the department of education budget, continue funding of the North Country Transportation program, and suspend for one year only the catastrophic illness and senior volunteer grant program at DHHS. The committee did not agree to the governor's suggestion of a $4 million cut to the judicial branch budget.

The amendment allows cities, towns and school districts to hold special meetings to address changes in budgets brought about by this bill and gives cities and towns local options to institute a local rooms and meals tax if they so desire.
The bill establishes a commission to review business taxes and a committee to plan to move residents of the women's prison and the Sununu Center into different facilities as part of an effort not only to save expenses but also to provide a more appropriate physical placement for these groups.
While this legislature is under no obligation to take steps now to ensure the maintenance of a budget that will be balanced on June 30, 2011, this is a responsible step toward that desired end. Over the years, we have frequently not had a budget that balanced at the end of the first year of the biennium, and on a few rare occasions have had a budget that did not balance at the end of the biennium. Our goal in this amendment and always, is to end the biennium with a balanced budget and this is an important step in that process. **Vote 13-12.**
Rep. Neal M Kurk for the **Minority** of Finance: The bipartisan minority believes that the majority amendment is a valiant but fatally flawed effort to address the state's budget deficit. First, the deficit. The size of the deficit was never addressed by the committee directly, or through Ways and Means revenue estimates, and consequently is unknown. While the majority may believe that the state's projected deficit can still be dealt with at a later date, the minority is convinced that the sooner this problem is addressed and reduced, the less harsh will be the necessary measures. Don't we really need to know the size of the problem before we try to solve it? The majority failed to do that. Second, spending. The majority is due credit for its efforts to bring down the level of state spending. Many choices were very painful to all committee members because of their adverse affect on vulnerable populations. Unfortunately, the majority cut almost $20 million of state aid to school districts, cities and towns, thus downshifting the state's budget problems to local property taxpayers. At the last minute, the majority reversed the previous committee agreement to increase state and local employee contributions to the state retirement system as a way to offset this additional property tax burden. The decision also increased the state's deficit gap by $10 million. Overall, the effort to reduce expenditures fell short, not even reaching the level suggested by the governor, in large part because the majority declined to accept most of the approximately $70 million in reductions proposed by the minority. Third, bonding operating expenses. The majority accepted the governor's proposals to borrow money to pay for operating expenses and "kick the can down the road." The majority increased bonding for the university system by $25 million in exchange for a $25 million "voluntary" cash payment to the general fund. The majority also refinanced $40 million of the state's debt service due in FY 2011, so that the FY 2011 payment is lower but we add nine years of bond payments and $6.7 million in interest to our general fund debt burden. Does New Hampshire really want to follow in the path that led New York City to bankruptcy in the 1970s and California and Greece to the brink of bankruptcy now? The majority cannot support this imprudent management of the state's finances. Fourth, taxes. Although the majority finally agreed with the minority to repeal the campground tax and the LLC tax, the majority raised existing tax rates and imposed new taxes, while also increasing fees. An increase in the tax on "other tobacco products" will cost New Hampshire consumers $2.7 million over the biennium. An increase in the insurance tax from 1.5% to 2.0% will cost New Hampshire insureds $16 million and reduce the number of new insurance industry jobs. A new tax on the generation of electricity, coupled with the repeal of the electricity consumption tax, may actually save New Hampshire electricity users money, but it will adversely impact a number of natural gas-power plants and the jobs and property taxes they provide. A new estate tax (at 8% on estates over $2 million) will raise an estimated $10 million of revenue for the state in FY 2011 and perhaps $22 million per year in the future, but at a loss of part of the "New Hampshire Advantage" and perhaps jobs, as entrepreneurs find our state a less attractive place in which to start and expand their businesses. The minority cannot support raising these taxes on individuals and businesses in such a fragile economy. The minority amendment removes the taxes, fees and imprudent borrowing from the bill, leaving the remainder largely intact.

SB 485-FN-A, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Peter R Leishman for Finance: On October 4, 2009, court security officers ratified an agreement with the judicial branch to increase the daily reimbursement rate for court officers from $65 to $80 for each full day and from $35 to $40 for each half day for fiscal year 2010. The rate increases to $85 for a full day beginning on January 1, 2011 and $45 for a half day. SB 485 was introduced to provide funding outside of the biennial budget process for this contract. The committee determined that equity would require that the daily rate for sheriff officers be increased to $80 from $65 per day and $40 for half days. The cost for these increases will be funded from existing judicial branch appropriations. **Vote 14-10.**

JUDICIARY

CACR 32, relating to clarification of certain language. Providing that all references to people in the constitution shall refer to both male and female. **REFER FOR INTERIM STUDY.**
Rep. Lucy M Weber for Judiciary: CACR 32 would make the language of the constitution more inclusive by making current gender-specific terms, such as "he", "him" or "himself," gender neutral. Currently, RSA 663:3 requires the entire text of any constitutional amendment to be put before the voters for ratification. An attempt was made with a separate bill to create a statutory exception solely for an amendment that made the language gender-neutral, without changing the meaning of the constitution. That effort failed. If CACR 32 passes, it will have to be printed in full on a ballot, resulting in a ballot approximately five double-sided pages long. CACR 32 had no fiscal note, but inquiries at the secretary of state's office indicate that the cost of such a ballot could well exceed half a million dollars. Many in the majority very much favor the gender neutral language, but cannot justify the expense at a time when social services, the court system, funds for education and many other important programs are all strained to the limit. Interim study allows for consideration of how best to proceed with a cost-effective method to put this question to the voters. **Vote 14-3.**
SB 353-FN, relative to the procedure for administration of insolvent estates. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Gary B Richardson for the **Majority** of Judiciary: This bill makes changes to the current statutory scheme for the administration of insolvent estates. Under current law, an administrator is required to petition the court to appoint commissioners who set meetings, review claims and submit a report. The fees of the commissioners are borne by the estate. If there is an objection to the report, an appeal is taken to superior court which adds another layer of cost and bureaucracy for an estate that already has insufficient assets. The bill greatly simplifies this system. The only objection to the bill expressed by the minority related to the priority of claims against the insolvent estate. The minority would place the surviving spouse and children ahead of claims for reimbursement for medical assistance, old age assistance and aid to the permanently and totally disabled. By so doing, the state would not be reimbursed anything in cases where the decedent left a spouse or children. The majority believes that this publicly funded aid provides a tremendous benefit not only to the decedent but to his or her spouse who would otherwise be legally obligated to provide the assistance. If the decedent has assets remaining after death, these public funds should be repaid so they will be available for other needy families. **Vote 12-6.**
Rep. William L O'Brien for the **Minority** of Judiciary: The bill presents a choice between families and the state. If you believe the financial well-being of a decedent's widow and children is a more important consideration than priority recovery by the state of medical assistance aid given the decedent, then you will oppose this bill. If, on the other hand, the state getting back every dollar it extends in financial aid to a deceased is more significant to you than making sure the surviving spouse and children have priority claims, then you will support SB 353. This choice results from the bill omitting the reference in statute to spouses and children having any priority claim against the estate of a decedent and substituting for them claims of the department of health and human services. Once again, we who say we are "For the Children" or that we promote "Family Values" can choose or not to place the state ahead of children and families.

SB 354-FN-L, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for the **Majority** of Judiciary: This bill, a revision of HB 574, passed by this body last year but which did not become law, was brought to deal with the issue of landlords with unpaid fines for building code violations, particularly when the landlords reside outside the state. Currently, low income tenants pay high rents for terrible living conditions. Code enforcement officers are hampered in their enforcement efforts by an inability to effect service of process on out-of-state landlords. The provisions of the bill address what happens after code violations are unaddressed, and a court has entered a fine against the landlord. If the court-ordered fines remain unpaid for 45 days, a lien may be placed on the property. Even after the placing of the lien, the property owner has an additional 120 days to pay the fine before the municipality can file a petition to foreclose the lien in superior court. There was testimony before the committee that 1) because municipal liens would be subordinate to all prior mortgages and liens, few buildings would be sold to enforce the lien and 2) liens would be effective in forcing payment when owners sell the buildings. The second part of the bill requires owners of restricted property to file a statement with the town or city clerk giving the name, address and phone number of a person within the state authorized to accept legal process on any legal proceeding related to the property. A civil penalty of $1 000 is assessed for failure to file. The bill provides that if an out-of-state owner fails to file the required statement and fails to appear at a legal proceeding, service of process on the secretary of state creates a rebuttable presumption that service was lawful and adequate. **Vote 10-7.**

Rep. Robert H Rowe for the **Minority** of Judiciary: The goal of this bill is laudable, namely to insure that the most needy of our citizens can live in safe and livable apartments. The minority is in full agreement with this goal. The minority is, however, concerned that this bill is a quick fix. It may have disastrous, long-term problems that will decrease the quantity of livable, low cost rental units thus exacerbating the existing problem. The bill is in two parts. The first is a notice provision. Section 2 of the bill requires the owner to notify the town or city clerk of the name, address, and telephone number of the person who is authorized to accept service on behalf of the owner. This is a reasonable requirement and allows the municipality an efficient way to communicate with the owner or the owner's agent as to building violations. Unfortunately, Section 2 goes on to provide a $1,000 penalty if the owner does not provide this information. The minority believes that this is an excessive penalty for what may be an administrative oversight. Section 1 of the bill is the section that the minority deems excessive and one that may likely reduce the number of affordable apartments in the municipality. This section mandates attorney fees and property liens, and even foreclosure of the property if building code violations are not corrected. This penalty section is designed to have properties in violation corrected; a good objective, but one that may have an adverse result in terms of the quantity of rental units in the community. This heavy penalty hand of government may have one of two results. First, most landlords are good. They will comply with the repair request from a municipality but add the cost of the repairs to the rents. Thus rents go up, reducing the number of low rent properties available. Two, the slum lords will not care. The result will be abandoned or foreclosed properties that will reduce the values of adjoining properties. This situation is not good for the communities or the needy tenants. Last, the thrust of this bill will discourage investment in rental real estate in New Hampshire. The solution will become the problem.

SB 356-FN, relative to civil actions in the trial courts. **REFER FOR INTERIM STUDY.**

Rep. Lucy M Weber for Judiciary: This bill, introduced at the request of the Judicial Branch, would have changed statutes regarding the commencement of civil suits. The committee agreed with the admirable goal of simplifying the process, particularly for pro se litigants. However, committee members had several concerns with the bill. The majority of the committee was concerned with the process of enacting statutory changes conditional on the adoption of new rules of civil procedure which will not be enacted until early in 2011. Some committee members were not persuaded that adopting a process closer to the federal rules would actually simplify the

process. Yet another concern was with potential conflicts with Part II, Article 87 of the constitution which contains specific requirements for the form of writs. **Vote 14-3.**

SB 425-FN, relative to exemptions to the right-to-know law. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill repeals a special exemption from the right-to-know law for telephone utilities in matters being regulated by the public utilities commission. The bill would also require the PUC to adopt rules to protect privileged, confidential, commercial or financial information from public disclosure in routine filings. A bipartisan majority of the committee believes that telecommunication companies should be treated under RSA 91-A in the same manner as all other utilities. The majority also believes that the PUC has and will continue to achieve the appropriate balance to protect proprietary information while at the same time preserving the public's right to disclosure of non- proprietary information. **Vote 16-2.**

Rep. William B Smith for the **Minority** of Judiciary: Local telephone companies have basic service requirements set by the state to provide low cost service that assures affordable telephone service to low income subscribers. Meeting their requirements traditionally has been accomplished through internal subsidies, which is only feasible in a regulated monopoly market. Currently, local telephone companies are losing subscribers to competitive wireless end cable suppliers of local service. In this sense, local phone companies differ from other utilities. The minority is concerned that public utilities commission procedures for protection of proprietary market information from local phone companies may be insufficient, and serve to damage local phone companies in profitable situations, thereby affecting the sources of subsidies needed to fund basic service for low income subscribers.

SB 431, relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M Weber for the **Majority** of Judiciary: Currently, owners of restricted rental property who wish to evict a tenant who is abusing family members must evict not only the abuser, but also the victim of the abuse and the children as well. This often results in the victim and children becoming homeless at a time of great stress. This bill protects victims of domestic violence, sexual assault or stalking who have a valid protective order by providing that they cannot be evicted solely because of the domestic violence or stalking. It allows the landlord to evict the abuser, thus providing stability and continuity to the victim and children who may remain in the rental unit.

Landlords expressed a number of concerns with the bill as passed by the Senate. The amendment addressed many of these concerns. Landlords were concerned that tenants might allege domestic violence to avoid eviction for non-payment of rent. Language has been added to make it clear that a landlord may always evict for failure to pay rent, whether there is an abusive situation or not. As to any other reason for eviction, the victim would have to show that they have a valid protective order and that the reason for the eviction (for example, noise or property damage) is related solely to domestic violence to retain possession of the rental unit.

The bill provides that, once the abuser is evicted, the landlord can then change the locks at the request and expense of the remaining tenant. The landlord may also bar the evicted person from the premises, and any further entry by the evicted person would constitute trespass. **Vote 11-7.**

Rep. William L O'Brien for the **Minority** of Judiciary: This is a bill that seeks to achieve a worthy goal, but does so in a flawed manner. The first problem is that the language of the bill and the committee amendment appears to inadvertently give rise to an independent basis for an eviction – being a victim of domestic violence – and then places on the tenant the burden of defending that grounds by showing she has a protective order. The second flaw is that a court could order a tenant to leave the premises and the landlord to accept the remaining residents as the responsible tenants even though they may not have the financial ability to handle the rental or, in fact, may not be adults. The minority offers a floor amendment, which, if adopted, will allow the goal of this bill to be achieved without unintended consequences.

SB 480, relative to appeals of decisions by the department of environmental services.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill authorizes the attorney general to appoint hearing officers to assist the wetlands council, the water council, the waste management council and the air resources council and permits a transfer of funds from the department of environmental services to cover the cost. The councils hear appeals from department decisions. The councils are made up of people who generally are not trained as lawyers and serve for little or no compensation. As a result, the councils lack the organization and legal expertise that they need to function efficiently. SB 480 provides for the hearing officer to preside over the hearings, decide issues of law and prepare written decisions on behalf of the councils. The minority is concerned that the independence of the hearing officer could be questioned because he or she is appointed by the attorney general. However, the councils retain the authority to decide questions of fact and make the ultimate decision whether the department action was unlawful or unreasonable. Furthermore, the committee amendment requires that the hearing officer must be screened from any attorney representing the department. It is not unusual for the attorney general's office to represent a department and also have responsibility for advising an appeals tribunal. The attorney general's office has safeguards in place to prevent any improper influence. These procedures are followed in a number of areas of law handled by the attorney general's office, for example when they simultaneously conduct a criminal investigation of a state employee, and represent the agency itself regarding appropriate personnel actions. As the Supreme Court held in *In Appeal of Huston,* 140 N.H. 410 (2003): "Lawyers under the supervision of the attorney general…may be authorized to represent several government agencies in intra-governmental legal controversies in circumstances where a private lawyer could not represent multiple private clients. The rules of professional conduct do not abrogate this authority." The bill makes a number of other improvements to current law. The bill requires that decisions must be issued within 90 days of the hearing. The bill grants subpoena power to the hearing officer if it is necessary for the determination of matters within the council's jurisdiction. The bill clarifies the appellate process. In addition the bill requires the attorney general to report to the House by April 11, 2011 as to whether this new procedure is working effectively. If not, legislation may be introduced in the next legislative session to permit appeals to be filed with the superior court or to make additional changes to the appeal process.
Vote 13-5.

Rep. William L O'Brien for the **Minority** of Judiciary: This bill violates fundamental principles of adjudicatory fairness. When one appears in court or in an administrative adjudicatory hearing before an agency, one assumes an impartial, disinterested tribunal. One has a right, the minority assumes, to have the adjudicator of facts and law free of any real or apparent conflict of interest or loyalty. Just as in any other adjudicatory proceeding, such as in court, one further assumes this means that one cannot appoint the judge or hearing officer for the proceeding, or have a lawyer from our lawyer's law firm be the hearing officer. One likewise assumes that the other side will not appoint the hearing officer or have the hearing officer come from opposing counsel's law firm. SB 480 will make those assumptions incorrect—at least, half incorrect. It will allow the attorney general's office, while representing the department of environmental services in administrative adjudicatory hearings, to appoint, from within its ranks, the hearing officer, that is the judge, who is going to make the rulings of law and findings of fact at those hearings. The AG's office claims it will "screen" to avoid tainting the process. Yet it will continue to supervise the hearing officer and conduct periodic employee performance reviews of the hearing officer. The minority believes that one need not be terribly imaginative to know how those performance reviews are may go if the hearing officer is viewed as unsympathetic to the AG's positions at the hearings generally or at a significant hearing specifically. AG-appointed hearing officers may conduct themselves accordingly. On this basis alone, SB 480 should be opposed, but the committee amendment makes it worse. The bill, as it came to the House from the Senate, at least had a judicial appeal from this tainted process. The committee amendment removes that option.

Thus, citizens appearing at DES hearings will have no recourse or relief from these tainted hearings. Apparently, through stacking the deck in favor of the state in this manner, the majority sees great merit in resurrecting the English tradition of the Camera stellata: courts designed so that the crown could be assured of reaching desired results without the inconvenience of due process.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 513, relative to incarcerated persons receiving workers' compensation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sally H Kelly for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill seeks to change current statute 281-A 3-a which states that: an employee who becomes incarcerated pursuant to a conviction shall forfeit any right to workers' compensation indemnity (loss of wages) benefits 30 days after incarcerated." Although the committee sympathizes with the plights of the family members of the imprisoned, the bi-partisan majority believes that when an individual makes a choice that results in a conviction and that person is no longer available for either light duty or any other type of work, then the employer and insurance carrier should not be penalized due to the actions and choices of the imprisoned. An incarcerated person also loses social security and unemployment benefits while imprisoned. **Vote 8-4.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: When a worker is receiving worker's compensation his or her benefit is based on the fact that he or she cannot work because of a disability. A change in the statute in 1998 resulted in the unintended consequence of removing a totally disabled person's workers' compensation benefits if the person were incarcerated. Being that these benefits should continue if the person continues to be totally disabled, irrespective of incarceration, the minority feels that benefits should be restored as support for the person's dependants.

SCIENCE, TECHNOLOGY AND ENERGY

SB 323, requiring the public utilities commission to study certain energy policy issues. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: This bill approves a review and analysis of and recommendations for state programs and incentives regarding energy efficiency, conservation, demand response and sustainable energy. The committee's amendments to the senate bill specify that rather than having state organizations conduct the study, an independent consultant with appropriate expertise be hired at no more than $300,000. These funds are not new appropriations; rather, they exist in the utilities core program under a "monitoring and evaluation" budget line that equals 5% of the core fund, which is paid into by ratepayers. The bi-partisan 11-3 vote of the committee shows favor for an in-depth look at how we're spending these various funds and what improvements can be made going forward. A final report will be due November, 1, 2011. **Vote 11-3.**

SB 409, requiring buildings or structures constructed or renovated using state funding to adhere to certain energy efficiency and building standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L Townsend for Science, Technology and Energy: The bill requires major state building construction projects to be built using an energy efficient sustainable design as determined by the commissioners of the department of environmental services and the department of administrative affairs. The division of historic resources would be included as a consultant for reconstruction of historic buildings. The costs of energy efficient design will be recovered within 10 years and the reduction in energy use will be a component of the state's efforts to lead-by example in improving energy efficiency. **Vote 13-2.**

WAYS AND MEANS

SB 382, relative to the New Hampshire natural plant protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan W Almy for the **Majority** of Ways and Means: This bill, as received from the first committee, made improvements to the procedures of the native plant act, including the creation of

rulemaking authority to set fees for services to the public that now carry a blanket rate of $25 per service, no matter how small or large the service. The committee looked at their tentative fee structure, their budget, and the language that would guide JLCAR in approving the fees, and the majority agreed it was sensible. Fees for requested larger services would increase under this measure, allowing the bureau to recoup the full cost of the person carrying them out. As a matter of general policy, the LBAO has been requested to check all fee requests coming to JLCAR for statutory compliance in the future. The $60/hour suggested fee includes the entire cost of the employee's work, not simply the person, and is both reasonable and compatible with the current $25 fee for simple services. The amendment simply adds the necessary statutory language for the dedicated fund created to assure users the fees will go only to the work of the bureau. **Vote 13-7.**
Rep. Jordan G Ulery for the **Minority** of Ways and Means: Reasonable protection of native flora and fauna is important. The problem with this bill is not that protection. The problem is the assignment of excessive fees approved by rules, not by the legislature. The minority applauds the recent inclusion of the LBAO in the rules process, but is extremely concerned with the proposed $60 per hour portal-to-portal fee for on-site property examinations, the lack of clear direction that other state agencies would not be charged and oversight of fee increases which should be the purview of the Ways and Means Committee.
SB 483-FN-A, relative to the interpretation of Internal Revenue Code section 1031 as it relates to taxation under the business profits tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**
Rep. Dennis P Vachon for the **Majority** of Ways and Means: This bill establishes a special rule for purposes of taxation under the business profits tax for exchanges of like kind property under Internal Revenue Code section 1031. The special rule would allow owners of property in a like kind exchange to utilize a single member limited liability company, revocable trust or other entity disregarded for federal tax purposes as the recipient entity in a section 1031 exchange, thereby deferring taxation on any gain under the business profits tax the same way they are allowed to do under the Federal Tax Code. The committee recognizes that the current inability of New Hampshire taxpayers to utilize these entities without experiencing an immediately taxable event has limited some economic opportunities for them. In particular, the committee heard testimony that the use of single member limited liability companies is often required in so-called tenants in common transactions, or exchanges involving the purchase of oil and gas leases, or in conduit financing. It is also often an issue where lenders financing the replacement property require a new, freshly created single member limited liability company in order to provide them bankruptcy protection against the borrower. The Department of Revenue Administration testified that it has outstanding assessments of $5 million relating to the subject matter of this bill. Because this bill applies retroactively to the taxable period that began on or after January 1, 2004, the outstanding assessments would be eliminated and those transactions would enjoy deferred tax status going forward. All other such transactions that occurred since January 1, 2004, the onset of recognition of single member limited liability companies by the state
of New Hampshire, would similarly enjoy tax deferred status on any gain going forward. SB 483 as amended by the committee clarifies that allowing such transfers to entities that are disregarded for federal tax purposes is only for the purpose of section 1031 exchanges and shall not apply to other taxes or transactions subject to taxation under the business profits tax. **Vote 18-2.**
Rep. David J Bettencourt for the **Minority** of Ways and Means: The minority appreciates the considerable work that the committee put into this legislation. Unfortunately the minority is uncomfortable recommending passage of the amendment (which replaced the original legislation) without it being fully vetted by a tax attorney or taxation expert. Several members of the majority are comfortable moving this legislation along the legislative process despite considerable confusion about the amendment. The minority is not. We are not unequivocally asserting that this legislation would not accomplish the important goal of reconciling a conflict between federal tax law and the Department of Revenue Administration's interpretation of New Hampshire tax law with respect to IRC section 1031, like-kind exchanges. The problem is that with several

alterations occurring at the "eleventh hour" we are not confident that we have the necessary information and feedback on the long-term ramifications of the amendment to recommend passage at this time. There is no question that taxpayers who have been adversely affected by the interpretations of the DRA require relief. Again, the minority simply does not believe that we have enough expert information on the long-term affects of the amendment to be confident that this legislation would adequately provide relief for those taxpayers.

SB 497-FN-A, changing the business profits tax deduction for reasonable compensation for partnerships, limited liability companies, and sole proprietorships and modifying the interest and dividends tax statute to follow the definitions of interest and dividends used in the United States Internal Revenue Code. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for the **Majority** of Ways and Means: SB 497 changed what is allowed for the tax deduction on business profits tax for personal compensation against profits for partnerships, limited liability companies and proprietorships. It also repealed the interest and dividend tax on limited liability company owners by making a total revision of our interest and dividend tax. The committee agreed this should not go forward as written for a few reasons; the primary being a revised fiscal note showed the personal compensation section would cause a $329 million loss in revenues and the change in the interest and dividend tax would cause a $13 million loss. The minority submitted an amendment to have the personal compensation issue resolved by using language that was said to be in our statutes during the 1970's. The majority did not have any information that defined how this change would affect the law and concluded it did not give the clarity needed to resolve the problems for New Hampshire businesses. In consideration of those factors and the fact HB 1607 had in depth review and study the majority voted to amend SB 497 with the provisions of HB 1607 minus the retroactive portion of HB 1607. In addition, there were concerns about the burden of proof issued discussed. The majority noted that those same concerns were completely vetted during the many hearings on HB 1607 and additional action is not needed. HB 1607 provided more clarity for small and large firms about personal compensation deductions than any past definitions. The repeal of the tax on dividends from LLC owners has been placed in SB 450. **Vote 12-8.**

Rep. Frank V Sapareto for the **Minority** of Ways and Means: This bill places the burden of proof of income on the taxpayer to justify and prove their income to the DRA. It is the strong opinion of the minority that one is innocent until proven guilty and that all LLC owners are not guilty until proven innocent. The minority also feels that restoring the reasonable compensation definition to the original statues from 1970 through 2004 has a proven track record that worked well for all those years. The bill as amended further retains the tax on income, although referred to as "Dividends" on LLC's. The minority knows that this onerous income tax needs repeal, but is unhappy with this body's unwillingness to repeal it promptly. Since the bill as amended is essentially the same as HB 1607, as sent to the Senate, the same flaws exist. Again, this bill retains the unfair LLC tax.

JOINT COMMITTEE ON ADDRESS

HA 1, for the removal of Michael Garner, marital master in the judicial branch family division in Laconia. **MAJORITY: OUGHT TO NOT TO PASS. MINORITY: OUGHT TO PASS**

Rep. Lucy M. Weber for the **Majority** of the Joint Committee on Address: This bill of address seeks the removal of Michael Garner, a marital master in the judicial branch family division. The basis for his removal is one post-divorce action. In this action, the marital master issued an order requiring a formerly home schooled 10 year old to attend public school in the upcoming school year. The sponsors assert that this order was based on an unconstitutional infringement on the mother's freedom of religion. They further argue on the basis of the orders in this single case that the marital master has a bias against religion, which necessitates his removal from office.

Special Procedural Rule 7, adopted by the committee in this as in prior address proceedings, sets out the constitutional requirement that "[t]he joint committee shall recommend the Address only if it meets the following three criteria, and shall include such determination in a committee

report.

a. The Address states a reasonable cause for removal.
b. The reasons for the removal are fully and substantially stated.
c. The reasons for removal are not grounds for impeachment."

With respect to whether the bill states a reasonable cause for removal, the bipartisan majority finds it does not. The sponsors conceded that the address was brought on the basis of two orders made in a single case. The case is one in which parents who share decision-making responsibility for the child were unable to agree on the appropriate school placement. The mother, who had been home schooling the child, wanted to continue to do so. The father believed that a public school setting was more appropriate. Master Garner noted his reluctance to impose an educational decision on parents, and stated he had the authority to do so only because the parents were unable to agree. He based his decision to order public schooling on the advisability of a child experiencing a wide variety of "experiences, people, concepts and surroundings." The magistrate specifically noted the court's obligation to avoid any consideration of the specific tenets of any of the parties' religion. The court recognized and preserved the right of each parent to provide the child with religious training and to teach the child his or her own religious beliefs. The magistrate's orders reveal not a bias against religion, but, on the contrary, a careful attempt to preserve to each parent their own religious freedom and the right to instruct their child in accordance with their beliefs. A second concern was raised about a possible bias against home schooling. Here again, the magistrate stated that home schooling is an approved method of education in this state. He noted that had the parents agreed on a home school plan, he would have been without any authority to change that decision.

The majority notes that the issues complained of in the decision are ones of first impression in this state, and the decisions are currently on appeal before the Supreme Court. The Supreme Court may ultimately find that the decisions were made in error. In that case, the remedy is reversal of the decision. Any further sanction for the master would be inappropriate. The majority is concerned that the serious nature of an address should not be used as a means by which litigants can express their disagreement or dissatisfaction with the rulings in discrete cases, particularly when significant legal or factual questions exist as to the validity of the litigant's claims. The majority finds that the requirement that the Address state a reasonable cause for removal is not met.

The second flaw that the majority finds in the bill of address is grounded in the language of Part II, Article 73 of the New Hampshire Constitution, which states that "[t]he governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature…" In 2000, when Michael Garner became a marital master, appointments to the position were made solely by the judicial branch. Michael Garner has continued as an at-will employee of the judicial branch to this day. He has never been commissioned by the Governor and Council. He has never held a commission of any kind. Under the plain meaning of the language of Article 73, he cannot be subject to address. Moreover, the purpose of Article 73 is to allow for the removal, when necessary, of judges who cannot be removed from office except by impeachment or address. This is not the case with marital masters. Under the family division court rules, the administrative judge may at any time respond to a complaint against a marital master and "take whatever action is appropriate, including termination."

Part II, Article 73 also specifies that the grounds for an address "shall not be a cause which is a sufficient cause for impeachment." Part II, Article 38 defines the causes for impeachment as "bribery, corruption, malpractice or maladministration, in office." The relevant definition of "malpractice" in Webster's New World Collegiate Dictionary is "[m]isconduct or improper practice in any professional or official position."

The majority notes that even if they had found that the actions complained of rose to the level of reasonable cause for removal, the actions, being in the course of the magistrate's regular duties in his official position, would have fallen under the plain meaning of the word malpractice, and the offense, had there been one, would have been impeachable, and therefore not addressable.

The minority argues that more time was necessary to consider and discuss the materials presented by the sponsors. The majority is convinced that no amount of delay or discussion could possibly have transformed Marital Master Gardner into a "commissioned officer" as required by the constitution as a condition for address. For all the foregoing reasons, the majority recommends a vote of ought not to pass. **Vote 8-3**

Rep. Robert H. Rowe for the **Minority** of the Joint Committee on Address: A house address is a procedure authorized under Part 2, Article 73 of our Constitution whereby the House and Senate can advise the Governor and Executive Council of an appointed public official that the House and Senate believe is not behaving well and recommend the official be removed. A house address can be a process for the removal of a judge, marital master, attorney general or another public official appointed by the Governor and Executive Council for life or a term of years. In HA 1 the address was against Marital Master Michael Garner. The normal process is for a joint House and Senate committee to be appointed to investigate the behavior of the official, in this case Marital Master Michael Garner. The procedural rule established by the joint committee was to use the first day in the process to allow the sponsors (just like a regular House bill introduction) to present their facts, then the joint committee would hear comments from the public. We established that there would then be a two-week delay after the introduction to allow the named party to prepare and present a rebuttal to the joint committee. On the introduction day, the sponsors and members of the public presented their claim that Marital Master Garner "exceeded his constitutional authority and acted badly, resulting in the failure to preserve the religious rights of a citizen appearing before him … when he recommended to the presiding justice an order removing a child from an educational setting on the basis of religious prejudice." On the introduction day, the committee was given voluminous material at the start of the hearing, without providing for an opportunity for members to read the material before a motion of "ought not to pass" was offered at the close of presentations. The minority requested time to absorb the material handed out and receive the response from Marital Master Garner, but the committee voted it down. Subsequently, no opportunity was given for discussion of the prior vote. The issue before the committee was important, and dealt with constitutional rights. It is the opinion of the minority that the committee reached its decision without adequate time to discuss the issues involved. The process was flawed and the minority oppose the majority motion and request HA 1 be returned to the committee so the matter may be heard on the merits.

LAID ON TABLE

***HB 133*,** requiring employers to report certain information regarding outsourcing to the department of employment security.

***HB 1146*,** eliminating requirements for additional breath tests for blood alcohol content. (Pending question is Ought to Pass.)

HB 1188, relative to nominating a political organization by nomination papers. (Pending question is the Majority report of Ought to Pass with Amendment.)

HB 1336, relative to health care liability claims. (Pending question is Refer for Interim Study)

HB 1664-FN, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures. (Pending question is the adoption of the committee amendment.)

SB 154, naming a certain portion of route 18 in the town of Franconia in honor of Corporal Bruce McKay. (Pending question is the committee report of Inexpedient to Legislate)

HOUSE BILLS AMENDED BY THE SENATE

HB 154, relative to truancy. (House Concurred 4/14/10)

HB 216-FN, relative to fees for legal services rendered to workers' compensation claimants. (House Concurred 4/14/10)

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases. (House Nonconcurred; C of C 4/14/10)

HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder. (House Nonconcurred; C of C 5/5/10)
HB 561-FN, relative to insurance coverage for persons having deafness and hearing loss. (SJ 4/21/10)
HB 587-FN, establishing an information and analysis center within the department of safety. (House Concurred 4/14/10)
HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers. (SJ 1/6/10)
HB 615, relative to organization, reorganization, or withdrawal from a school administrative unit. (House Concurred 4/14/10)
HB 621, relative to establishing procedures for identifying criminal defendants who may have mental illness. (House Nonconcurred; C of C 4/21/10)
HB 626-FN, relative to voter identification. (SJ 4/28/10)
HB 629-FN-A, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005. (SJ 4/7/10)
HB 630-FN-A, relative to live racing in New Hampshire. (House Concurred 4/28/10)
HB 651-FN, relative to regulations of private investigative agencies and security services. (House Nonconcurred; C of C 5/5/10)
HB 660-FN, relative to the life settlements act. (House Concurred 5/5/10)
HB 1149, relative to incorporation by reference and filing of electronic documents in state agency rulemaking. (House Concurred 4/28/10)
HB 1152, naming a bridge in Wolfeboro in honor of Corporal Matthew J. Stanley. (House Concurred 4/14/10)
HB 1155, relative to water district contracts. (House Concurred 4/14/10)
HB 1166, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects. (SJ 4/28/10)
HB 1168, clarifying the definition of gross misconduct for purposes of unemployment compensation. (SJ 4/21/10)
HB 1171, repealing the prohibitions on Sunday business activities. (SJ 4/28/10)
HB 1174, relative to terms for appointed town officials and relative to pay for members of park or recreation commissions. (SJ 4/28/10)
HB 1177, establishing a committee to study education and career development programs for youth and young adults in the juvenile and adult criminal justice systems. (SJ 4/28/10)
HB 1184, relative to the administration of the unused prescription drug program. (House Concurred 5/5/10)
HB 1198-L, relative to public hearings on municipal budget preparation. (House Concurred 5/5/10)
HB 1208, relative to rebate exemptions. (House Concurred 5/5/10)
HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses. (House Concurred 5/5/10)
HB 1271, establishing a task force on work and family. (SJ 4/28/10)
HB 1279-FN-A, relative to the licenses of mortgage bankers and mortgage brokers. (SJ 4/21/10)
HB 1280-FN, relative to life and health guaranty limits. (House Concurred 4/14/10)
HB 1293-FN, relative to the oil discharge cleanup fund. (House Concurred 4/28/10)
HB 1304, extending the task force on homeless teenagers, the commission to study alternate fuel vehicles, the task force to study access to dental care, and the committee to study the certificate of need process. (House Concurred 5/5/10)
HB 1314, relative to approval of changes to a capital budget project. (House Nonconcurred; C of C 4/28/10)
HB 1337, relative to requirement for public forums for the assessing standards board and the equalization standards board. (SJ 4/28/10)
HB 1361, relative to procedures for notification of parole hearings. (House Nonconcurred; C of C 5/5/10)

HB 1378-FN, establishing an adopt-a-state park program in the state park system and establishing an adopt-a-forest fire tower program in the division of forests and lands. (House Concurred 4/28/10)
HB 1387, establishing a committee to study the need for supportive housing for homeless veterans. (House Concurred 5/5/10)
HB 1418, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont the Charles Dana Bridge and correcting the naming of a bridge across the Connecticut River in the town of Chesterfield, New Hampshire from the Judge Harlan Fiske Stone Bridge to the Justice Harlan Fiske Stone Bridge. (House Concurred 4/14/10)
HB 1427, relative to the conversion period for quarterly billing for property taxes. (House Concurred 4/21/10)
HB 1429, establishing a committee to study the inclusion of universal design requirements in the state building code. (House Concurred 5/5/10)
HB 1448, relative to town audits. (House Nonconcurred; C of C 5/5/10)
HB 1495, relative to approval of chartered public schools from July 1, 2009 through June 30, 2011. (House Concurred 5/5/10)
HB 1516-FN-A, relative to funding the Claremont, Colebrook, Milford and Keene District Courts in fiscal year 2011. (House Nonconcurred; C of C 4/14/10)
HB 1518-FN, increasing certain OHRV registration fees and fee for transfer of registration of an OHRV or snowmobile. (House Concurred 5/5/10)
HB 1534, relative to the issuance of air permits and certain fees relative to air permits. (House Concurred 5/5/10)
HB 1561-FN, relative to off highway recreational vehicle registration. (SJ 4/7/10)
HB 1563, naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmond L. Lo, and Marine Lance Corporal Robert L. Moscillo. (House Concurred 4/14/10)
HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system. (House Nonconcurred; C of C 5/5/10)
HB 1569-FN, relative to the salaries of certain unclassified positions. (SJ 4/14/10)
HB 1574-FN, relative to retention of election records. (House Concurred 5/5/10)
HB 1620-FN-A, establishing state park number plates. (SJ 4/21/10)
HB 1625, relative to eligibility for the New Hampshire veterans' home. (House Concurred 5/5/10)
HB 1651-FN, requiring that current information and reports relative to the state budget be made available on the state website. (House Concurred 4/14/10)
HB 1667-FN, relative to possession of controlled substances obtained by valid prescription. (House Concurred 5/5/10)
HB 1680-FN, establishing the crime of aggravated harassment by an inmate. (House Concurred 5/5/10)
HB 1686, relative to juvenile diversion programs. (House Concurred 5/5/10)
HB 1688, relative to the regulation of the installation and operation of boiler and pressure vessels. (SJ 4/21/10)

COMMITTEES OF CONFERENCE

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases. (Reps. Chandley, Stevens, Welch and Shurtleff)
HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder. (Reps. Nord, Winters, Schlachman and Dowling)
HB 621, relative to establishing procedures for identifying criminal defendants who may have mental illness. (Reps. Cushing, Rodd, Swinford and Gagne)
HB 651-FN, relative to regulations of private investigative agencies and security services. (Reps. Houde-Quimby, Hawkins, Ryder and Stevens)
HB 1314, relative to approval of changes to a capital budget project. (Conference Report Adopted 5/5/10)

HB 1361, relative to procedures for notification of parole hearings. (Reps. Welch, Cushing, Stevens and Burridge)
HB 1448, relative to town audits. (Reps. Cooney, Gagnon, Schuett and Patten)
HB 1516-FN-A, relative to funding the Claremont, Colebrook, Milford and Keene District Courts in fiscal year 2011. (Reps. Leishman, Anderson, L. Weber and Keans)
HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system. (Reps. Bridgham, Cebrowski, McEachern and Mitchell)

2010 HOUSE COMMITTEE OF CONFERENCE PROCEDURES

The Chairmen of the policy committees will receive bills amended by the Senate and should check with their committees to determine whether the committee will recommend that the House concur, non-concur, or non-concur and request a Committee of Conference.

When a committee requests that the bill be sent to a Committee of Conference, the Chairman will recommend members for appointment. If the bill has gone to more than one committee, the members may come from the different committees as determined by the Speaker. Chairmen should recommend only those members from their policy committees. The Speaker shall make the final decision of Conference committee members.

The **first named House member shall serve as Chairman of the House Conferees.** For House bills in Committee of Conference, the House Conferee Chairman shall set the time and place of the first meeting and shall chair each meeting of the Committee of Conference. **Each meeting shall be posted in the Clerk's Office and outside the committee room at least 24 hours in advance**. [House Rule 43 (c)]. If a Committee of Conference meeting recesses, the reconvening time shall be posted in the Clerk's office and outside the committee room.

The House and Senate Conferees on a bill shall meet jointly but vote separately while in conference.

The Committee of Conference may not change the title of the bill. The Committee also may not add amendments that are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is one in which the subject matter is not contained in either the House or Senate version of the bill. [House Rule 49 (g)]

The sponsor of a bill that is in Committee of Conference shall, upon request, be provided an opportunity to be heard.

A unanimous vote of both the House and Senate Conferees, voting separately, is necessary for an agreed upon report to be sent to the House and Senate.

Reports of all Committees of Conference **must be filed with the Office of Legislative Services by the deadline adopted by the House in Rule 64 (Thursday, May 27, 2010)**. All Committee of Conference members must sign their reports in the Office of Legislative Services.

The **first-named House member on all bills in Committee of Conference must prepare an analysis of the report.** This "blurb" should contain a complete explanation of all changes made to the bill since it was passed by the House and must be submitted to the House Clerk for printing in the calendar.

All Committee of Conference reports shall be distributed in seat pockets to be acted on some subsequent day. [House Rule 49 (f)].

See House Rule 49 for more information

COMMITTEE MEETINGS

MONDAY, MAY 10

COMMISSION TO STUDY FUTURE SUSTAINABLE REVENUE SOURCES FOR FUNDING IMPROVEMENTS TO STATE AND MUNICIPAL HIGHWAYS AND BRIDGES (HB 2, Chapter 144:291, Laws of 2009), Room 201, LOB
2:00 p.m. Presentation by CSG (Council of State Government).

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room 305, LOB
10:30 a.m. Subcommittee meeting.

COUNCIL TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (RSA 125-P), Room 205, LOB
9:30 a.m. Regular meeting.

DEVELOPMENTAL DISABILITY AND ACQUIRED BRAIN DISORDER WAITLIST AND SERVICES FUND ALLOCATION OVERSIGHT COMMITTEE (RSA 171-A:1-c), Room 207, LOB
9:30 a.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB
1:00 p.m. Regular meeting.

JOINT COMMITTEE ON ADDRESS, Rooms 206-208, LOB
9:00 a.m. Regular meeting on ***HA 2,*** for the removal of Lucinda Sadler, district court judge, from her said office and ***HA 3,*** for the removal of Philip Cross, marital master in the judicial branch family division in the Derry District Court, from his said office.

TUESDAY, MAY 11

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB
3:30 p.m. Regular business.

CHILDREN AND FAMILY LAW, Room 206, LOB
11:00 a.m. Full committee work session on Senate amendments to House Bills.

COMMERCE AND CONSUMER AFFAIRS JOINT WITH HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Rooms 205-207, LOB
10:00 a.m. Presentation from Citizen Health Initiatives.

ENVIRONMENT AND AGRICULTURE JOINT WITH SCIENCE, TECHNOLOGY AND ENERGY, Rooms 302-304, LOB
10:00 a.m. Presentation by the Windham initiative for renewable energy regarding the upcoming installation of wind and solar systems at the new Windham High School.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB
10:00 a.m. Full committee work session to review senate amendments to House bills.
11:00 a.m. Interim study subcommittee work session on ***HB 1593-FN,*** establishing a board of dental hygienists.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS JOINT WITH COMMERCE AND CONSUMER AFFAIRS, Rooms 205-207, LOB
10:00 a.m. Presentation from Citizen Health Initiatives.

HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10), Department of Education, Room 12, 101 Pleasant Street, Concord
3:30 p.m. Regular meetings.

PUBLIC WORKS AND HIGHWAYS
10:15 a.m. Tour of the I-95 Open Road tolling construction project.

RULES COMMITTEE, Room 305, LOB
10:00 a.m. Regular meeting.
Executive session to follow.

SCIENCE, TECHNOLOGY AND ENERGY JOINT WITH ENVIRONMENT AND AGRICULTURE, Rooms 302-304, LOB
10:00 a.m. Presentation by the Windham initiative for renewable energy regarding the upcoming installation of wind and solar systems at the new Windham High School.

WAYS AND MEANS, Room 202, LOB
10:00 a.m. Full committee work session with DRA on ***HR 26,*** affirming revenue estimates for fiscal years 2010 and 2011.

THURSDAY, MAY 13

HISTORICAL COMMITTEE (RSA 17-I), Room 100, State House
1:00 p.m. Regular meeting.

FRIDAY, MAY 14

COMMERCE AND CONSUMER AFFAIRS JOINT WITH SENATE COMMERCE, LABOR AND CONSUMER PROTECTION, Rooms 202-204, LOB
9:00 a.m. Financial Resource Mortgage (FRM) failure.

COMMISSION TO STUDY THE DEATH PENALTY IN NEW HAMPSHIRE (HB 520, Chapter 284:1, Laws of 2009, Rooms 305-307, LOB
10:00 a.m. Regular meeting.

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), NH Public Utilities Commission, Room A, South Fruit Street, Concord.
9:00 a.m. Regular meeting.

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q), Room 205, LOB
1:30 p.m. Regular meeting.

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB
9:30 a.m. Regular meeting

TASK FORCE TO DEVELOP A PERFORMANCE-BASED SCHOOL ACCOUNTABILITY SYSTEM (RSA 193-E:3-c), 101 Pleasant Street, Dept. of Education, State Boardroom, Concord.
9:00 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 205, LOB
9:00 a.m. Regular meeting.

MONDAY, MAY 17

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), NH Higher Education Assistance Foundation, 4 Barrell Court, Concord
10:00 a.m. Regular meeting.

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room 305, LOB
1:00 p.m. Regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 100, State House
1:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House
9:00 a.m. Regular meeting.

TUESDAY, MAY 18

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB
9:00 a.m. Rescheduled regular business.
9:30 a.m. Rescheduled audits: State of New Hampshire, Office of Energy and Planning, financial audit report for the fiscal year ended June 30, 2009.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB
10:00 a.m. Full committee presentation on geothermal energy generation.

THURSDAY, MAY 20

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Department of Education, Walker Building, Room 330, 21 South Fruit Street, Concord
3:00 p.m. Regular meeting.

FRIDAY, MAY 21

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB
9:00 a.m. Regular meeting.

COMMERCE AND CONSUMER AFFAIRS JOINT WITH SENATE COMMERCE, LABOR AND CONSUMER PROTECTION, Rooms 302-304, LOB
9:00 a.m. Financial Resource Mortgage (FRM) failure.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB
1:00 p.m. Interim study subcommittee work session on ***HB 607-FN,*** relative to residential pharmaceutical waste.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB
10:00 a.m. Non-public session of the Complaint Review Committee.
1:00 p.m. Regular meeting.

TUESDAY, MAY 25

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Rooms 205-207, LOB
2:00 p.m. Committee presentation on integrated care by NH Mental Health Council.

FRIDAY, MAY 28

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 109 Pleasant Street, Concord
9:30 a.m. Regular meeting.

COMMERCE AND CONSUMER AFFAIRS JOINT WITH SENATE COMMERCE, LABOR AND CONSUMER PROTECTION, Rooms 302-304, LOB
9:00 a.m. Financial Resource Mortgage (FRM) failure.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB
1:00 p.m. Interim study subcommittee work session on ***HB 607-FN,*** relative to residential pharmaceutical waste.

TUESDAY, JUNE 1

COMMUNITY COLLEGE SYSTEM LEGISLATIVE OVERSIGHT COMMITTEE (SB 82, Chapter 361:37, Laws of 2007), Room 212, LOB
11:00 a.m. Regular meeting.

FRIDAY, JUNE 4

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB
9:00 a.m. Continued regular meeting.

MONDAY, JUNE 7

CITIZENS TRADE POLICY COMMISSION (RSA 19-L), Room 307, LOB
9:00 a.m. Regular meeting.

COMMISSION TO EXAMINE DRIVING WHILE IMPAIRED EDUCATION AND INTERVENTION PROGRAMS (HB 1311, Chapter 256:10, Laws of 2008), Room 202, LOB
1:30 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Grafton County Delegation will meet at the County Complex at 10:00 a.m. on **May 17th**, 2010 to vote on elected officials' salaries.

Rep. Catherine Mulholland, Chairman
Grafton County Delegation

COUNTY DELEGATION NOTICE

Pursuant to RSA 23:7 the Executive Committee of the **Merrimack** County Delegation will meet on Monday, **May 10th**, 2010 at 9:00 a.m. in the Lower Level Conference Room located at the McDonnell Building 4 Court Street, Concord, NH. The purpose of the meeting is as follows: 1. Review and Approve the First Quarter Financial Report. 2. Hear a report from the Salary Study Committee Chairman. 3. Any other business that may appropriately come before them.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Commission

Pursuant to RSA 23:7 the **Merrimack** County Delegation will meet on Monday, **May 10th,** 2010 at 9:30 a.m. in the Lower Level Conference Room located at the McDonnell Building, 4 Court Street in Concord, NH. The purpose of the meeting is: 1. Act on the Elected Officials Salaries. 2.

To consider any other business that may appropriately come before them.

Rep. Candace Bouchard, Chairman
Merrimack County Delegation

COUNTY DELEGATION NOTICE

Rockingham County Executive Committee will meet on Monday, **May 10**, 2010 at 9:30 a.m. in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood for the first quarter budget review.

Rep. David A. Welch, Clerk
Rockingham County Delegation

REVISED FISCAL NOTES

The following House and Senate Bills have revised fiscal notes: HBs 133, 213, 216, 218, 232, 286, 425, 507, 523, 558, 561, 564, 569, 579, 598, 626, 629, 646, 651, 660, 662, 681, 1128, 1149, 1155, 1166, 1168, 1170, 1239, 1240, 1279, 1280, 1281, 1291, 1292, 1293, 1334, 1335, 1367, 1378, 1380, 1428, 1441, 1452, 1495, 1506, 1508, 1513, 1515, 1516, 1519, 1537, 1541, 1544, 1566, 1569, 1572, 1586, 1602, 1603, 1606, 1607, 1609, 1610, 1611, 1613, 16201643, 1649, 1651, 1653, 1655, 1664, 1668, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1683, 1688. SBs 72, 73, 157, 166, 181, 313, 344, 361, 365, 383, 385, 390, 394, 397, 402, 425, 449, 452, 463, 470, 471, 485, 486, 492, 495, 497, 511, 513, 517, 520.

Karen O. Wadsworth, Clerk of the House

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MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

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There are boxes in the legislators' break room on the first floor of the State House for male personal hygiene items, TP, magazines to be sent to a Marine Unit in Afghanistan. Please bring items for our troops.

Rep. Jordan G. Ulery

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It is time for another Legislative Firearm Orientation Day sponsored by Gun Owners of New Hampshire. This year it will be held the day after Mother's Day, **May 10.** It will start at 10:00 a.m. and end at 3:00 p.m. at Sunset Mountain Fish and Game Club in Canterbury. You will have the opportunity to shoot and learn about muzzle-loading rifles, modern rifles and pistols, as well as shotguns. A Cowboy Action demonstration, Captain Morrill's Company and their cannons, Roland Huber with his elephant gun and a machine gun demonstration, are just a few of the many interesting special events planned. All in all, the day is intended to be a relaxing, informative event centered around shooting and the shooting sports. Firearm instructors and range officers in a variety of disciplines will be present on site and safe firearm practices and procedures will be in place. We will provide shooting and safety instruction, ammunition, targets, eye and ear protection, and loaner firearms. From North or South take Route 93 to exit 18. Left

at end of exit. Club will be on the left after the gas station/store. If you need any further information please either call me at 642-4402 or at repdawelch@hotmail.com.

Rep. David A. Welch

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New Hampshire House of Representatives, Children and Family Law Committee, Public Listening Sessions- May, 2010: In partnership with the state child protection and child support agencies the House Children and Family Law Committee hopes to learn from the public as to how the resources available are being utilized to result in the most positive outcomes for children and their families in New Hampshire. At this time, the sessions will be held according to the following schedule:

Tuesday, **May 11** from 5:00-7:00 p.m. at the Laconia Middle School

Thursday, **May 13** from 5:00-7:00 p.m. at the River Valley Community College in Claremont

Tuesday, **May 18** from 3:00-5:00 p.m. at the White Mountain Community College in Berlin

The primary purpose of these public listening sessions is to provide an opportunity for the public to participate in the Legislative process, in particular that of the Children and Family Law Committee of the NH House of Representatives. Information gathered at these meetings may be used to develop future legislation intended to improve our state's services to children and their families.

Rep. Mary Stuart Gile.

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On Tuesday, **May 11th**, The Governor's Conference on Volunteerism will be held at the NH Technical Institute in Concord. The day will be full with registration and coffee time, morning session, luncheon with Keynote Speaker Alex Ray of "The Common Man" restaurants, Governor Lynch's presentation of the Outstanding Volunteer Manager of the Year Award, afternoon session, and new this year - an end of day networking reception. CEU's from NHTI are available. For more conference information, send an email to registration@volunteernh.org with "Governor's Conference 2010" typed in the subject line, or call Voice TTY 1-800-780-8058.

Rep. Joy K. Tilton

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Barnstead-Alton Republican Committee (BARC) is presenting the 1st Congressional District Candidates Forum, 6:00 p.m. on Tuesday**, May 11** at J.J. Goodwin's Restaurant, 769 Suncook Valley Highway (Route 28), Center Barnstead. All six declared candidates for the 1st Congressional District will be participating in the Forum. For more information, go to the BARC website www.BARC-NewHampshire.com, or send an email to Barnstead.Alton.RepubComm@gmail.com.

Rep Elaine Swinford

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Please join Girl Scouts of the Green and White Mountains at our Breakfast with Champions at 7:45 a.m. at the Holiday Inn, Concord, on **May 12,** 2010. At our inaugural event, we are honoring Dr. Virginia Barry plus 2 other nominees who are doing extraordinary work on the behalf of girls throughout New Hampshire. Look for your invitation!

Rep. Peter F. Bergin

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On Friday, **May 14th**, the free, Sixth Annual Dartmouth Symposium on Substance Use "Media

and Marketing Influences on Youth Substance Use", will be held in Alumni Hall at the Hopkins Center of Dartmouth College in Hanover. Space is limited so pre-registration is necessary. Register at www.dartmouth.edu/-dcare. Questions? Phone 603 646-9215 or email dcare@dartmouth.edu.

Reps. Joy K. Tilton and William Butynski

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In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the 17th Annual New Hampshire Law Enforcement Officers Memorial Ceremony. The ceremony will be held on Monday, **May 17,** 2010, beginning promptly at 10:00 a.m. on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please do not hesitate to contact either Major Timothy J. Acerno of Fish and Game at 603-271-3129 or Chief Michael Greeley of the Deerfield Department at 603-463-7258 if you have any questions.

Terie Norelli, Speaker

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The New Hampshire chapter of the Community Associations Institute (CAI-NH) invites all legislators and staff to attend a Continental Breakfast (including fruit salad and juice) on Wednesday, **May 19th**, from 8:00 a.m. to 10:00 a.m. in the State House Cafeteria. CAI is a national, non-profit organization dedicated to fostering vibrant and competent communities.

Reps. Mary Jane Wallner and Sherman A. Packard

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Federal Health Reform Act "Inservice" for the House and Senate Commerce Committees and the House and Senate Health Committees will be held on **May 25th** from 10:00 a.m. to 12:00 noon in Rooms 302-304, LOB. Invited presenters will be: NH Insurance Department, NH Voices for Health and NH Citizens Health Initiative.

Rep. Donna L. Schlachman

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Mental Health Caucus members and interested others are invited to attend the Health and Human Services presentation on integrated care by NH Mental Health Council on **May 25** in Rooms 205-207, LOB at 2:00 p.m. and to attend a caucus meeting after the discussion.

Rep. Liz Merry

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Please attend the intergenerational walk sponsored by the Governor's Council on Physical Activity and Health to be held on **May 26.** This walk is a statewide health initiative centered on bringing together towns, cities, schools, organizations and businesses in New Hampshire. The Concord event will start with registration at 9:00 a.m. in front of the State House with the 5K walk starting at 10:00 a.m. Everyone who walks will receive a T-shirt. For more information visit www.gov/gcpah.

Rep. John Hikel

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All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet every Tuesday at 8:30 a.m. at the Upham Walker House, Park

Street, Concord.

Reps. Nancy Elliott, Robert Mead and William O'Brien

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The Main Street Republicans will meet every Wednesday at 8:00 a.m. in Room 212, LOB. All Republicans are welcome.

Rep. Cynthia J. Dokmo

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State House Visitation Schedule

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **May**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
May 10	8:30	Concord Christian Academy	20/4
May 10	10:00	Lancaster Elementary School	48/4
May 10	12:00	Mason Elementary School	28/4&5
May 10	3:00	Homebuilders & Remodelers Assoc. of NH	
May 11	9:30	Jennie D. Blake Elementary- Hill	21/4
May 11	10:00/11:15 SH/HM	D.J. Bakie School – Kingston	65/4
May 12	8:30	Manchester Memorial High School	34/HS
May 12	9:30/11:00 SH/HM	Gossler Park Elementary School – Manchester	75/4
May 13	9:30	Northwood Elementary School	40/4
May 13	10:30/12:00 SH/HM	Hampstead Central School	100/4
May 13	11:00	Sen.Carson/Rose Bowl Parade Group	11+
May 13	1:00	By the Book Home Educators Homeschool	6
May 13	1:00	Plainfield School – Meriden	28/4
May 14	9:00	World Affairs Council- Estonia mayors	10
May 14	10:00	Mont Vernon Village School	50/4
May 14	10:30	Madison Elementary School	30/4
May 14	11:00	Bartlett Elementary School – Goffstown	41/4
May 14	11:45	Josiah Bartlett Elementary School – Bartlett	40/8
May 14	12:00	Project Citizen- Belmont MS, Fair Ground MS, Nashua	55/6-8
May 17	10:00	Maple Avenue School – Claremont	50/4
May 17	10:30/12:00 SH/SC	Auburn Village School	70/4
May 18	9:00	Bristol Elementary School	45/4
May 18	9:30	Salt & Light Homeschool- Nashua	12/2-5

May 18	10:00/11:15 SH/HM	Conant/Rumford School – Concord	88/4
May 19	9:30/11:00 SH/HM	Green Acres School – Manchester	105/4
May 19	1:00	Immaculate Conception Apostolic School- Meredith	25/HS
May 20	9:00	Salem Christian School	9/4
May 20	10:00	Newfields Elementary School	30/4
May 20	11:00	Pleasant St. School – Laconia	56/4
May 21	10:00	Berniece Ray School – Hanover	45/4
May 21	9:00	New Hampton Community School	26/4
May 21	11:30	Gilmanton Elementary School	44/4
May 21	12:45	Hopkinton High School	27/HS
May 24	11:00	St. Patrick's School – Jaffrey	18/4
May 24	9:00	John Fuller School – Conway	47/4
May 24	10:00	Dr. Lewis Soule School – Salem	50/4
May 24	11:15	Jonathon Daniels School – Keene	36/4
May 25	9:00	Florence Rideout School – Wilton	45/4
May 25	10:00/11:30 SH/HM	William T. Barron School – Salem	85/4
May 26	10:00	Effingham Elementary School	13/4
May 26	10:00	Mountain Shadows School – Dublin	14/6
May 26	12:00	St. Elizabeth Seton School- Rochester	15/4
May 27	9:30/11:00 SH/HM	Enfield Village School	66/4
May 27	10:00	Portsmouth Christian Academy – Dover	12
May 28	10:00	LinWood Public School – Lincoln	26/4
May 28	1:00	Holderness Central School	26/4
May 28	10:00	Berniece Ray School – Hanover	45/4
May 28	11:00	Mount Pleasant School – Nashua	52/4

NOTICE

The 37th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the **American Heart Association** is scheduled for **Friday, June 18** at the Beaver Meadow Golf Club, Concord, NH. The entry fee for this annual tournament is $50 per legislator and legislative staff and $100 for all others **if paid by June 2nd**. The entry fee increases to $75 per legislator and legislative staff and $125 for all others if paid from June 3rd to June 11th. A continental breakfast and barbeque lunch will be provided.

Registration begins at 7:15 a.m. and the shotgun start is scheduled for 8:30 a.m. The format is "Captain and Crew."

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome.

Please note that, for planning purposes, payment must be made no later than June 11th. There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a refund.

Return your entry and payment no later than June 2nd to Bob Blaisdell to receive the discounted rate and reserve your spot **or** no later than **June 11th** to reserve your spot at the regular rate.

Checks should be made payable to: **NH Legislative Golf Committee.** Mailed to: **Bob Blaisdell, The Demers Group, 72 North Main Street, Suite 301, Concord, NH 03301**

Reps. Mary Jane Wallner and Sherman A. Packard

37th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Golf Tournament
Beaver Meadow Golf Course
Concord, NH

Name: 1. _____

2. _____

3. _____

4. _____

Telephone: _____ Amount Enclosed: _____

WEDNESDAY, MAY 12

(LISTED IN NUMERICAL ORDER)

2010-1863h

Amendment to SB 181-FN-A
Proposed by the Committee on Finance - R

Amend the title of the bill by replacing it with the following:

AN ACT delaying the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission.

Amend the bill by replacing section 1 with the following:

1 Liquor Enforcement Transfer; Effective Date. Amend 2009, 144:301, VIII to read as follows:

VIII. Sections 163-175 of this act shall take effect July 1, [~~2010~~] ***2011***.

Amend paragraph IV of section 2 of the bill by replacing it with the following:

IV. The committee shall study:

(a) Whether the liquor commission should have an executive director rather than a full-time 3-member commission;

(b) How best to ensure impartial review of appeals of licensing and enforcement decisions;

(c) How best to ensure that the enforcement division is properly supervised, contains its function to that of a regulatory authority, and guards against overly broad interpretation of its function; and

(d) Whether a liquor commission ombudsman should be appointed and the duties and responsibilities of that office.

Amend paragraph VI of section 2 of the bill by replacing it with the following:

VI. The committee shall submit an interim report on or before November 1, 2010 and a final report on or before June 30, 2011 of its findings and any recommendations for proposed

legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

AMENDED ANALYSIS

This bill delays the transfer of liquor enforcement to the department of safety from July 1, 2010 until July 1, 2011. This bill also establishes a committee to study the administrative structure and adjudicative process at the liquor commission.

2010-1804h

Amendment to SB 313

Proposed by the Committee on Executive Departments and Administration - C

Amend the title of the bill by replacing it with the following:

AN ACT extending the repeal date of the state park system advisory council, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and imposing fees for the use of Jericho Mountain state park.

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

1 State Park System Advisory Council; Repeal Date Extended. Amend 2007, 359:5 to read as follows:

359:5 Repeal. Section 4 of this act is repealed effective June 30, [~~2010~~] ***2011***.

2 New Section; State Park System; Field Purchases and Transfer of Funds. Amend RSA 216-A by inserting after section 3-k the following new section:

216-A:3-l Field Purchases and Transfer of Funds.

I. Notwithstanding RSA 21-I:17-a, I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to $2,000 for the state park system and facilities through June 30, 2011.

II. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the operation of the state park system through June 30, 2011. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court, the governor and council, and the chairmen of the house and senate executive departments and administration committees, the chairman of the resources, recreation and economic development committee, and the chairman of the wildlife, fish and game and agriculture committee of all transfers made under this paragraph. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this paragraph.

3 New Paragraphs; Bureau of Trails; Responsibilities. Amend RSA 215-A:3 by inserting after paragraph II the following new paragraphs:

II-a. Notwithstanding RSA 21-I:17-a, I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to $2,000 for the state trail system and facilities through June 30, 2011.

II-b. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the bureau of trails through June 30, 2011. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court, the governor and council, and the chairmen of the house and senate executive departments and administration committees, the chairman of the resources, recreation and economic development committee, and the chairman of the wildlife, fish and game and agriculture committee of all transfers made under this paragraph. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this paragraph.

4 New Paragraphs; Snowmobiles; Bureau Responsibilities. Amend RSA 215-C:2 by inserting after paragraph VIII the following new paragraphs:

VIII-a. Notwithstanding RSA 21-I:17-a, I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to $2,000 for the state trail system and facilities through June 30, 2011.

VIII-b. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the bureau of trails through June 30, 2011. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the

general court, the governor and council, and the chairmen of the house and senate executive departments and administration committees, the chairman of the resources, recreation and economic development committee, and the chairman of the wildlife, fish and game and agriculture committee of all transfers made under this paragraph. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this paragraph.

5 State Historic Sites Fund. Amend RSA 12-A:10-f, I to read as follows:

I. There is hereby established in the office of the state treasurer a fund to be known as the state historic sites fund which shall be kept separate and distinct from all other funds. Such fund shall be the depository of all ***fees, rentals, revenue from operations, retail sales, net profit from concession operations,*** donations, gifts, and grants received from the bureau of historic sites pursuant to RSA 12-A:10-e. All moneys in such fund shall be nonlapsing and continually appropriated to the bureau of historic sites for the purposes set forth in RSA 12-A:10-e, including the principal and interest on any bonds which may be issued in the name of the state for the purpose of capital improvements to the state historic sites properties under the administration of department of resources and economic development.

6 New Paragraph; Fees for State Park System; Fees at Jericho Mountain State Park. Amend RSA 216-A:3-g by inserting after paragraph V the following new paragraph:

VI.(a) The commissioner shall periodically review all fees paid for entrance into and use of state parks.

(b) The commissioner shall require fees for the entrance into and use of Jericho Mountain state park beginning June 30, 2010 or upon the effective date of this paragraph, whichever is earlier. All fees generated by Jericho Mountain state park shall be deposited into the state park fund established in RSA 216-A:3-i. Such fees shall be based on revenue projected in the master plan and shall be in addition to registration fees for vehicles, all terrain vehicles as defined in RSA 251-A:1, I-b, and off highway recreational vehicles as defined in RSA 215-A:1, VI.

(c) Utility terrain vehicles may be permitted in Jericho Mountain state park, provided such vehicles do not exceed the weight limit of 1,200 pounds and width limit of 60 inches in accordance with RSA 215-A:43, VII(c).

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Extends the repeal date of the state park system advisory council to June 30, 2011.

II. Authorizes the director of the division of parks and recreation to make field purchases of up to $2,000 for the state park system and facilities and the state trail system and facilities.

III. Authorizes the commissioner of the department of resources and economic development to transfer funds between and among appropriations for the operations of the state park system and the bureau of trails.

IV. Requires additional fees and revenues from operation of the historic sites to be deposited into the state historic sites fund.

V. Requires fees to be imposed for the use of Jericho Mountain state park and establishes restrictions on certain vehicles using that state park.

2010-1388h

Amendment to SB 320

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend RSA 141-F:5, V as inserted by section 1 of the bill by replacing it with the following:

V.***(a)*** A physician licensed to practice in this state, or a person authorized by the physician, may, without obtaining consent to the testing, test for the presence of an antibody or antigen to a human immunodeficiency virus when the person being tested is incapable of giving informed consent and when a test for the presence of an antibody or antigen to a human immunodeficiency virus is immediately necessary to protect the health of the person ***or an individual who has had an occupational exposure to the person's blood or bodily fluids***. ***When the test is performed to protect the health of an individual who has had an***

occupational exposure on a person who is incapable of giving informed consent, such person and/or such person's insurer shall not be billed for the cost of the test.

AMENDED ANALYSIS

This bill allows an individual who has had an occupational exposure to an unconscious person's blood or bodily fluids to have the unconscious person expeditiously tested for the human immunodeficiency virus. The bill prohibits the billing of the cost of such a test to the unconscious person and/or his or her insurer.

2010-1705h

Amendment to SB 323

Proposed by the Committee on Science, Technology and Energy – R

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

1 Public Utilities Commission; Study of Energy Policy Issues.

I. The public utilities commission shall contract for an independent study, through means of a nonadjudicative investigation utilizing a broad collaborative process, regarding legislative, regulatory, and market-based policy options to address the following issues:

(a) A comprehensive review and analysis of energy efficiency, conservation, demand response, and sustainable energy programs and incentives in the state, and recommendations for possible improvements to maximize their effectiveness and increase coordination of those programs and incentives.

(b) The appropriate role of regulated energy utilities, providers of energy and energy efficiency, and others in helping the state and consumers achieve the state's energy efficiency potential for all fuels.

(c) The effectiveness and sustainability of all funds available to stimulate investment in energy efficiency and clean energy to advance the state's energy goals.

(d) Policy changes that may be necessary in order to achieve the state's energy efficiency and sustainable energy goals and to create the most cost-effective delivery systems to ensure optimum use of state funds, initiatives, and programs.

II. The public utilities commission shall work in cooperation and close consultation with the energy efficiency and sustainable energy board in choosing an independent consultant and managing the development of the study.

III. The cost of the study shall not exceed $300,000, and shall be performed by an independent entity with expertise in energy efficiency, sustainable energy, program design and implementation, and evolving energy technologies. The public utilities commission shall utilize in the first instance available funding for monitoring, evaluation, and verification of existing programs, to the extent feasible, in support of this study. The commission may supplement these funds as needed by utility assessment pursuant to RSA 365:37.

IV. The public utilities commission shall submit the results of the study to the senate president, the speaker of the house of representatives, the chairs of the senate energy, environment and economic development committee and the house science, technology and energy committee, and the energy efficiency and sustainable energy board in an interim report on or before November 1, 2010 and a final report on or before November 1, 2011. All reports shall also be posted on the public utilities commission website.

V. The energy efficiency and sustainable energy board shall provide its recommendations, upon review of the comprehensive study, to the senate president, the speaker of the house of representatives, and the chairs of the senate energy, environment and economic development committee and the house science, technology and energy committee as soon as practicable.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the public utilities commission to contract for an independent study of certain energy policy issues and submit the results of its study to the energy efficiency and sustainable energy board.

2010-1640h

Amendment to SB 357-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 100-C:11-a as inserted by section 1 of the bill by replacing it with the following:

100-C:11-a Retiree and Spouse Health Insurance Premium Contribution. Retired judges and spouses under the age of 65 years receiving medical and surgical benefits payable under RSA 21-I:30, shall be responsible for payment of a premium contribution amount of $65 per month for each such retiree and $65 per month for each applicable spouse; provided that the charge to each household shall not exceed $130 per month. The retiree may elect to have the payment required under this section be deducted by the judicial retirement plan from the retiree's monthly retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts within 14 days along with a statement identifying from whom the deduction was made, and shall be used to pay for plan retiree and spouse health care expenses and any administrative costs related thereto.

2010-1913h

Amendment to SB 358-FN

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend RSA 275-E:8 as inserted by section 1 of the bill by replacing all after paragraph IV with the following:

V. The labor commissioner shall adopt rules under RSA 541-A relative to the complaint investigation process established in this section, including the administrative procedure used for responding to complaints, gathering additional information, and rendering decisions.

VI. For purposes of this subdivision, the labor commissioner shall include any person designated by the labor commissioner to carry out the investigation authorized by this section. Public employee shall mean any employee of a governmental entity, as defined in RSA 275-E:1, III.

Amend RSA 275-E:9 as inserted by section 1 of the bill by replacing it with the following:

275-E:9 Protection of Public Employees. No governmental entity shall threaten, discipline, demote, fire, transfer, reassign, or discriminate against a public employee who files a complaint with the department of labor under RSA 275-E:8 or otherwise discloses or threatens to disclose activities or information that the employee reasonably believes violates RSA 275-E:2, represents a gross mismanagement or waste of public funds, property, or manpower, or evidences an abuse of authority or a danger to the public health and safety. Any public employee who files such a complaint or makes such a disclosure shall be entitled to all rights and remedies provided by this chapter.

Amend RSA 275-E:2 as inserted by section 2 of the bill by replacing it with the following:

275-E:2 Protection of Employees Reporting Violations.

I. No employer shall harass, abuse, intimidate, discharge, threaten, or otherwise discriminate against any employee regarding compensation, terms, conditions, location, or privileges of employment because:

(a) The employee, in good faith, reports or causes to be reported, verbally or in writing, what the employee has reasonable cause to believe is a violation of any law or rule adopted under the laws of this state, a political subdivision of this state, or the United States; or

(b) The employee objects to or refuses to participate in any activity that the employee, in good faith, believes is a violation of the law; or

(c) The employee, in good faith, participates, verbally or in writing, in an investigation, hearing, or inquiry conducted by any governmental entity, including a court action, which concerns allegations that the employer has violated any law or rule adopted under the laws of this state, a political subdivision of this state, or the United States.

II. An aggrieved employee may bring a civil suit within 3 years of the alleged violation of this section. The court may order reinstatement and back-pay, as well as reasonable attorney fees and costs, to the prevailing party.

AMENDED ANALYSIS

The bill expands the provisions of the whistleblower protection act to include employees who object to or refuse to participate in any activity that the employee believes is a violation of law. This bill also authorizes the labor commissioner to investigate allegations of fraud, abuse, or waste in the expenditure of public funds and adds additional protections to the whistleblower protection act for public employees who file such complaints.

2010-1517h

Amendment to SB 368

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend the bill by replacing all after section 1 with the following:

2 New Subparagraph; Notice; Refund Following Cancellation. Amend RSA 361-B:2, I by inserting after subparagraph (b) the following new subparagraph:

(b-1) If the buyer cancels the transaction in accordance with this chapter, and within the cancellation period the seller has performed services or has performed work that has physically altered the property of the buyer, the buyer shall be entitled to a refund of all funds transferred to the seller, and the seller shall not be entitled to deduct the value of such services or work from the refund. In the alternative, if the seller has performed work that has physically altered the property of the buyer and it can be reasonably restored to its original condition, the buyer may demand, in lieu of a refund, full restoration of the property to its original condition.

3 Definition of Home Solicitation Sale; Amount. Amend RSA 361-B:1 to read as follows:

361-B:1 Definition. "Home solicitation sale" means a sale of goods or services, priced at $[~~25~~] ***150*** or more, in which a seller, a seller's representative, or a person acting for a seller engages in a solicitation and sale at any place other than a permanent place of business of the seller. A cash or credit sale so consummated shall be deemed to be a home solicitation sale.

4 Effective Date. This act shall take effect January 1, 2011.

2010-1937h

Amendment to SB 382

Proposed by the Majority of the Committee on Ways and Means - R

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 New Subparagraph; Natural Heritage Bureau Fund. Amend RSA 6:12, II(b) by inserting after subparagraph (299) the following new subparagraph:

(300) Moneys deposited in the natural heritage bureau fund established in RSA 217-A:7-a.

2010-1586h

Amendment to SB 392-FN

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend the title of the bill by replacing it with the following:

AN ACT requiring public hearings concerning health insurance cost increases in health care services.

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

1 New Paragraph; Insurance; Requested Information. Amend RSA 420-G:14-a by inserting after paragraph IV the following new paragraphs:

V. The commissioner shall hold an annual public hearing concerning premium rates in the health insurance market and the factors, including health care costs and cost trends, that have contributed to rate increases during the prior year. The commissioner shall evaluate claims costs, administrative loads, and health carrier profits. The commissioner shall identify the factors that contribute to cost increases affecting health insurance premiums and health care services in New Hampshire. The commissioner shall identify variations in the price that health carriers pay for health care services and shall undertake further analysis to determine whether

the observed price variations correlate to the sickness or the complexity of the population served, the relative proportion of patients on Medicare or Medicaid that are served by the health care provider, the cost to the health care provider of delivering the service, or the relative proportion of free or reduced care provided to the uninsured. In advance of holding the public hearing, the commissioner may require any health insurer or third party administrator to produce documents and information deemed necessary and relevant to evaluate the factors that contribute to cost growth in health care services, increased utilization of health care, and health insurance premium costs. The commissioner shall keep confidential all nonpublic documents and shall not disclose those documents without the consent of the health care provider or health care payer that produced the information or documents. The commissioner may compel a health insurance carrier or third party administrator to testify at the annual public hearing. The commissioner may also invite representatives of health care providers to provide relevant information.

VI. The commissioner shall prepare an annual report concerning premium rates in the health insurance market and the factors that have contributed to rate increases during the prior year. The annual report shall be designed to provide information which identifies and quantifies health care spending trends and the underlying factors that contributed to increases in health insurance premiums. The report shall include recommendations and strategies for increasing the efficiency of New Hampshire's health care financing and delivery system. The report shall be based on the commissioner's analysis of information and data available to the commissioner, the testimony at the public hearing, and any other information or documents submitted in connection with the public hearing. The commissioner shall submit the annual report to the governor, the president of the senate, and the speaker of the house of representatives. The report shall be submitted by November 1 of each year.

VII. In conjunction with the annual public hearing required under paragraph V and the report and recommendations required under paragraph VI, the commissioner shall consider any pertinent work of other legislative commissions and inquires focused on related matters.

2 New Section; Hospital Rates for Self-Pay Patients. Amend RSA 151 by inserting after section 12-a the following new section:

151:12-b Hospital Rates for Self-Pay Patients. When billing self-pay patients for a service rendered, a hospital, as defined in RSA 151-C:2, shall accept as payment in full an amount no greater than the amount generally billed and received by the hospital for that service for patients covered by health insurance. A hospital shall determine the amount generally billed to health carriers in a manner consistent with Section 9007 of the Patient Protection and Affordable Care Act of 2009. A hospital shall provide written notice to a self-pay patient in advance of providing a service and at the time the service is billed regarding the requirements under this section.

3 Repeal. RSA 420-G:14-a, V-VII, relative to an annual public hearing and report on health insurance costs and trends, are hereby repealed.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect July 1, 2014.

III. The remainder of this act shall take effect July 1, 2010.

AMENDED ANALYSIS

This bill requires the insurance commissioner to hold an annual public hearing concerning health insurance costs to identify and quantify the factors contributing to cost increases in health care services in New Hampshire. The commissioner shall prepare an annual report to be submitted to the governor, the president of the senate, and the speaker of the house of representatives. The requirement for public hearings is repealed on July 1, 2014.

This bill also requires hospitals, when billing self-pay patients, to accept as payment in full an amount no greater than the amount generally billed and received by the hospital for that service.

2010-1852h

Amendment to SB 396-FN
Proposed by the Committee on Finance - R

Amend RSA 126-T:8 and RSA 126-T:9 as inserted by section 2 of the bill by replacing them with the following:

126-T:8 Review of Restraint Records by Department of Education. The state board of education shall adopt rules, pursuant to RSA 541-A, establishing a process for periodic, regular review of records of restraint usage kept by schools and providing a process for complaints and investigations of reports of improper use of restraint in schools. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall provide an annual report to the chairperson of the children and family law committee of the house of representatives regarding the use of restraint in schools. The annual report shall be prepared from the periodic, regular review of such records, and shall include the number and location of reported incidents and the status of any outstanding investigations.

126-T:9 Review of Restraint Records by Department of Health and Human Services. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, establishing a process for periodic, regular review of records of restraint usage kept by facilities and providing a process for complaints and investigations of reports of improper use of restraint in facilities, which may be through the department of health and human services, office of the ombudsman, or otherwise. Beginning November 1, 2010, and each November 1 thereafter, the commissioner of the department of health and human services shall provide an annual report to the chairperson of the children and family law committee of the house of representatives regarding the use of restraint in facilities. The annual report shall be based on the periodic, regular review of such records and shall include the number and location of reported incidents and the status of any outstanding investigations.

2010-1915h

Amendment to SB 408

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend the title of the bill by replacing it with the following:

AN ACT relative to purchasing alliances and establishing a study committee on the procurement of health insurance by employee leasing companies.

Amend 420-G:10, I as inserted by section 2 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) Prohibit any employer that voluntarily discontinues participation in either a qualified association trust or a qualified purchasing alliance from rejoining for a period of at least 24 months.

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

4 Committee Established. There is established a committee to study the procurement of health insurance by employee leasing companies.

5 Membership and Compensation.

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

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

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

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

6 Duties. The committee shall study the procurement of health insurance by employee leasing companies licensed under RSA 277-B, including whether policies sponsored by employee leasing companies should be exempt from the rating requirements and other standards for small employer coverage set forth in RSA 420-G.

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

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

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a law governing purchasing alliances which may be formed for the purposes of purchasing health insurance.

This bill also establishes a study committee on the procurement of health insurance by employee leasing companies.

2010-1518h

Amendment to SB 409

Proposed by the Committee on Science, Technology and Energy - R

Amend RSA 155-A:13 as inserted by section 1 of the bill by replacing it with the following:

155-A:13 Building Requirements for State Funded Buildings.

I. Any new construction, reconstruction, alteration, or maintenance in any state owned building, plant, fixture, or facility, meeting the definition of "project" in RSA 21-I:78, considered a major project under RSA 21-I:80, and constructed using any state funding, shall meet a high performance, energy efficient, sustainable design standard determined by the commissioners of the department of environmental services and the department of administrative services, in consultation with the division of historic resources and the community college system, that shows the building or structure can recoup the incremental costs of implementing the requirements of this section as measured by reduced energy costs over a 10-year period of time.

II. The following construction or renovation projects shall be exempt from the requirements of paragraphs I:

(a) A building or structure that is less than 25,000 square feet.

(b) A building or structure that does not consume energy for heating, ventilating, or air conditioning.

(c) A renovation or modification that is estimated to cost less than $1,000,000.

(d) Temporary structures.

(e) Public school facilities that are subject to RSA 198:15.

(f) The university system of New Hampshire.

(g) Projects employing new, innovative, or experimental energy efficient technology that may not recoup their incremental costs within 10 years, as may be determined by the commissioner of the department of administrative services to be in the best interest of the state.

2010-1914h

Amendment to SB 416

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend the bill by replacing all after section 1 with the following:

2 Tipped Employees; Version Effective December 31, 2011. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date Hourly Rate	
On and after September 1, 1997	$5.15
On and after September 1, 2007	$6.50
On and after September 1, 2008	$7.25

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than $30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. [~~Restaurant shall include an establishment in a temporary or permanent building, kept, used, maintained,~~

~~advertised and held out to the public to be a place where meals are regularly prepared or served for which a charge is made and where seating and table service is available for customers or where delivery services are available. The term does not include establishments which do not primarily prepare and serve food. Tipped employees shall also include employees who deliver meals prepared in a restaurant to the customer's home, office, or other location.~~] If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2011.

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

2010-1501h

Amendment to SB 420

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend the title of the bill by replacing it with the following:

AN ACT relative to the use of pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

Amend the bill by replacing section 1 with the following:

1 New Section; Standards for Accident and Health Insurance; Prescription Drug Benefits; Pharmacies. Amend RSA 415-A by inserting after section 5-a the following new section:

415-A:5-b Prescription Drug Benefits; Pharmacies. Subject to the terms and conditions of the patient's insurance plan, the patient shall have access to any pharmacy in his or her insurance plan network.

AMENDED ANALYSIS

This bill requires that insurers providing prescription drug benefits under accident and health insurance policies and plans allow patients to use any pharmacy in their insurance plan network. The bill also establishes a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

2010-1665h

Amendment to SB 427

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend the title of the bill by replacing it with the following:

AN ACT relative to the duties of the oversight committee on health and human services.

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

1 Oversight Committee on Health and Human Services. Amend the section heading of RSA 126-A:13 to read as follows:

126-A:13 Oversight Committee; Establishment***; Purpose***.

2 New Paragraph; Oversight Committee on Health and Human Services; Purpose Added. Amend RSA 126-A:13 by inserting after paragraph II the following new paragraph:

III. The oversight committee on health and human services shall provide legislative oversight of the department to support a cost effective, comprehensive, coordinated system of health and human services that is family-centered and community-based. The committee shall promote greater efficiencies by consolidating and centralizing reporting requirements and other responsibilities of the department under this section to avoid duplication of efforts involving other non-regulatory boards, commissions, councils, advisory committees, and task forces.

3 Duties of the Oversight Committee on Health and Human Services. RSA 126-A:15 is repealed and reenacted to read as follows:

126-A:15 Duties of Oversight Committee.

I. The committee shall provide legislative oversight of and informational meetings on the programs, policies, and rules of the department as brought to its attention by committee members, legislators, department personnel, or others. The committee shall monitor the efficiency of operation and the quality of service provided by the department's programs. The committee's work may include, but is not limited to, analyzing the efficacy of selected programs, studying the characteristics of target populations, researching trends affecting program costs and participation, and reviewing alternate approaches to programmatic and administrative concerns. The committee may make recommendations to the commissioner and recommendations for legislation as indicated by its findings. The committee shall maintain communications with the department, and any other departments, as necessary to accomplish its work.

II. The oversight committee shall create subcommittees, councils, task forces, or other ancillary bodies as necessary to implement its responsibilities. In developing these bodies, the committee shall take into account major program areas of the department and populations served by the department, such as public health, behavioral health, developmental disabilities, and elderly and adult services. The authorization for each such body shall be repealed on December 31 of the even-numbered year of the biennium. The committee shall:

(a) Establish specific guidelines or outcomes for each such body, including reporting requirements.

(b) Appoint members to each such body, including at least one legislator and, as appropriate, other members as determined by the expertise necessary to accomplish the work of the body. Legislative members need not be a member of the oversight committee.

(c) Appoint a chair of each such body, who shall be a legislator and who shall act as the liaison between the body and the oversight committee.

III. Directly or through an ancillary body, the oversight committee shall review quarterly the allocation of funds to and receipt of services by persons with developmental disabilities and acquired brain disorders, to assure that eligible persons receive services in a timely manner and in accordance with their needs as provided in RSA 171-A.

IV. Directly or through an ancillary body, the oversight committee shall serve as the legislative liaison for the state committee on aging, established under RSA 161-F:7, and shall consider the major problems facing elderly citizens.

V. The committee shall meet at the call of the chair but in no case less than every 2 months.

VI. The committee shall make a report no later than the first day of November of the second year of the biennium as to its activities and recommendations to the speaker of the house of representatives and the president of the senate.

4 State Committee on Aging. Amend RSA 161-F:7, I to read as follows:

I. There shall be a state committee on aging which shall consist of 18 members. The governor shall appoint 15 members with the approval of the council. Those appointed by the governor shall include at least one member from each county. The committee shall also include [~~the chairman of the joint legislative committee on elderly affairs~~] ***a legislator appointed by the chair of the oversight committee on health and human services***, one representative appointed by the speaker of the house, and one senator appointed by the president of the senate. Each of the members shall serve for a term of 3 years except the legislative members' terms shall be co-terminous with their 2-year legislative terms. At least 8 members shall be 60 years of age or older at the time of their appointment, and not more than 8 members shall be of the same political party. Nine members shall constitute a quorum. No member shall serve more than 2 consecutive terms, and no member shall have a material financial interest in any agency receiving federal or other funds administered by the division of elderly and adult services.

5 Repeals. The following are repealed:

I. RSA 17-H, relative to the joint legislative committee on elderly affairs.

II. RSA 171-A:1-c, relative to the oversight committee to review the allocation of funds to persons with developmental disabilities or acquired brain disorders.

III. RSA 171-A:1-d, relative to the capacity of the developmental disability services delivery system.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill revises the duties of the oversight committee on health and human services. This bill repeals the joint legislative committee on elderly affairs, the oversight committee to review the allocation of funds to persons with developmental disabilities or acquired brain disorders, and the law relative to the capacity of the developmental disability services delivery system and adds those duties to the oversight committee on health and human services. The bill also permits the oversight committee on health and human services to establish ancillary bodies to study specific issues relevant to services offered by the department of health and human services.

2010-1858h

Amendment to SB 428

Proposed by the Committee on Science, Technology and Energy - C

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance.

AMENDED ANALYSIS

This bill establishes a committee to review dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance.

2010-1746h

Amendment to SB 431

Proposed by the Majority of the Committee on Judiciary - R

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Termination of Tenancy. Amend RSA 540:2 by inserting after paragraph VI the following new paragraph:

VII.(a) No lessor or owner of restricted property shall terminate a tenancy solely based on a tenant or a household member of a tenant having been a victim of domestic violence as defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a, provided that the tenant or household member of a tenant who is the victim provides the lessor or owner with written verification that the tenant or household member of a tenant who is the victim has obtained a valid protective order against the perpetrator of the domestic violence, sexual assault, or stalking.

(b) A tenant who has obtained a protective order from a court of competent jurisdiction granting him or her possession of a dwelling to the exclusion of one or more other tenants or household members may request that a lock be replaced or configured for a new key at the tenant's expense. The lessor or owner shall, if provided a copy of the protective order, comply with the request and shall not give copies of the new keys to the tenant or household member restrained or excluded by the protective order.

(c) A lessor or owner who replaces a lock or configures a lock for a new key in accordance with subparagraph (b) shall not be liable for any damages that result directly from the lock replacement or reconfiguration.

(d) If, after a hearing in the possessory action, the court finds that there are grounds under this section to evict the tenant or household member accused of the domestic violence, sexual assault, or stalking, it may issue a judgment in favor of the lessor or owner of the property

against the person accused, and allow the tenancy of the remainder of the residents to continue undisturbed. The lessor or owner of the rental unit at issue in the possessory action shall have the right to bar the person accused of the domestic violence, sexual assault, or stalking from the unit and from the lessor's or owner's property once judgment in the possessory action becomes final against such person. Thereafter, and notwithstanding RSA 635:2, the person's entry upon the lessor's or owner's property after being notified in writing that he or she has been barred from the property shall constitute a trespass.

(e) Nothing in this section shall preclude eviction for nonpayment of rent. A landlord may evict on any grounds set forth in RSA 540:2, II which are unrelated to domestic violence, sexual assault, or stalking.

(f) The defense set forth in subparagraph VII(a) shall be an affirmative defense to possessory actions brought pursuant to subparagraph II(b), (c), (d), or (e) of this section.

2010-1938h

Amendment to SB 431

Proposed by the Minority of the Committee on Judiciary - R

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Termination of Tenancy. Amend RSA 540:2 by inserting after paragraph VI the following new paragraph:

VII.(a) No lessor or owner of restricted property shall terminate a tenancy solely based on a tenant or a household member of a tenant having been a victim of domestic violence as defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a. A tenant shall not be entitled to raise as a defense the fact that he or she is being evicted in violation of this paragraph unless the tenant or household member of the tenant who is the victim provides the lessor or owner with written verification that the tenant or household member of the tenant who is the victim has obtained a valid protective order against the perpetrator of the domestic violence, sexual assault, or stalking.

(b) A tenant who has obtained a protective order from a court of competent jurisdiction granting him or her possession of a dwelling to the exclusion of one or more other tenants or household members may request that a lock be replaced or configured for a new key at the tenant's expense. The lessor or owner shall, if provided a copy of the protective order, comply with the request and shall not give copies of the new keys to the tenant or household member restrained or excluded by the protective order.

(c) A lessor or owner who replaces a lock or configures a lock for a new key in accordance with subparagraph (b) shall not be liable for any damages that result directly from the lock replacement or reconfiguration.

(d) If, after a hearing in the possessory action, the court finds that there are grounds under this section to evict the tenant or household member accused of the domestic violence, sexual assault, or stalking, it may issue a judgment in favor of the lessor or owner of the property against the person accused. The court also may allow the tenancy of the remainder of the residents to continue undisturbed, provided the court finds that an adult will continue as a resident of the premises and that such adult is financially able to perform the obligations of a tenant of the premises. The lessor or owner of the rental unit at issue in the possessory action shall have the right to bar the person accused of the domestic violence, sexual assault, or stalking from the unit and from the lessor's or owner's property once judgment in the possessory action becomes final against such person. Thereafter, and notwithstanding RSA 635:2, the person's entry upon the lessor's or owner's property after being notified in writing that he or she has been barred from the property shall constitute a trespass.

(e) Nothing in this section shall preclude eviction for nonpayment of rent. A landlord may evict on any grounds set forth in RSA 540:2, II which are unrelated to domestic violence, sexual assault, or stalking.

(f) The defense set forth in subparagraph VII(a) shall be an affirmative defense to possessory actions brought pursuant to subparagraph II(b), (c), (d), or (e) of this section.

2010-1327h

Amendment to SB 435

Proposed by the Committee on Criminal Justice and Public Safety - C

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Enhanced 911 System. Amend RSA 106-H by inserting after section 15 the following new subdivision:

Wireless Telecommunications Carriers

106-H:16 Disclosure of Caller Location in Emergency Situations.

I. Upon request of a law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the telecommunications device of the user in order for the requesting law enforcement agency to respond to a call for emergency services or an emergency situation that involves the risk of death or serious physical harm. The wireless telecommunications carrier shall provide the most accurate call location available, given the technical and other limitations that may impact the accuracy of the call location information in the relevant area.

II. Notwithstanding any provision of law to the contrary, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier may voluntarily disclose call location information.

III. The department of safety shall obtain contact information for all wireless telecommunications carriers authorized to do business in this state in order to facilitate a request from a law enforcement agency for call location information in accordance with this section.

IV. When requested by a law enforcement agency, the public safety answering point of the enhanced 911 statewide system shall assist the agency to obtain call location information from wireless telecommunications carriers. Such assistance shall be provided only upon the requesting agency providing information establishing that the call location information is necessary to assist the agency in responding to an emergency situation that involves the risk of death or serious bodily injury.

V. No cause of action shall lie in any court against any wireless telecommunications carrier, its officers, employees, agents, or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section. A wireless telecommunications carrier shall not be obligated to make an affirmative determination that the requesting law enforcement agency or public safety answering point has met the threshold requirements of paragraph I.

VI. The commissioner of the department of safety shall adopt rules, under RSA 541-A, relative to the notice and disclosure requirements provided in this section.

VII. In this section, "wireless telecommunications carrier" shall have the same meaning as commercial mobile radio service provider in RSA 106-H:8.

2010-1953h

Amendment to SB 450-FN

Proposed by the Majority of the Committee on Finance - R

Amend the title of the bill by replacing it with the following:

AN ACT relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, relative to the due date for the Medicaid enhancement tax, and making certain general fund reductions and tax and revenue changes.

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

1 Administration of the New Hampshire Employment Program; Duties; Rulemaking. Amend RSA 167:83, V to read as follows:

V. The commissioner [~~shall~~] ***may*** enter into an agreement or contract with the commissioner of the department of employment security to carry out the employment program and may delegate authority and duties for the employment program to the commissioner of the department of

employment security and other state agencies. The commissioner shall adopt rules for the employment program [~~in consultation with the commissioner of the department of employment security~~].

2 Non-TANF Funded Program for 2-Parent Families With Dependent Children. Amend RSA 167:77-e to read as follows:

167:77-e Assistance Program for 2-Parent Families with Dependent Children. [~~By October 1, 2008,~~] The department [~~shall~~] ***may*** establish a non-TANF, state-funded financial assistance program for 2-parent needy families with dependent children in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibility and program requirements and administration shall be in accordance with this chapter and the rules adopted under this chapter. In order to meet the federal work participation rate and avoid federally-imposed penalties, the commissioner may add additional groups of families to this state-funded, financial assistance program as funding permits and also may transfer cases back to the TANF program, pursuant to rules adopted under RSA 541-A.

3 Authorizing the Department of Health and Human Services to File Claims for Medical and Financial Assistance Against Abandoned Property Held by the Treasury; Filing of Claim With Administrator. Amend RSA 471-C:26, I(c)(2) and (3) to read as follows:

(2) ***Except as provided in subparagraphs (5)-(7),*** in the case of a closed estate where the unclaimed property is valued at less than $5,000 and does not include securities in share form, in accordance with the final distribution of assets as approved by the probate court.

(3) ***Except as provided in subparagraphs (5)-(7),*** in the absence of an open estate or probate court decree of final distribution, and the unclaimed property is valued at less than $5,000 and does not include securities in share form, by the surviving spouse of the deceased owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of RSA 561:1.

4 New Subparagraphs; Filing of Claim With Administrator. Amend RSA 471-C:26, I(c) by inserting after subparagraph (4) the following new subparagraphs:

(5) Before distributing any unclaimed property pursuant to subparagraphs (2) and (3), the administrator shall first ensure that the department of health and human services does not have a claim for medical and or financial assistance paid on behalf of the deceased owner.

(6) In the event that the department of health and human services has a claim for medical and or financial assistance paid on behalf of the deceased owner, the department may submit a claim for such assistance using an affidavit developed by the administrator that ensures that:

(A) No individual has moved to probate the deceased owner's estate through which the department could assert its claim or probate administration for the deceased owner had been open and no individual has moved to reopen the estate through which the department could assert its claim;

(B) The department does not believe, based on the information available to it, there are known expenses for the deceased owner's necessary funeral and burial; and

(C) Based on all facts known to the department, its recovery of this abandoned property is not limited by the prohibitions to recovery as set forth in 42 U.S.C. section 1396p and RSA 167:16-a, IV.

(7) If the department of health and human services has made a claim against a deceased owner's unclaimed property as provided in subparagraph (6), under no circumstances shall the administrator distribute to the department more than the claimed amount.

5 Repeal. 2009, 144:211, relative to community mental health centers; administrative requirements suspended, is repealed.

6 Department of Health and Human Services; Transfer Among Accounts. Amend 2009, 144:39, III to read as follows:

III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the

contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2011, the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all [~~PAUs~~] ***accounting units*** within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department[~~, with the exception of class 60 transfers~~]. ***This transfer authority shall not apply to funds for employee benefits appropriated in class 60 which were previously transferred to the employee benefit adjustment account as defined in RSA 9:17-c.***

7 Lead Paint Poisoning Prevention and Control; Rulemaking. Amend RSA 130-A:10, IV to read as follows:

IV. Fees to be collected for the issuance of licenses to lead inspectors, lead risk assessors, lead abatement contractors, for certification of lead abatement workers and lead clearance testing technicians, for testing resulting from investigations, for certifications of training programs, ***exam and training fees,*** [~~and~~] for notifications under RSA 130-A***, and other environmental fees***. Property owners who own more than 4 but fewer than 7 dwelling units shall pay a fee for licensure which is 1/2 of that paid by other lead abatement contractor licensees. Such reduced fee license shall only be valid for work on dwellings or dwelling units owned by such license holder.

8 Lead Poisoning Prevention Fund. Amend RSA 130-A:15 to read as follows:

130-A:15 Lead Poisoning Prevention Fund. There is hereby established the lead poisoning prevention fund to be used to carry out the provisions of this chapter. The fund shall be composed of fees, fines, gifts, grants, donations, bequests, or other moneys from any public or private source and shall be used to implement and encourage lead paint removal and education***, and to support program staff and administrative costs***. The fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of this chapter.

9 New Paragraph; Department of Health and Human Services; Duties of the Department. Amend RSA 161:2 by inserting after paragraph XVII the following new paragraph:

XVIII. Refugee Resettlement. Administer the New Hampshire refugee resettlement program as funded by and in cooperation with the United States Department of Health and Human Services under the Refugee Act of 1980.

10 New Section; Special Fund; Civil Fines. Amend RSA 151 by inserting after section 16-a the following new section:

151:16-b Civil Fines. All administrative fines and other civil monetary penalties collected by the department from facilities licensed under this chapter shall be kept by the state treasurer in a separate, non-lapsing, interest bearing account. Interest earned on moneys deposited in the account shall be deposited into the account. The moneys in the account shall be used by the department for the protection of the health and property of residents of facilities licensed under this chapter.

11 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (299) the following new subparagraph:

(300) Civil fines collected under RSA 151:16-b, which shall be deposited as provided in such section.

12 Medicaid Enhancement Tax; Due Date. Amend RSA 84-A:3, II-a to read as follows:

II-a. For the taxable period beginning July 1, 1993, and for every taxable period thereafter, each hospital shall pay 100 percent of its medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of the [~~third~~] ***fourth*** month of the taxable period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

13 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(a)(3) to read as follows:

(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed, or been required by a court or the department of safety to complete, an impaired driver intervention program (I.D.I.P.) or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention [~~detention center~~] program (M.O.P.) or an equivalent 7-day residential intervention program approved by the commissioner of health and human services;

14 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(b)(3) to read as follows:

(3) Sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive days shall be served at the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] ***program*** established under RSA 265-A:40, which sentence shall begin no later than [~~21~~] ***45*** days after conviction. In the event that the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] ***program*** has no available space, the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention [~~detention center~~] ***program*** or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order;

15 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(c)(3) to read as follows:

(3) Sentenced to a mandatory sentence of not less than 21 consecutive days of which 14 consecutive 24-hour periods shall be served in the county correctional facility followed by 7 consecutive days served at the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] ***program*** established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] ***program*** has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services, and the remainder of the sentence may be deferred at the court's discretion. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention [~~detention center~~] ***program*** or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order. The court may, at the satisfactory completion of any ordered treatment, suspend any remaining deferred sentence. Failure to successfully complete any court-ordered intervention program or recommended treatment shall result in the imposition of any remaining deferred sentence; and

16 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, IV(a)(3)-(5) to read as follows:

(3)(A) If the complaint alleges that the prior conviction occurred within 2 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 37 consecutive days of which 30 consecutive 24-hour periods shall be served in the county correctional facility followed by 7 consecutive days to be served at the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] ***program*** established under RSA 265-A:40 within 21 days after conviction, except that in circumstances where the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] ***program*** has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention [~~detention center~~] ***program*** or equivalent program within 60 days after the person has completed serving the required 30 consecutive 24-hour periods or such other time as the court may order.

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive days shall be served at the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] ***program*** established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] ***program*** has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention [~~detention center~~] ***program*** or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order.

(4) The person's driver's license or privilege to drive shall be revoked for not less than 3 years.

(5) The person shall pay a fee [~~to the commissioner~~], as established under RSA 126-A:43, for the costs of the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] program prior to license restoration. If the person attends an approved equivalent 7-day residential intervention program, the fees and costs shall be paid to the program.

17 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, VI to read as follows:

VI. If any person is convicted of a violation of RSA 265-A:2, I or RSA 265-A:3, and the conviction is not based upon a complaint which alleges prior convictions as provided in paragraph IV, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or privilege to drive shall be revoked for not less than one year nor more than 3 years. Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that within 45 days after conviction the person has entered the 7-day program at the [~~state-operated~~] multiple DWI offender intervention [~~detention center~~] program or an equivalent 7-day residential intervention program approved by the commissioner of health and human services, as provided in RSA 265-A:40 and RSA 265-A:42. The person's license shall not be restored until the person has successfully completed the program. The court may further order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

18 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, XI to read as follows:

XI. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II, and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or operating or attempting to operate a boat was transporting a person under the age of 16, shall have the driver's license or privilege to drive revoked for the maximum time period under the section violated and the person's license or privilege to drive shall not be restored until the offender has successfully completed a 7-day program at the [~~state-operated~~] multiple DWI offender program or an equivalent 7-day residential intervention program approved by the commissioner at the person's own expense.

19 Penalties for Boating While Intoxicated. Amend RSA 265-A:19, II to read as follows:

II. Any person convicted of a violation of RSA 265-A:2, II who at the time of the violation was transporting a person under the age of 16 shall not operate a boat on the waters of this state until the offender has successfully completed a 7-day program at the [~~state-operated~~] multiple DWI offender program or an equivalent 7-day residential intervention program approved by the department of health and human services at the person's own expense. Any person operating a boat in violation of this paragraph is guilty of a misdemeanor.

20 Impaired Driver Intervention Programs. Amend RSA 265-A:39, I to read as follows:

I. Except as provided in paragraph IV, the commissioner of the department of health and

human services shall be responsible for biennially approving the impaired driver intervention programs and 7-day residential intervention programs equivalent to the multiple DWI offender intervention [~~detention center~~] program (M.O.P.) which persons convicted under RSA 265-A:2 or RSA 265-A:3 shall attend in order to regain their driver's licenses or driving privileges; but the commissioner of the department of health and human services shall not approve any impaired driver intervention program unless such program is conducted without cost to the state. Notwithstanding RSA 6:12, any fees collected under subparagraph IV(g) of this section shall be placed in a nonlapsing revolving account and shall be used by the commissioner for the purposes of this subdivision only.

21 Multiple DWI Offender Intervention Program. RSA 265-A:40 is repealed and reenacted to read as follows:

265-A:40 Multiple DWI Offender Intervention Program.

I. The commissioner of the department of health and human services shall be responsible for the establishment and administration of the 7-day multiple DWI offender intervention program which persons convicted under RSA 265-A:2 or RSA 265-A:3 or sentenced pursuant to RSA 651:2, V(h) may be required to attend. The commissioner shall have the authority to directly operate the program, to approve community-based providers to operate the program in accordance with rules adopted pursuant to RSA 541-A, or to contract with public or private entities to operate the program.

II. Any person who attends the 7-day multiple DWI offender intervention program shall be required to pay the fees for the program.

III. The 7-day multiple DWI offender intervention program shall furnish to the courts a report indicating when a person has completed attendance at the program, and shall furnish to the division of motor vehicles, department of safety, a report indicating when a person who attends the program pursuant to RSA 265-A:18 has successfully completed the program and treatment or involvement in a substance abuse program when appropriate and warranted.

IV. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the operation of the 7-day multiple DWI offender intervention program with respect to:

(a) Program curriculum and content.

(b) Any other matter related to the proper administration of this section.

22 Impaired Driver Intervention Programs; Utilization of Funds. Amend RSA 265-A:41 to read as follows:

265-A:41 Utilization of Funds. All funds derived from the fees collected by the commissioner of the department of health and human services under RSA 265-A:18 shall be paid over to the state treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate account in the treasury known as the 7-day multiple DWI offender intervention [~~detention center~~] program account. These funds are appropriated as indicated in the operating budget as a source of funds for the 7-day multiple DWI offender intervention [~~detention center~~] program. Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year.

23 Impaired Driver Intervention Programs; Attendance Required. Amend RSA 265-A:42, IV(b) to read as follows:

(b) In the case of enrollment in the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] ***program***, a person shall provide such certified copy at the time of enrollment or prior to the issuance of a report under RSA 265-A:40, III and RSA 265-A:18, VIII.

24 Sentences and Limitations. Amend RSA 651:2, V(h) to read as follows:

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may sentence such person to 7 consecutive 24-hour periods to be served at the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention center~~] program established under RSA 265-A:40, if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such person pays the fees for the program in full prior to admission.

25 Report Required. The commission to examine driving while impaired education and intervention programs shall, pursuant to the authority under 2008, 256:10, as extended by 2009, 202:5, study the penalties for intoxication or under the influence of drugs offenses, including but not limited to the multiple DWI offender intervention program. Based upon available research and data, the commission shall review and evaluate the merits of the penalties and the program in order to develop recommendations on these issues. On or before November 1, 2010, the commission shall report its findings to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment, the speaker of the house of representatives, the president of the senate, the commissioner of the department of health and human services, the house clerk, the senate clerk, the state library, and the governor and shall make recommendations, if appropriate, for future legislation to address these issues.

26 State Treasurer; Application of Receipts. Amend RSA 6:12, I (b)(147) to read as follows:

(147) Moneys deposited in the 7-day multiple DWI offender intervention [~~detention center~~] program account under RSA 265-A:41.

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

(a) Review and investigate all records of the New Hampshire hospital, Laconia developmental services, the secure psychiatric unit, the Glencliff home, the Anna Philbrook center, and the multiple DWI offender intervention [~~detention center~~] program (M.O.P.), relative to expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents or directors of such institutions, facilities, or programs as to the rates to be charged for the care, treatment, and maintenance of such patients, residents, or clients.

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

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

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

29 Operating Budget; Lapse; Legislative Branch. Notwithstanding 2009, 143:1, the legislative branch shall lapse an additional $312,000 for the fiscal year ending June 30, 2010 and lapse an additional $669,000 for the fiscal year ending June 30, 2011. The reductions required by this section shall be in addition to the lapse required pursuant to 2009, 143:10 and in addition to the lapse required pursuant to 2010, 4:1.

30 Operating Budget; General Fund Appropriation Reductions; Department of Information Technology. Notwithstanding 2009, 143:1, the department of information technology, in consultation with the department of administrative services, shall reduce class lines of the department by an amount that will result in additional reductions of general funded agencies' appropriations for class 27 totaling $2,175,000 for the fiscal year ending June 30, 2011. The reductions required under this section shall be in addition to any reductions required pursuant to 2009, 143:12 and by Executive Order No. 2010-02. The commissioner of the department of information technology shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in

expenditure classes made to implement this section on or before July 31, 2010.

31 Operating Budget; General Fund Appropriation Reduction; Department of State. Notwithstanding 2009, 143:1, the state general fund appropriations for the department of state shall be reduced by an additional $149,000 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02. The secretary of state shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.

32 Operating Budget; General Fund Appropriation Reduction; Board of Tax and Land Appeals. Notwithstanding 2009, 143:1, the state general fund appropriations for the board of tax and land appeals shall be reduced by an additional $41,454 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02. The chairman of the board of land and tax appeals shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.

33 New Paragraph; Animal Population Control Program; Management of Fund. Amend RSA 437-A:4-a by inserting after paragraph II the following new paragraph:

III. The commissioner shall put out to bid the duties related to managing the application for and distribution of moneys from the fund for the reimbursement of spay and neuter surgeries. The contract for the duties shall not exceed $20,000. The commissioner may assess an administrative charge for the oversight of the program to the fund not to exceed $5,000 annually.

34 Animal Population Control Program; Rulemaking. Amend RSA 437-A:5, II-a to read as follows:

II-a. [~~Administration~~] ***Oversight*** of the fund established under RSA 437-A:4-a.

35 Animal Population Control Program; Assistant Position. The animal population control program assistant position shall be abolished and, if the position is filled the department shall transfer the individual to a vacant position of similar responsibility, or the individual shall be laid off.

36 Operating Budget; General Fund Appropriation Reduction; Department of Environmental Services. Notwithstanding 2009, 143:1, the state general fund appropriations for the department of environmental services shall be reduced by an additional $432,335 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02 and any other section contained in this act. Such reduction shall be attributable to a combination of vacant positions, supplanting general fund appropriations with federal funds and other funds that might be available for that purpose, and reductions in specific class line item appropriations provided that such reductions do not cause a reduction of services, a reduction of grants or aid to local communities, or an increase in fees. The commissioner of environmental services shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.

37 Health and Human Services; Contract Consolidation. For the fiscal year ending June 30, 2011, the department of health and human services shall reduce state general fund appropriations by $1,500,000 by consolidating social services and medical contracts in order to reduce administrative costs. The department shall not reduce program services in order to meet the reductions required under this section.

38 Health and Human Services; TANF Family Supports. For the fiscal year ending June 30, 2011, the department of health and human services shall reduce state general fund appropriations by $1,500,000 by eliminating contracts for Temporary Assistance to Needy Families (TANF) family supports and providing such services utilizing existing department staff.

39 Youth Development Center; Appropriation Reduction. Notwithstanding any provision of law to the contrary, the department of health and human services shall decrease state general fund appropriations for the youth development center under accounting unit 05-95-41-412010 by $1,561,514 for the fiscal year ending June 30, 2011. In order to meet this reduction, the

department shall eliminate 30 positions at the youth development center which are no longer necessary due to the declining census at such center.

40 Department of Health and Human Services; North Country Transportation. For the biennium ending June 30, 2011, the department of health and human services shall not reduce funding provided to North Country Transportation used toward meeting the state matching funds requirement for the Job Access and Reverse Commute (JARC) grant award from the United States Department of Transportation.

41 Department of Health and Human Services; Suspension of Catastrophic Illness Program. Notwithstanding any provision of law or rule to the contrary, for the fiscal year ending June 30, 2011, the catastrophic illness program under RSA 137-G is suspended.

42 Department of Health and Human Services; Suspension of Senior Volunteer Grant Program. Notwithstanding any provision of law or rule to the contrary, for the fiscal year ending June 30, 2011, the senior volunteer grant program under RSA 161-F:40 is suspended.

43 Prevention Programs. Amend RSA 170-G:4, XVI to read as follows:

XVI. Encourage cities, towns***,*** and counties to develop and maintain prevention programs, court diversion programs***,*** and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns***,*** and counties which have, or are developing, prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than [~~4.5~~] ***3*** percent of the annual amount appropriated to the department of health and human services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the commissioner. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect. ***Before January 1, 2011, and biennially thereafter, the department shall provide to the chairmen of the house and senate health and human services committees, and the chairmen of the house and senate finance committees a report assessing the effectiveness of the programs funded though this paragraph.***

44 Department of Health and Human Services; Suspension of Residential Rate Setting Rule. Amend 2009, 144:32 to read as follows:

144:32 Department of Health and Human Services; Suspension of Residential Rate Setting Rule. Notwithstanding any provision of the law or rule to the contrary, for the biennium ending June 30, 2011, He-C 6422 relative to the residential child care facilities rate setting is suspended. The base rate for residential providers for the [~~biennium~~] ***state fiscal year*** ending June 30, [~~2011~~] ***2010*** shall be the rate in effect on June 30, 2009. ***For the state fiscal year ending June 30, 2011, the rate paid to residential providers subject to the rate setting rule as of June 30, 2009 shall be reduced by 2 percent. The base rate for the calculation of the 2 percent rate reduction shall be the rate in effect on June 30, 2009. Notwithstanding any provision of law or rule to the contrary, for state fiscal year 2011, the rate established pursuant to RSA 170-G:4, XVII for all other services and programs which are paid for by the department pursuant to RSA 169-B:40, 169-C:27, and 169-D:29 shall be reduced by 2 percent. The base rate for the calculation of the 2 percent rate reduction shall be the rate in effect on July 1, 2009.***

45 Department of Health and Human Services; Direct Graduate Medical Education; Suspension. Amend 2009, 144:24 to read as follows:

144:24 Department of Health and Human Services; Direct Graduate Medical Education. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of direct graduate medical education payments to hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) to be effective July 1, 2009. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of direct graduate medical education are suspended until [~~June 30, 2011~~] ***July 1, 2011***.

46 Department of Health and Human Services; Indirect Graduate Medical Education Suspension. The commissioner of the department of health and human services shall submit a

Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of indirect graduate medical education payments to hospitals effective April 1, 2010. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of indirect graduate medical education shall be suspended until July 1, 2011.

47 Department of Health and Human Services; Suspension of Catastrophic Aid Payment. Notwithstanding 2009, 144:160, the commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all catastrophic aid payments to hospitals effective June 15, 2010 and continuing through June 30, 2011.

48 Department of Health and Human Services; Public Assistance; Definitions. Amend RSA 167:6, VI to read as follows:

VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act, except that the minimum required duration of the impairment shall be 48 months, unless and until the department adopts a 12-month standard in accordance with RSA 167:3-j. In determining disability, the standards for "substantial gainful activity" as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children. ***Notwithstanding any provision of law to the contrary, eligibility for cash assistance shall be conditioned upon the recipient filing an application for any federal disability benefits for which the individual may be entitled and pursuing any appeals available for those federal benefits. Cash assistance shall terminate upon a finding by a federal administrative law judge that the individual is medically ineligible for the federal benefits. The department may terminate cash assistance for failure to comply with the requirements of this paragraph, subject to the recipient's right to an administrative appeal.***

49 New Subdivision; Optional Local Meals and Rooms Tax. Amend RSA 78-A by inserting after section 26 the following new subdivision:

Optional Local Meals and Rooms Tax

78-A:27 Local Meals and Rooms Tax.

I. A municipality may, in accordance with the procedures under RSA 78-A:28, adopt an addition to the meals and rooms tax rate imposed under RSA 78-A:6, to be known as the local meals and rooms tax, at a rate to be established by the municipality.

II. The commissioner shall assess, collect, administer, and enforce the local meals and rooms tax in accordance with the applicable provisions of this chapter relative to the state meals and rooms tax; except that the revenue collected from the local meals and rooms tax shall, after deduction of administrative expenses, be remitted to the treasurer of the municipality imposing the local tax.

78-A:28 Procedure for Adoption and Modification of Local Meals and Rooms Tax.

I. Any town or city may adopt the provisions of RSA 78-A:27 in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the local meals and rooms tax, the amount of such tax, and the manner of its determination, as listed in RSA 78-A:27. If a majority of those

voting on the question vote "yes," the tax shall take effect within the town or city, on the date set by the governing body following its adoption.

III. A municipality may modify or rescind the tax provided in RSA 78-A:27 in the manner described in this section.

50 Rooms and Meals Tax; Distribution to Cities and Towns. Notwithstanding any provision of law, for the fiscal year ending June 30, 2011, the state treasurer shall reduce the total revenue distributed to cities and towns authorized by 2009, 143:1 and 2009, 144:8 by the sum of $6,091,930. The remaining funds shall be distributed to cities and towns pursuant to the formula for determining the amount of revenue returnable to cities and towns under RSA 78-A:26, I and II.

51 Meals and Rooms Tax; Definition of Hotel; Campsites. Amend the introductory paragraph of RSA 78-A:3, III to read as follows:

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

52 Authorization for Debt Restructuring. The state treasurer is hereby authorized to refinance all or a portion of the state's fiscal year 2011 debt service obligations by the issuance at one time or from time to time of up to $55,000,000 aggregate principal amount of general obligation refunding bonds, which shall mature in such amounts and at such time as the state treasurer, with the approval of the governor and council, shall determine; provided that the final maturity of such bonds shall not be later than June 30, 2021. The issue of such bonds shall be subject to the same requirements and provisions of law as would then be applicable to the issue of the bonds being refunded, except as provided in this section. Such refinancing is intended to result in a general fund reduction of the required debt service for the biennium ending June 30, 2011 of approximately $40,000,000. The amount of general fund debt service so refinanced shall lapse to the general fund on or before June 30, 2011.

53 Capital Appropriation; University System of New Hampshire. Amend 2005, 259:2, I to read as follows:

I. The Knowledge Economy Education Plan (KEEP NH) documents the need for investment in university system of New Hampshire projects primarily to renovate and expand science, engineering**,** and technology facilities. The sum of $109,500,00 is hereby committed and appropriated to the university system of New Hampshire (USNH) for the KEEP NH plan, effective July 1, 2005 but limited to the drawdown of funds as stated in this section. The appropriation is for the following capital projects:

A. DeMeritt Hall renovation and expansion (UNH);

B. James Hall renovation and expansion (UNH);

C. Parsons Hall renovation (UNH);

D. Planning for renovation of Nesmith Hall (UNH), renovation and expansion of Physical Education Center (PSU), and conversion of former Zorn dining commons to academic building (KSC);

E. Infrastructure work on the Keene State College and Plymouth State University campuses;

F. NHPTV equipment (UNH); and

G. University Centers that would co-locate USNH and Community-Technical College System programs.

I-a. The further sum of $25,000,000 is hereby committed and appropriated to USNH, subject to the limitation on the drawdown of funds as stated in this section, for such other deferred maintenance, repair, renovation, and capital projects as may be approved by the university system board of trustees provided, however, that such projects shall not involve any of the buildings renovated or expanded with funding

appropriated for the KEEP NH plan, 2001, 202:2, and paragraph I of this section, namely, at UNH: Murkland Hall, Kingsbury Hall DeMeritt Hall, James Hall, and Parsons Hall; at PSU: Boyd Hall; and at KSC: Mason Library and Science Building.

54 Capital Appropriation; University System of New Hampshire; KEEP NH. Amend 2005, 259:2, II, to read as follows:

II. The university system board of trustees will determine the timing of the projects and the specific dollar allocation to each from the above sum available, while ensuring the respective campus priorities are addressed. The board of trustees shall report on the progress of the projects in [~~paragraph~~] ***paragraphs*** I ***and I-a*** to the capital budget overview committee on a quarterly basis. The appropriation shall be nonlapsing and in addition to any other appropriation to the university system; provided, however, that the university system shall not receive actual cumulative payments from the state for such purposes of more than:

A. $4,500,000 through the biennium ending June 30, 2007.

B. $39,500,000 through the biennium ending June 30, 2009 ($35,000,000 in new authorization for the biennium).

C. [~~$74,500,000~~] ***$99,500,000*** through the biennium ending June 30, 2011 ([~~$35,000,000~~] ***$60,000,000*** in new authorization for the biennium).

D. [~~$109,500,000~~] ***$134,500,000*** through the biennium ending June 30, 2013 ($35,000,000 in new authorization for the biennium).

55 Capital Budget; Bonds Authorized; University System of New Hampshire; KEEP. Amend 2005, 259:8, II to read as follows:

II. To provide funds for the appropriation made in section 2, paragraphs I***, I-a,*** and II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~$109,500,000~~] ***$134,500,000*** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

(1) $4,500,000 through the biennium ending June 30, 2007.

(2) $39,500,000 through the biennium ending June 30, 2009.

(3) [~~$74,500,000~~] ***$99,500,000*** through the biennium ending June 30, 2011.

(4) [~~$109,500,000~~] ***$134,500,000*** through the biennium ending June 30, 2013.

56 Tobacco Tax; Tax on Products Other than Cigarettes. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [~~48.59~~] ***65.03*** percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.

57 Applicability; Tax on Tobacco Products Other than Cigarettes. Section 56 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products other than cigarettes in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this section. The tax rate effective on the effective date of this section shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be due within 90 days of the effective date of this section. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

58 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other law to the contrary, for the fiscal year ending June 30, 2010, the department of administrative services shall transfer funds from the following accounts or funds maintained separately on the books of the state to the general fund in the following amounts:

Account/Fund	Amount Transferred to General Fund

Statewide Public Boat Access Fund, RSA 233-A:13	$500,000
Nitrogen Oxide Emissions Reduction Fund, RSA 125-J:13, II	$90,000
Laboratory Equipment Fund, RSA 131:3-a, II	$100,000
New Hampshire Hazardous Waste Cleanup Fund, RSA 147-B:3	$100,000
Default Bench Warrant Fund, RSA 263:56-d	$100,000
Fire Standards and Training and Emergency Medical Services Fund, RSA 21-P:12-d	$1,500,000
Recount Administrative and Fee Account, RSA 660:31	$110,000
Reflectorized Plates Inventory Fund, RSA 228:25	$250,000
Education Credentialing Fund, RSA 186:11, X	$250,000
Sludge Analysis Fund, RSA 485-A:4, XIV-c	$25,000
Wastewater Plant Operator Certification Fund, RSA 485-A:7-a	$75,000

59 Operating Budget; Lapse of Appropriation. New Hampshire Retirement System; Retirement Pension Benefit; Health Insurance. Amend 2009, 143:1, 01, 59, 59, 590510, 1052, class 064, footnote F to read as follows:

[*~~064 F. This appropriation shall not lapse until June 30, 2011~~]

60 Operating Budget. Lapse of Appropriation. Judicial Council; Contracts for Program Services. Amend 2009, 143:1, 02, 07, 070010, 1094, class 102, footnote F to read as follows:

[*~~102 F. This appropriation shall not lapse until June 30, 2011~~]

61 Department of Treasury. Lapse of Appropriation for Debt Service. Amend 2009, 143:1, 01, 38, 38, 380010, 2076, class 043, footnote F and class 044, footnote F to read as follows:

[~~Class Notes, 043 F. This appropriation shall not lapse until on June 30,2011.~~

~~Class Notes, 044 F. This appropriation shall not lapse until on June 30, 2011.~~]

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

(b) ***Partnerships, limited liability companies, associations, and*** trusts, the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds $2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

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

III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, association, or trust issuing the same, on shares in partnerships, limited liability companies, associations, or trusts the beneficial interest in which is represented by transferable shares.

64 New Sections; Taxation of Interests and Dividends; Partnerships and Limited Liability Companies. Amend RSA 77 by inserting after section 14 the following new sections:

77:14-a Partnerships and Limited Liability Companies. Partnerships and limited liability companies having a usual place of business in this state, any member of which is an inhabitant thereof, shall be subject to taxes imposed by this chapter. If any of the members of the partnership or limited liability company are not inhabitants of this state only so much of the income thereof as is proportionate to the aggregate interest of the partners or members who are inhabitants of this state in the profits of the partnership or limited liability company shall be taxed.

77:14-b Partners and Members. The tax shall be assessed on such a partnership or limited liability company by the name under which it does business, and the partners or members shall not be taxed with respect to the taxable income derived by them from such a partnership or limited liability company.

77:14-c Members of Partnership or Limited Liability Company Outside the State. An

inhabitant of this state who is a member of a partnership or limited liability company having no usual place of business in this state, who receives income from such partnership or limited liability company derived from such a source that it would be taxable if received directly from such source by such partner or member, shall as to such income be subject to the taxes imposed by this chapter.

77:14-d Application of Sections. RSA 77:14-a to 14-d shall apply, so far as apt, to associations and trusts, but not to partnerships, limited liability companies, associations, and trusts the beneficial interest in which is represented by transferable shares.

65 Repeal. RSA 77:1-a, relative to definitions, is repealed.

66 Applicability. Sections 62-65 of this act shall apply to taxable periods ending on or after December 31, 2010.

67 New Chapter; Commission to Study Business Taxes Established. Amend RSA by inserting after chapter 77-E the following new chapter:

CHAPTER 77-F

COMMISSION TO STUDY BUSINESS TAXES

77-F:1 Commission to Study Business Taxes Established.

I. There is a commission established to study business taxes.

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

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

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

(c) Five members of the public appointed by the governor, representing the following groups and interests:

(1) Tax experts and accountants;

(2) Small business;

(3) Real estate, finance, and investment; and

(4) Business trade associations.

II. The commission shall study and evaluate:

(a) The present system of business taxation in New Hampshire, including but not limited to the rates and allocation among taxpayers of the business enterprise tax, the business profits tax, and the interest and dividends tax.

(b) Whether there are changes to the present system of business taxes and rates of assessment that should be considered by the legislature in order to:

(1) Ensure fairness and equity in the allocation of business taxes including among similarly situated business entities and taxpayers;

(2) Ensure clear tax laws and synchronization with federal tax laws; and

(3) Continue to provide a business tax environment that enhances the growth of jobs, income in the state, and the transition to clean and renewable energy.

(c) Safe harbors for the reasonable compensation deduction under the business profits tax, including but not limited to:

(1) Safe harbors based on the percentage of the gross selling price on the sale of business assets other than inventory;

(2) The percentage of gross revenues and the percentage of gross business profits using the independent investor return test;

(3) The federal self-employment tax; and

(4) Any other issue related to the reasonable compensation deduction.

(d) Business tax credits and deductions including, but not limited to, net operating losses.

(e) Offering tax credits to insurance companies that create new net jobs in New Hampshire.

III. The commission may solicit and receive testimony and other information from any person or organization with information or expertise relevant to the committee's objective. State agencies shall cooperate with the commission, and provide data, information, reports, and

testimony to the commission upon request.

IV. The governor shall appoint a chair from among the members. The first meeting of the commission shall be called by the chair and shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

V. Legislative members of the commission shall receive mileage at the legislative rate when attending meetings of the commission.

VI. The commission shall, following a public hearing on a draft final report, submit a final report on the items included in subparagraphs II(a) and (b) or before December 1, 2010, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees, the house and senate clerks, and the state librarian.

VII. The commission shall, following a public hearing on a draft final report, submit a final report on the items included in subparagraphs II(c) and (d) or before November 1, 2012, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees, the house and senate clerks, and the state librarian.

68 Repeal. RSA 77-F, relative to a commission to study business taxes, is repealed.

69 New Hampshire Retirement System; Employer Contributions; State Payment. Amend RSA 100-A:16, II(b)-(c) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that any employer, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay [~~75~~] ***80*** percent of such total contributions, and [~~25~~] ***20*** percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided that, in the case of compensation attributable to extra or special duty, the employer shall pay the full amount of such total contributions; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that, in the case of teachers, any employer, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay [~~75~~] ***80*** percent of such total contributions, and [~~25~~] ***20*** percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided further that in case of teacher members employed by the state the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in subparagraphs (h) and (i).

70 Department of Agriculture; Licenses; Transfers of Animals and Birds. Amend RSA 437:3 to read as follows:

437:3 Licenses. Applications for licenses shall be made annually in writing to the department accompanied by a license fee of [~~$200~~] ***$350***. After January 1, the license fee shall be [~~$100~~] ***$175***. If after inspection the department finds that the premises, cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, and proof is provided with the application that the zoning enforcement official of the municipality wherein such facility is to be maintained has certified that the facility conforms to the municipal zoning regulations, a license shall be issued. Licenses shall expire on June 30 following issue, and may be renewed on application to the department accompanied by a renewal fee of [~~$200~~] ***$350***. Such licenses shall be in the form prescribed by the department, shall be publicly displayed at the premises covered by them and adjacent to animal display cages. Each such license shall be subject to revocation at any time by the department, if in the judgment of the department the conditions under which it was issued are not being maintained. Each licensee shall be inspected by an employee of the department or by a person appointed by the department no less frequently than every 6 months. Upon receipt of a written complaint alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time. All license fees shall be deposited in the state treasury.

71 Lottery Commission; Report Required. The lottery commission shall submit to the governor, the president of the senate, and the speaker of the house of representatives, no later than November 15, 2010, a comprehensive report describing how it proposes to modernize and update its products within the next 5 years in order to maximize revenues in a competitive lottery environment.

72 Operating Budget; Transfer of Appropriations; Adequate Education Grants; Funds From Education Trust Fund Transferred to General Fund.

I. The commissioner of the department of administrative services is authorized to transfer up to $80,000,000 from the appropriation in account 06-56-56-560010-7550 class line 086 for fiscal year 2011 into account 06-56-56-560010-7550, class line 086 for fiscal year 2010 on or before June 30, 2010. Account 06-56-56-560010-7550, class line 079 for fiscal year 2010 shall be reduced by the same amount that is transferred into account 06-56-56-560010-7550, class line 086 for fiscal year 2010, and account 06-56-56-560010-7550, class line 079 for fiscal year 2011 shall be increased by the corresponding amount.

II. Notwithstanding RSA 198:39, any funds remaining in the education trust fund as of June 30, 2010 shall be transferred to the general fund as undesignated surplus.

73 Application; Appropriations Reductions; All State Agencies. The reductions required by this act shall be in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.

74 Special School District Meetings. Notwithstanding RSA 197:2 and RSA 197:3, for the fiscal year ending June 30, 2011, a special meeting of a school district shall be held upon the majority vote of the school board only for the purpose of addressing changes in catastrophic aid funding which could affect the school district during the 2011 year.

75 Repeal. Section 74 of this act, relative to special school district meetings, is repealed.

76 Special Meeting of Towns for the Fiscal Year Ending June 30, 2011. Notwithstanding any other provision of law to the contrary, for the fiscal year ending June 30, 2011, any town, including those towns that have adopted RSA 40:13 may, by a majority vote of the governing body, call a special meeting without court approval to address any reduction in the amount of state revenue distributed to the town which could affect the town's budget. Such meetings shall be subject to the following:

I. The governing body of such town shall post a notice, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of general circulation in the political subdivision, provided that if there is no newspaper of general circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

II. The governing body shall hold a public hearing on the proposed warrant articles at the

town meeting.

III. The governing body of any town that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of RSA 39 and RSA 40 and other applicable law without regard to RSA 40:13. If the governing body elects to follow the provisions of RSA 40:13, it shall provide at least a 15-day period between the deliberative session and the vote for the purposes of proceedings under this section.

77 Repeal. Section 76 of this act, relative to the special meetings of towns, is repealed.

78 State Agencies; Supplanting General Fund Reductions With Other Funds. For the fiscal year ending June 30, 2011, any state agency may supplant general fund reductions required pursuant to this act with federal and other funds that may become available for that purpose. The department of administrative services shall report to the fiscal committee of the general court on or before July 30, 2010 detailing the use of any such funds.

79 Furloughs Required for Certain State Employees. Nonclassified and unclassified state employees shall take 12 unpaid furlough days during fiscal year 2011.

80 Reductions in Personnel Expenditures. Notwithstanding any provision of law to the contrary, for the biennium ending June 30, 2011, any reductions in personnel expenditures in an agency shall be distributed proportionately between classified and unclassified employees of such agency. Upon petition by an agency, the fiscal committee of the general court may grant an exemption from this requirement.

81 Vacant Positions; Bumping Rights; Layoffs. Amend 2009, 144:64 to read as follows:

144:64 Department of Administrative Services; Suspension of Bumping Rights.

I. The displacement of classified state employees by more senior classified state employees, or so-called bumping, pursuant to administrative rule Per 1101.02 (i) through (l) under the authority of RSA 21-I:43 by the director of the division of personnel is hereby suspended from the effective date of this section to June 30, 2011.

II. The procedure for layoffs of permanent employees pursuant to administrative rule Per 1101.02 (d), prohibiting the layoff of permanent employees while there are temporary fill-in, part-time, or probationary employees serving in the same class of position within the same division of the agency, is hereby suspended from the effective date of this section to June 30, 2011.

III. The reassignment prior to layoff of classified state employees into vacant but funded positions, pursuant to administrative rule Per 1101.02 (f) under the authority of RSA 21-I:43 by the director of the division of personnel is hereby suspended from the effective date of this section to June 30, 2011.

82 Vacant Positions; Rehiring of Laid Off State Employees. Amend 2009, 144:65, II to read as follows:

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

83 New Section; Certain Transfers Prohibited. Amend RSA 9 by inserting after section 16-b the following new section:

9:16-c Certain Transfers Prohibited. Notwithstanding any other provision of law to the contrary, no funds shall be transferred out of any class line which is the source of payment for Medicaid providers whose reimbursement rates are set by the department of health and human services and whose rates have been reduced by the department of health and human services through the use of a budget neutrality factor, a proportionate discount factor, or any similar reduction device.

84 Department of Health and Human Services; Reduction in Appropriation. Amend 2009, 143:9, as amended by 2010, 4:3 to read as follows:

143:9 Department of Health and Human Services; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund

appropriations from any line by [~~$19,559,231~~] ***$8,676,231*** for the biennium ending June 30, 2011. Any direct services to New Hampshire citizens shall be excluded from these reductions unless expressly approved by the fiscal committee of the general court and the governor and council. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.

85 Transfer of Anna Philbrook Center Residents. Notwithstanding any provision of law to the contrary:

I. The department of health and human services shall transfer all residents of the Anna Philbrook center to the F-Unit wing of New Hampshire hospital. After said transfer is complete, the department shall consider utilizing the Anna Philbrook center for office space as needed by the department, or taking steps to close the facility once vacant.

II. The department of health and human services shall utilize the I-Unit wing of the New Hampshire hospital to provide beds as necessary for adult patients displaced by the transfer of residents of the Anna Philbrook center to the F-Unit wing of New Hampshire hospital pursuant to paragraph I.

86 Shelter Care Services. For the biennium ending June 30, 2011, the department of health and human services shall continue to fund shelter care services at Midway Shelter in Bradford, Antrim Girls Shelter in Antrim, and North Country Shelter Care in Jefferson.

87 Shea Farm Transitional Housing Unit; Transfer to Tobey Building. The department of health and human services and department of corrections shall work in consultation to facilitate the transfer of the Shea Farm transitional housing unit to the Tobey building. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding for the Shea Farm transitional housing unit and the Tobey building shall be appropriately transferred to allow operation of the transitional housing unit and relocation of programs of the department of health and human services currently residing in the Tobey building. Said transfers shall include, but not be limited to, the use of existing capital and operating budget appropriations to allow for renovations to the Tobey building to ensure its appropriate use, as well as renovations to the Anna Philbrook center if the department of health and human services decides to utilize said facility for office space pursuant to section 85 of this act. The transfers provided in this section shall include all of the equipment, books, papers, and records of the departments necessary for the operation of the facilities.

88 Youth Development Center and State Prison for Women; Population Transfers.

I. Notwithstanding any provision of law to the contrary, the department of health and human services and department of corrections shall simultaneously transfer the population of the youth development center to suitable properties located at the lakes region facility located in Laconia, and the population of the state prison for women to the current facility of the youth development center by June 30, 2011. Once the populations of the youth development center and state prison for women are transferred to the proposed facilities, the department of corrections shall cease its contracts with Hillsborough and Strafford counties to house female offenders. Notwithstanding any provision of law to the contrary, all functions, positions, powers, duties, shall be appropriately transferred to allow the operation of the facilities for the use required by this section. The departments shall utilize existing capital and operating budget appropriations for renovations of the youth development center and the lakes region facility located in Laconia as necessary to effectuate the transfer of said populations. The transfers provided in this section shall include all of the equipment, books, papers, and records of the departments necessary for the operation of the facilities.

II. The department of health and human services and department of corrections shall work in consultation to develop a plan to effectuate the transfer of said populations. Said plan shall include an estimate of any state general fund savings which will result from said transfers, and shall be submitted to the speaker of the house of representatives, the president of the senate, the fiscal committee of the general court, and the governor and executive councilors on or before September 1, 2010.

89 Committee to Study the Youth Development Center and State Prison for Women.

I. There is established a committee to study the transfer of populations of the youth development center and the state prison for women.

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

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

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

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

IV. The committee shall study the transfer of the population of the youth development center to the lakes region facility located in Laconia, and the transfer of the population of the state prison for women to the current facility of the youth development center as required by section 88 of this act. The committee shall also determine all statutory or administrative rule changes that will be necessary to effectuate said transfers.

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

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

90 Fine Revenues. Notwithstanding the provisions of RSA 262:44, the state treasurer shall deposit into the general fund $185,000 for fiscal year 2010 and $760,000 for fiscal year 2011 from fine revenues received under RSA 262:44, I.

91 New Chapter; Electricity Generation Tax. Amend RSA by inserting after chapter 83-F the following new chapter:

CHAPTER 83-G
ELECTRICITY GENERATION TAX

83-G:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Department" means the department of revenue administration.

III. "Taxable month" means a calendar month in which electricity is generated.

IV. "Taxpayer" means any person generating electricity in this state, except for:

(a) An "eligible customer generator" as defined in RSA 362-A:1-a, II-b;

(b) A person generating electricity produced by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy, or that uses as its primary fuel source solid waste as defined in RSA 149-M:4; or

(c) A person generating electricity exclusively in a manner that the electricity generated is not interconnected to the electric distribution grid.

83-G:2 Imposition of Tax. Each taxpayer is liable for a tax of $.00055 per kilowatt hour of electricity generated within the state.

83-G:3 Collection of Tax. Every taxpayer shall collect and monthly remit the tax to the state as provided in RSA 83-G:4.

83-G:4 Tax Returns.

I. Except as provided in this section, on or before the fifteenth day of each second month following a taxable month, each taxpayer shall make a return to the department for the taxable month on a form prescribed by the department.

II. Any taxpayer who ceases to engage in generating electricity, and is thereby not responsible for filing returns under this chapter, shall file a final return with the department not more than one month after discontinuing such activity. This requirement shall apply notwithstanding any other provision of this chapter regarding the time within which to file a return.

III. If the commissioner finds that the information required for the making of an accurate

return cannot reasonably be compiled by a taxpayer within one month and 15 days after the close of the taxable month for which a return is to be made, the commissioner may grant an extension of time for the filing of such return. Any such extension shall be granted for a period not to exceed 31 calendar days. The granting of such extension may be conditioned upon the payment by the taxpayer of an amount of money equal to the amount estimated by the commissioner to be due with the return when filed under extension. All such estimated payments shall be credited against the taxpayer's liabilities under this chapter.

IV. The taxpayer shall pay to the department the amount of tax imposed by this chapter at the time it makes a return.

83-G:5 Exemptions.

I. It is in the public interest to foster the generation of electricity from renewable energy sources and from small scale distributed energy resources and to encourage waste reduction.

II. Electricity generated from the following sources shall not be subject to taxation under this chapter:

(a) An "eligible customer generator" as defined in RSA 362-A:1-a, II-b;

(b) Energy generated by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy, or that uses as its primary fuel source solid waste as defined in RSA 149-M:4; or

(c) Electricity generated which is not interconnected to the electric distribution grid.

83-G:6 Instruments, Books, Records, Papers, and Other Documents.

I. Every taxpayer shall provide and keep the necessary instruments and records to show the amount expressed in kilowatt hours of electricity generated by such person.

II. Every taxpayer required to file or actually filing under this chapter shall keep books, records, papers, and other documents which are adequate to reflect the information required by this chapter to be reported to the department by the filing of timely returns with the department.

III. All instruments, books, records, and other papers and documents required to be kept by this chapter shall, at all times during business hours of the day, be subject to inspection by the department.

83-G:7 Additional Returns. When the commissioner has reason to believe that a taxpayer has failed to file a return or to include any part of the total kilowatt hours electricity generated in a filed return, the commissioner may require the taxpayer to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the taxpayer of any penalty for failure to make a correct original return, or relieve such person from liability for interest imposed under RSA 21-J:28 or for any other additional charges imposed by the commissioner. This section shall not be construed to modify or extend the statute of limitations provided in RSA 21-J:29.

83-G:8 Administration; Rulemaking.

I. The commissioner shall collect the taxes imposed under this chapter, interest on tax, additions to tax, and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter.

II. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) The form of the return and the data which it must contain for the correct computation of the number of kilowatt hours of electricity generated in this state and the tax assessed.

(b) The administration of the electricity generation tax.

(c) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 83-G or RSA 21-J.

83-G:9 Tax Sales. The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the

governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

83-G:10 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

92 Reference Change. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or $10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or $50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-A:9, RSA 77-E:8, RSA [~~83-C:6, RSA 83-E:5~~] ***83-G:4***, RSA 84-A:7, or RSA 84-C:7, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

93 Reference Change. Amend RSA 21-J:33-a, I to read as follows:

I. If there is a substantial understatement of tax imposed under RSA 77, RSA 77-A, RSA 77-E, RSA 78-A, RSA 78-C, RSA 82-A [~~or RSA 83-C~~], or RSA [~~83-E~~] ***83-G***, for any taxable period, there shall be added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to such understatement.

94 Repeal. RSA 83-E, relative to the electricity consumption tax, is repealed.

95 Insurance Premium Tax. Amend RSA 400-A:32, I(a) to read as follows:

I.(a) Every insurer shall pay to the insurance commissioner [~~a tax~~] upon such net premiums, for lines of business written, as set forth in the report filed pursuant to RSA 400-A:31, I, less estimated payments made in accordance with RSA 400-A:32, II, [~~as follows:~~

~~(1) Effective July 1, 2007, a tax of 1.75 percent for all lines of business written pursuant to RSA 401:1, I III and V VIII, and RSA 401:1 a, I and II;~~

~~(2) Effective January 1, 2009, a tax of 1.50 percent for all lines of business written pursuant to RSA 401:1, I III and V VIII, and RSA 401:1 a, I and II;~~

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

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

~~(5)~~] a tax of 2 percent for all lines of business written pursuant to RSA 401:1, [~~IV,~~] including, but not limited to, insurers licensed pursuant to RSA 420-A, RSA 420-B, and RSA 420-F.

96 Applicability. The provisions of RSA 400-A:32, I(a) as amended by section 95 of this act shall apply to tax periods of authorized insurers beginning after June 30, 2009. Any additional premium tax liability due to the amendment to RSA 400-A:32, I(c) by section 95 of this act shall be paid in full to the insurance commissioner by June 15, 2010.

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

87:1 Tax Imposed; Exemption.

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

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

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

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

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

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

98 Authority to Audit. Amend RSA 87:36, II to read as follows:

II. The department may, on its own motion, undertake such an audit upon written notice to the executor, administrator, or legatee within the statute of limitations as provided in RSA 21-J:29[~~, except that where a change is reported as provided in RSA 87:10, such notice shall be provided within 6 months of the receipt of such amended return~~].

99 Repeal. The following are repealed:

I. RSA 87:7, relative to intent of chapter.

II. RSA 87:9, relative to chapter void, when.

III. RSA 87:10, relative to adjustments.

100 Documentation of Marriages; Marriage License Fee. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be [~~$45~~] ***$50*** to be paid by the parties entering into the marriage. The clerk shall forward $38 from each fee to the department of health and human services for the purposes of RSA 173-B:15***, and $5 to the state treasurer for deposit in the general fund***. The clerk shall retain the remaining $7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the [~~$38~~] ***$43*** portion of the marriage license fee.

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

I. A town clerk or the registrar shall be paid in advance, by any person requesting any copy or verification as provided in RSA 5-C:9, the sum of [~~$12~~] ***$20*** for making a search, which sum shall include payment for the issuance of such copy or verification, and [~~$8~~] ***$10*** for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be $25.

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

102 Prohibition on Delay of Payment or Expenditure. For the fiscal years ending June 30, 2010 and June 30, 2011, no department as defined in RSA 9:1 shall delay a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.

103 Appropriations and Charges. In addition to any other sums appropriated for the fiscal year ending June 30, 2011, the following appropriations and charges are hereby authorized for

the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

1-14		Department of Administrative Services		
01-14-14-1400-1042		Commissioner - Administration		
01-14-14-1400-1042	020	Current Expenses	General Funds	($1,000)
01-14-14-1400-1042	030	Equipment New/Replacement	General Funds	($500)
01-14-14-1400-1042	080	Out-of-State Travel	General Funds	($1,000)
01-14-14-1410-1044		Personnel Admin - Support		
01-14-14-1410-1044	020	Current Expenses	General Funds	($7,500)
01-14-14-1405-1310		Bureau of Accounting		
01-14-14-1405-1310	030	Equipment New/Replacement	General Funds	($250)
01-14-14-1405-1310	066	Employee Training	General Funds	($1,450)
01-14-14-1405-1330		Financial Reporting		
01-14-14-1405-1330	070	In-State Travel	General Funds	($150)
01-14-14-1405-1330	080	Out-of-State Travel	General Funds	($1,000)
01-14-14-1400-1350		Budget Office		
01-14-14-1400-1350	080	Out-of-State Travel	General Funds	($1,000)
01-14-14-1400-1360		Business Office		
01-14-14-1400-1360	020	Current Expenses	General Funds	($500)
01-14-14-1420-1370		Financial Data Management		
01-14-14-1420-1370	037	Technology - Hardware	General Funds	($25,352)
01-14-14-1420-1370	046	Consultants (non-benefited)	General Funds	($30,000)
01-14-14-1400-1375		Risk Management Unit		
01-14-14-1400-1375	020	Current Expenses	General Funds	($500)
01-14-14-1400-1375	030	Equipment New/Replacement	General Funds	($250)
01-14-14-1400-1375	080	Out-of-State Travel	General Funds	($1,000)
01-14-14-1415-1440		Plant & Property Administration		
01-14-14-1415-1440	070	In-State Travel	General Funds	($250)
01-14-14-1415-1440	080	Out-of-State Travel	General Funds	($1,450)
01-14-14-1410-1442		Employee Relations		
01-14-14-1410-1442	020	Current Expenses	General Funds	($600)
01-14-14-1415-2040		General Services		
0.1-14-14-1415-2040	023	Heat, Electricity & Water	General Funds	($50,000)
01-14-14-1415-2040	080	Out-of-State Travel	General Funds	($184)
01-14-14-1415-2042		Bureau Facilities and Assets Management		
01-14-14-1415-2042	030	Equipment New/Replacement	General Funds	($5,300)
01-14-14-1415-2045		Bureau of Court Facilities		
01-14-14-1415-2045	023	Heat, Electricity & Water	Other Funds	($125,000)
01-14-14-1415-2045	047	Own Forces Maintenance - Building & Grounds	Other Funds	($6,500)

01-14-14-1415-2045	070	In-State Travel	Other Funds	($5,000)
01-14-14-1415-2045	201	Sheriff's Reimbursement	General Funds	($100,000)
01-14-14-1415-2083		M-S Building		
01-14-14-1415-2083	020	Current Expenses	General Funds	($10,000)
01-14-14-1415-2083	023	Heat, Electricity & Water	General Funds	($25,000)
01-14-14-1415-2083	030	Equipment New/Replacement	General Funds	($900)
01-14-14-1415-2083	070	In-State Travel	General Funds	($500)
01-14-14-1415-2091		Public Works Bureau		
01-14-14-1415-2091	020	Current Expenses	General Funds	($5,000)
01-14-14-1415-2091	030	Equipment New/Replacement	General Funds	($1,000)
01-14-14-1415-2091	070	In-State Travel	General Funds	($7,500)
01-14-14-1415-2098		Dept. Of Justice Building		
01-14-14-1415-2098	023	Heat, Electricity & Water	General Funds	($15,000)
01-14-14-1415-2098	030	Equipment New/Replacement	General Funds	($1,000)
01-14-14-1415-2099		Upham Walker Building		
01-14-14-1415-2099	023	Heat, Electricity & Water	General Funds	($5,000)
01-14-14-1415-5320		Lakes Region Campus		
01-14-14-1415-5320	070	In-State Travel	General Funds	($300)
01-14-14-1400-1356		Retirees Health		
01-14-14-1400-1356	046	Consultants (Non-benefited)	General Funds	($7,790)
01-14-14-1400-1356	100	Prescription Drug Expenditures	General Funds	($1,423,300)
01-14-14-1400-1356	101	Medical Payments To Providers	General Funds	($1,010,800)
01-14-14-1400-1356	102	Contracts for Program Services	General Funds	($108,110)
01-34		Department of Cultural Resources		
01-34-34-3420-3420		Office of Preservation		
01-34-34-3420-3420	010	Personal Services - Permanent Classified	General Funds	($38,560)
01-34-34-3420-3420	060	Benefits	General Funds	($31,614)
01-34-34-3420-3441		Federal Preservation Programs		
01-34-34-3420-3441	010	Personal Services - Permanent Classified	Federal Funds	$38,560
01-34-34-3420-3441	060	Benefits	Federal Funds	$31,614
01-34-34-3405-7000		Central Library Services		
01-34-34-3405-7000	010	Personal Services - Permanent Classified	General Funds	($115,595)
01-34-34-3405-7000	060	Benefits	General Funds	($44,512)
01-34-34-3410-1250		State Arts Development		
01-34-34-3410-1250	011	Personal Services - Unclassified	General Funds	($32,561)
01-34-34-3410-1250	060	Benefits	General Funds	($12,469)
01-84		Dept of Revenue Administration		
01-84-84-8400-7884		Administration		
01-84-84-8400-7884	070	In-State Travel	General Funds	($50,000)
01-84-84-8405-1301		Audit Division		
01-84-84-8405-1301	010	Personal Services - Permanent Classified	General Funds	($319,665)
01-84-84-8405-1301	060	Benefits	General Funds	($180,391)

01-84-84-8405-1401		Collections Division		
01-84-84-8405-1401	010	Personal Services - Permanent Classified	General Funds	($47,981)
01-84-84-8405-1401	060	Benefits	General Funds	($24,135)
01-84-84-8405-1501		Documents Processing Division		
01-84-84-8405-1501	010	Personal Services - Permanent Classified	General Funds	($126,805)
01-84-84-8405-1501	012	Personal Services - Unclassified	General Funds	($70,853)
01-84-84-8405-1501	045	Personal Services (Non-Benefited)	General Funds	($30,000)
01-84-84-8405-1501	060	Benefits	General Funds	($126,972)
01-84-84-8410-5413		Appraisal Services		
01-84-84-8410-5413	010	Personal Services - Permanent Classified	General Funds	($33,291)
01-84-84-8410-5413	060	Benefits	General Funds	($14,258)
01-28		Real Estate Commission		
01-28-28-2800-2054		Real Estate Comm Admin		
01-28-28-2800-2054	010	Personal Services- Permanent Classified	General Funds	($11,000)
01-28-28-2800-2054	104	Certification Expense	General Funds	($27,000)
01-29		Real Estate Appraiser Board		
01-29-29-2923-1140		Real Estate Appraiser Board Admin		
01-29-29-2923-1140	060	Benefits	General Funds	($7,155)
01-51		Board of Accountancy		
01-51-51-5100-2115		Board of Accountancy Admin		
01-51-51-5100-2115	020	Current Expenses	General Funds	($8,000)
01-51-51-5100-2115	046	Consultants (Non-benefited)	General Funds	($4,100)
01-31		Joint Board		
01-31-31-3100-2250		Joint Board Admin		
01-31-31-3100-2250	010	Personal Services- Permanent Classified	General Funds	($33,840)
01-31-31-3100-2250	060	Benefits	General Funds	($23,561)
01-39		Board of Manufactured Housing		
01-39-39-3923-4423		Board of Manufactured Housing		
01-39-39-3923-4423	020	Current Expense	General Funds	($1,451)
01-39-39-3923-4423	070	In-State Travel	General Funds	($260)
01-05		Executive Council		
01-05-05-0520-1001		Executive Council		
01-05-05-0520-1001	012	Personal Services - Unclassified	General Funds	($300)
01-05-05-0520-1001	020	Current Expense	General Funds	($2,180)
01-05-05-0520-1001	027	Transfers to DoIT	General Funds	($500)
01-05-05-0520-1001	030	Equipment	General Funds	($600)
01-05-05-0520-1001	080	Out-of-State Travel	General Funds	($1,215)
01-02		Executive Office		
01-02-02-0200		Executive Office		
01-02-02-0200-1036		Office of the Governor		
01-02-02-0200-1036		Personal Services/Current Expenses/Benefits	General Funds	($75,665)

01-02-02-0205		Governor's Commission on Disability		
01-02-02-0205-1004		Commission on Disability		
01-02-02-0205-1004	011	Personal Services - Unclassified	General Funds	($31,237)
01-02-02-0205-1006	020	Current Expenses	General Funds	($500)
01-02-02-0205-1004	026	Organizational Dues	General Funds	($100)
01-02-02-0205-1006	030	Equipment	General Funds	($500)
01-02-02-0205-1006	046	Consultants (Non-Benefited)	General Funds	($750)
01-02-02-0205-1004	060	Benefits	General Funds	($4,881)
01-02-02-0205-1006	070	In-State Travel	General Funds	($1,500)
01-02-02-0205-1006	080	Out-of-State	General Funds	($559)
01-02-02-0205-1004	230	Interpreter Services	General Funds	($2,000)
01-02-02-0240		Office of Energy and Planning Administration		
01-02-02-0240-6400				
01-02-02-0240-6400	010	Personal Services- Permanent Classified	General Funds	($21,204)
01-02-02-0240-6400	016	Personal Services - Non-Classified	General Funds	($12,659)
01-02-02-0240-6400	046	Consultants (Non-Benefited)	General Funds	($10,000)
01-02-02-0240-6400	060	Benefits	General Funds	($6,942)
01-02-02-0240-6400	068	Remuneration	General Funds	($18,607)
01-02-02-0240-6570		Municipal/Regional Assistance		
01-02-02-0240-6570	010	Personal Services- Permanent Classified	General Funds	($2,150)
01-02-02-0240-6570	060	Benefits	General Funds	($332)
01-02-02-0240-6570	073	Grants - Non Federal	General Funds	($30,000)
01-02-02-0240-4096		Connecticut River Valley		
01-02-02-0240-4096	068	Remuneration	General Funds	($26,136)
01-02-02-0240-8114		Unemployment Compensation		
01-02-02-0240-8114	061	Unemployment Compensation	General Funds	($5,000)
02-12		Adjutant General Department		
02-12-12-1200-2220		Administration and Armories		
02-12-12-1200-2220	010	Personal Services- Permanent Classified	General Funds	($89,318)
02-12-12-1200-2220	020	Current Expense	General Funds	($15,000)
02-12-12-1200-2220	022	Rents & Leases Other than State	General Funds	($6,853)
02-12-12-1200-2220	060	Benefits	General Funds	($63,308)
02-12-12-1200-2233		Air National Guard MNT/OPER		
02-12-12-1200-2233	020	Current Expenses	General Funds	($5,000)
02-12-12-1200-2233	020	Current Expenses	Federal Funds	($15,000)
02-12-12-1200-2233	023	Heat, Electricity, & Water	General Funds	($5,000)
02-12-12-1200-2233	023	Heat, Electricity, & Water	Federal Funds	($15,000)
02-12-12-1200-2233	047	Own Forces Maintenance - Building & Grounds	General Funds	($5,000)
02-12-12-1200-2233	047	Own Forces Maintenance - Building & Grounds	Federal Funds	($15,000)
02-12-12-1200-2240		Army and State 50/50		
02-12-12-1200-2240	023	Heat, Electricity, & Water	General Funds	($45,000)
02-12-12-1200-2240	023	Heat, Electricity, & Water	Federal Funds	($45,000)
02-12-12-1200-2240	103	Contracts for Operational Services	General Funds	($88,374)

02-12-12-1200-2240	103	Contracts for Operational Services	Federal Funds	($88,374)
02-12-12-1210-2260		NH State Veterans Cemetery Operations		
02-12-12-1210-2260	050	Personal Services - Temporary/Appointed	General Funds	($15,000)
02-12-12-1210-2260	060	Benefits	General Funds	($1,147)
02-18		Department of Agriculture, Markets & Food		
02-18-18-1825-2705		Animal Population Control		
02-18-18-1825-2705	010	Personal Services- Permanent Classified	General Funds	($30,888)
02-18-18-1825-2705	060	Benefits	General Funds	($30,098)
02-18-18-1830-2137		Pesticide Regulation		
02-18-18-1830-2137	060	Benefits	General Funds	($31,626)
02-18-18-1830-2137	060	Benefits	Other Funds	$31,626
02-18-18-1805-2133		Division of Weights & Measures		
02-18-18-1805-2133	018	Overtime	General Funds	($31,041)
02-18-19-1900-7883		Board of Veterinary Medicine		
02-18-19-1900-7883	010	Personal Services- Permanent Classified	General Funds	($9,688)
02-18-19-1900-7883	060	Benefits	General Funds	($5,677)
02-20		Department of Justice		
02-20-20-2000-2601		Attorney General		
02-20-20-2000-2601	010	Personal Services- Permanent Classified	General Funds	($89,379)
02-20-20-2000-2601	060	Benefits	General Funds	($32,799)
02-20-20-2005-2610		Criminal Bureau		
02-20-20-2005-2610	010	Personal Services- Permanent Classified	General Funds	($124,374)
02-20-20-2005-2610	060	Benefits	General Funds	($63,229)
02-20-20-2005-2610	010	Personal Services- Permanent Classified	Federal Funds	$92,428
02-20-20-2005-2610	060	Benefits	Federal Funds	$42,264
02-20-20-2005-2611		Consumer Bureau		
02-20-20-2005-2611	010	Personal Services- Permanent Classified	General Funds	($39,990)
02-20-20-2005-2611	014	Personal Services- Unclassified	General Funds	($68,092)
02-20-20-2005-2611	060	Benefits	General Funds	($43,025)
02-20-20-2005-2611	010	Personal Services- Permanent Classified	Other Funds	$39,990
02-20-20-2005-2611	014	Personal Services- Unclassified	Other Funds	$68,092
02-20-20-2005-2611	060	Benefits	Other Funds	$43,025
02-20-20-2010-2620		Civil Bureau		
02-20-20-2010-2620	010	Personal Services- Permanent Classified	General Funds	($47,310)
02-20-20-2010-2620	013	Personal Services- Unclassified	General Funds	($172,374)
02-20-20-2010-2620	060	Benefits	General Funds	($106,062)
02-73		Public Employee Labor Relations Board		
02-73-73-7300-2066		Public Employee Labor Relations Board		
02-73-73-7300-2066	010	Personal Services- Permanent Classified	General Funds	($14,936)
02-73-73-7300-2066	020	Current Expenses	General Funds	($1,500)
02-73-73-7300-2066	026	Organizational Dues	General Funds	($115)
02-73-73-7300-2066	046	Consultants (Non-Benefited)	General Funds	($1,200)

02-73-73-7300-2066	050	Personal Services- Temporary/Appointed	General Funds	($4,500)
02-73-73-7300-2066	070	In-State Travel	General Funds	($250)
02-86		Racing & Charitable Gaming Commission		
02-86-86-8600-2210		Racing & Charitable Gaming Commission		
02-86-86-8600-2210	018	Overtime	General Funds	($5,000)
02-86-86-8600-2210	019	Holiday Pay	General Funds	($1,000)
02-86-86-8600-2210	020	Current Expenses	General Funds	($15,000)
02-86-86-8600-2210	024	Maintenance Other than Building & Grounds	General Funds	($500)
02-86-86-8600-2210	059	Full-Time Temporary	General Funds	($20,000)
02-86-86-8600-2210	060	Benefits	General Funds	($10,000)
02-86-86-8600-2210	070	In-State Travel	General Funds	($5,000)
02-26		Department of Labor		
02-26-26-2605-6100		Inspection Division		
02-26-26-2605-6100	010	Personal Services- Permanent Classified	General Funds	($57,826)
02-26-26-2605-6100	060	Benefits	General Funds	($50,174)
02-77		Liquor Commission		
02-77-77-7705-7878		Enforcement		
02-77-77-7705-7878	18	Overtime	Other Funds	($60,000)
02-77-77-7705-7878	30	Equipment New/Replacement	Other Funds	($70,000)
02-77-77-7705-1021		Licensing		
02-77-77-7705-1021	22	Rents & Leases Other Than State	Other Funds	($40,000)
02-77-77-7710-1023		Financial Administration		
02-77-77-7710-1023	22	Rents & Leases Other Than State	Other Funds	($110,000)
02-77-77-7715-1024		Merchandising - Administration		
02-77-77-7715-1024	46	Consultants (Non-Benefited)	Other Funds	($225,000)
02-46		Department of Corrections		
02-46-46-4650-8236		Pharmacy		
02-46-46-4650-8236	070	In-State travel	General Funds	($1,601)
02-46-46-4650-8236	100	Prescription Drug Expenditures	General Funds	($750,000)
02-46-46-4600-7101		Commissioner's Office		
02-46-46-4600-7101	020	Current Expenses	General Funds	($15,000)
02-46-46-4600-7101	066	Employee Training	General Funds	($15,000)
02-46-46-4600-7101	070	In-State travel	General Funds	($1,722)
02-46-46-4660-7111		NH State Prison for Women		
02-46-46-4660-7111	020	Current Expenses	General Funds	($10,000)
02-46-46-4660-7111	023	Heat, Electricity & Water	General Funds	($11,493)
02-46-46-4660-7111	047	Own Forces Maintenance - Building & Grounds	General Funds	($2,000)
02-46-46-4660-7111	048	Contractual Maintenance - Building & Grounds	General Funds	($3,000)
02-46-46-4660-7111	068	Remuneration	General Funds	($12,497)
02-46-46-4660-7111	070	In-State travel	General Funds	($3,257)

02-46-46-4660-7111	102	Contracts For Program Services	General Funds	($242,000)
02-46-46-4650-5833		Secured Psych Unit (SPU)		
02-46-46-4650-5833	020	Current Expenses	General Funds	($5,000)
02-46-46-4650-5833	024	Maintenance Other Than Building & Grounds	General Funds	($1,000)
02-46-46-4650-5833	047	Own Forces Maintenance - Building & Grounds	General Funds	($5,000)
02-46-46-4650-5833	068	Remuneration	General Funds	($4,507)
02-46-46-4650-5833	070	In-State travel	General Funds	($1,831)
02-46-46-4630-7103		NHSP/M - Kitchen		
02-46-46-4630-7103	020	Current Expenses	General Funds	($10,000)
02-46-46-4630-7103	024	Maintenance Other Than Building & Grounds	General Funds	($2,000)
02-46-46-4630-7108		NHSP/M - Warehouse		
02-46-46-4630-7108	020	Current Expenses	General Funds	($40,000)
02-46-46-4630-7108	070	In-State travel	General Funds	($217)
02-46-46-4630-7113		NHSP/M - Admin		
02-46-46-4630-7113	020	Current Expenses	General Funds	($10,000)
02-46-46-4630-7113	024	Maintenance Other Than Building & Grounds	General Funds	($1,000)
02-46-46-4630-7113	070	In-State travel	General Funds	($25,727)
02-46-46-4630-7120		NHSP/M - Security		
02-46-46-4630-7120	020	Current Expenses	General Funds	($10,000)
02-46-46-4630-7120	068	Remuneration	General Funds	($150,173)
02-46-46-4630-7140		NHSP/M - Maintenance		
02-46-46-4630-7140	020	Current Expenses	General Funds	($40,000)
02-46-46-4630-7140	023	Heat, Electricity & Water	General Funds	($158,914)
02-46-46-4630-7140	047	Own Forces Maintenance - Building & Grounds	General Funds	($10,000)
02-46-46-4630-7140	070	In-State travel	General Funds	($3,257)
02-46-46-4600-7170		Parole Board		
02-46-46-4600-7170	020	Current Expenses	General Funds	($5,000)
02-46-46-4600-7170	068	Remuneration	General Funds	($200)
02-46-46-4600-7170	070	In-State travel	General Funds	($9,874)
02-46-46-4650-8231		Mental Health		
02-46-46-4650-8231	020	Current Expenses	General Funds	($1,000)
02-46-46-4650-8231	070	In-State travel	General Funds	($2,569)
02-46-46-4650-8235		Residential Treatment Unit (RTU)		
02-46-46-4650-8235	020	Current Expenses	General Funds	($5,000)
02-46-46-4650-8235	070	In-State travel	General Funds	($2,910)
02-46-46-4610-8300		Financial Services		
02-46-46-4610-8300	020	Current Expenses	General Funds	($1,000)

02-46-46-4610-8300	070	In-State travel	General Funds	($286)
02-46-46-4640-8302		Field Services		
02-46-46-4640-8302	020	Current Expenses	General Funds	($10,000)
02-46-46-4640-8302	023	Heat, Electricity & Water	General Funds	($1,562)
02-46-46-4640-8302	047	Own Forces Maintenance - Building & Grounds	General Funds	($2,000)
02-46-46-4640-8302	070	In-State travel	General Funds	($90,733)
02-46-46-4600-8360		Training		
02-46-46-4600-8360	020	Current Expenses	General Funds	($2,000)
02-46-46-4600-8360	070	In-State travel	General Funds	($1,329)
02-46-46-4645-7874		Calumet House		
02-46-46-4645-7874	023	Heat, Electricity & Water	General Funds	($2,455)
02-46-46-4645-7874	024	Maintenance Other Than Building & Grounds	General Funds	($2,000)
02-46-46-4645-7874	070	In-State travel	General Funds	($1,086)
02-46-46-4650-8234		Medical - Dental		
02-46-46-4650-8234	024	Maintenance Other Than Building & Grounds	General Funds	($3,000)
02-46-46-4650-8234	070	In-State travel	General Funds	($11,326)
02-46-46-4645-5172		Shea Farm		
02-46-46-4645-5172	023	Heat, Electricity & Water	General Funds	($2,947)
02-46-46-4645-5172	048	Contractual Maintenance - Building & Grounds	General Funds	($6,000)
02-46-46-4645-7107		North End House		
02-46-46-4645-7107	070	In-State travel	General Funds	($543)
02-46-46-4600-8301		Human Resources		
02-46-46-4600-8301	070	In-State travel	General Funds	($615)
02-76		NH Commission for Human Rights		
02-76-76-7600-7882		NH Commission for Human Rights		
02-76-76-7600-7882	020	Current Expenses	General Funds	($2,175)
02-76-76-7600-7882	020	Current Expenses	Federal Funds	($458)
02-76-76-7600-7882	038	Technology - Software	General Funds	($2,557)
02-76-76-7600-7882	038	Technology - Software	Federal Funds	($539)
02-76-76-7600-7882	050	Personal Services- Temporary/Appointed	General Funds	($1,638)
02-76-76-7600-7882	050	Personal Services- Temporary/Appointed	Federal Funds	($345)
02-76-76-7600-7882	057	Books, Periodicals, Subscriptions	General Funds	($1,922)
02-76-76-7600-7882	057	Books, Periodicals, Subscriptions	Federal Funds	($405)
02-76-76-7600-7882	066	Employee Training	General Funds	($814)
02-76-76-7600-7882	066	Employee Training	Federal Funds	($171)
02-76-76-7600-7882	068	Remuneration	General Funds	($826)
02-76-76-7600-7882	068	Remuneration	Federal Funds	($174)
02-76-76-7600-7882	070	In-State Travel	General Funds	($1,264)
02-76-76-7600-7882	070	In-State Travel	Federal Funds	($266)
02-76-76-7600-7882	103	Contracts for Operational Services	General Funds	($25)
02-76-76-7600-7882	103	Contracts for Operational Services	Federal Funds	($5)

03-35		Department of Resources and Economic Development		
03-35-35-3500-3400		Office of the Commissioner		
03-35-35-3500-3400	040	Indirect Costs	General Funds	($1,657)
03-35-35-3500-3401		Design Development-Maintenance		
03-35-35-3500-3401	010	Personal Services- Permanent Classified	General Funds	($36,025)
03-35-35-3500-3401	010	Personal Services- Permanent Classified	Other Funds	($41,782)
03-35-35-3500-3401	060	Benefits	General Funds	($14,395)
03-35-35-3500-3401	060	Benefits	Other Funds	($16,694)
03-35-35-3500-3402		Bureau Of Historic Sites		
03-35-35-3500-3402	070	In-State Travel	General Funds	($500)
03-35-35-3510-3500		Forest And Lands/Adm.		
03-35-35-3510-3500	045	Personal Services (Non-Benefited)	General Funds	($16,000)
03-35-35-3510-3505		Management & Protection		
03-35-35-3510-3505	010	Personal Services- Permanent Classified	Other Funds	($19,413)
03-35-35-3510-3505	060	Benefits	Other Funds	($7,765)
03-35-35-3510-3510		Forest Management		
03-35-35-3510-3510	010	Personal Services- Permanent Classified	General Funds	($86,509)
03-35-35-3510-3510	010	Personal Services- Permanent Classified	Other Funds	$86,509
03-35-35-3510-3510	020	Current Expenses	General Funds	($10,000)
03-35-35-3510-3510	060	Benefits	General Funds	($24,825)
03-35-35-3510-3510	060	Benefits	Other Funds	$24,825
03-35-35-3510-2102		Fuelwood		
03-35-35-3510-2102	020	Current Expenses	Other Funds	$10,000
03-35-35-3510-3520		Forest Protection		
03-35-35-3510-3520	010	Personal Services- Permanent Classified	General Funds	($55,996)
03-35-35-3510-3520	050	Personal Services - Temporary/Appointed	General Funds	($29,778)
03-35-35-3510-3520	060	Benefits	General Funds	($32,758)
03-35-35-3510-3492		Special Deputy Training		
03-35-35-3510-3492	050	Personal Services - Temporary/Appointed	Other Funds	$25,000
03-35-35-3510-3492	060	Benefits	Other Funds	$1,912
03-35-35-3505-3600		Economic Development Admin.		
03-35-35-3505-3600	020	Current Expenses	General Funds	($4,458)
03-35-35-3505-3600	069	Promotional And Marketing Expense	General Funds	($100,000)
03-35-35-3505-3612		Office of International Comm.		
03-35-35-3505-3612	020	Current Expenses	General Funds	($86,000)
03-35-35-3505-3615		Industrial Research Center		
03-35-35-3505-3615	102	Contracts For Program Services	General Funds	($100,000)
03-35-35-3520-3620		Travel & Tourism		
03-35-35-3520-3620	069	Promotional And Marketing Expense	General Funds	($165,000)

03-35-35-3520-3576		International Tourism		
03-35-35-3520-3576	069	Promotional And Marketing Expense	General Funds	($5,000)
03-35-35-3520-5874		Travel & Tourism Dev Fund		
03-35-35-3520-5874	069	Promotional And Marketing Expense	General Funds	($40,000)
03-44		Environmental Services		
03-44-44-4400-1002		Administration and Support		
03-44-44-4400-1002	102	Contracts for Program Services	General Funds	($220,000)
03-44-44-4420-1003		State Aid Grants		
03-44-44-4420-1003	073	Grants - Non-Federal	General Funds	($327,701)
03-44-44-4420-1518		Lakes - Rivers Management		
03-44-44-4420-1518	102	Contracts for Program Services	General Funds	($100,000)
03-44-44-4420-1523		ShellFish Healthy Tides		
03-44-44-44201523	102	Contracts for Program Services	General Funds	($16,500)
03-44-44-4420-3800		Dam Maintenance Administration		
03-44-44-4420-3800	102	Contracts for Program Services	General Funds	($78,700)
03-44-44-4420-3800	303	Public Access Projects	General Funds	($25,000)
03-44-44-4440-2589		CERCLA Maintenance		
03-44-44-4440-2589	102	Contracts for Program Services	General Funds	($200,000)
03-44-44-4400-1002		Administration and Support		
03-44-44-4400-1002	010	Personal Services - Permanent Classified	General Funds	($75,373)
03-44-44-4400-1002	010	Personal Services - Permanent Classified	Other Funds	($34,982)
03-44-44-4400-1002	060	Benefits	General Funds	($40,861)
03-44-44-4400-1002	060	Benefits	Other Funds	($18,965)
03-44-44-4420-3800		Dam Bureau Administration		
03-44-44-4420-3800	010	Personal Services - Permanent Classified	General Funds	($110,070)
03-44-44-4420-3800	060	Benefits	General Funds	($64,534)
03-44-44-4420-3800	010	Personal Services - Permanent Classified	Other Funds	($22,545)
03-44-44-4420-3800	060	Benefits	Other Funds	($13,218)
03-44-44-4420-3815		Wetlands Administration		
03-44-44-4420-3815	010	Personal Services - Permanent Classified	General Funds	($64,254)
03-44-44-4420-3815	060	Benefits	General Funds	($51,343)
03-44-44-4440-5402		Solid Waste Assist- Prmt- Enfor		
03-44-44-4440-5402	010	Personal Services - Permanent Classified	General Funds	($147,661)
03-44-44-4440-5402	060	Benefits	General Funds	($72,576)
03-44-44-4440-5492		RCRA State Match		
03-44-44-4440-5492	010	Personal Services - Permanent Classified	General Funds	($94,551)
03-44-44-4440-5492	060	Benefits	General Funds	($56,607)
03-44-44-4430-5496		Radon Program		
03-44-44-4430-5496	010	Personal Services - Permanent Classified	General Funds	($31,907)
03-44-44-4430-5496	060	Benefits	General Funds	($10,027)

03-44-44-4430-5496	010	Personal Services - Permanent Classified	Federal Funds	($31,907)
03-44-44-4430-5496	060	Benefits	Federal Funds	($10,028)
04-96		Department of Transportation		
04-96-96-9640-2931		Railroad		
04-96-96-9640-2931	010	Personal Services- Permanent Classified	General Funds	($34,866)
04-96-96-9640-2931	060	Benefits	General Funds	($21,800)
04-96-96-9640-2931	010	Personal Services- Permanent Classified	Federal Funds	$34,866
04-96-96-9640-2931	060	Benefits	Federal Funds	$21,800
04-96-96-9640-2107		Aeronautics		
04-96-96-9640-2107	070	In-State Travel	General Funds	($4)
04-96-96-9640-2049		Land & Buildings		
04-96-96-9640-2049	046	Consultants (Non-Benefited)	General Funds	($2,500)
04-96-96-9640-2049	048	Contractual Maintenance - Buildings & Grounds	General Funds	($17,500)
04-96-96-9640-2049	400	Construction, Repair & Material	General Funds	($5,000)
04-96-96-9640-2058		Maintenance/Critical Repair		
04-96-96-9640-2058	048	Contractual Maintenance - Buildings & Grounds	General Funds	($10,000)
05-95		Department of Health and Human Services		
05-95-40		Division for Children, Youth and Families		
05-95-40-4030-5855		Child-Family Services		
05-95-40-4030-5855	101	Medical Payments to Providers	General Funds	($6,997)
05-95-40-4030-5855	101	Medical Payments to Providers	Federal Funds	($7,031)
05-95-40-4030-5855	533	Foster Care Services	General Funds	($172,486)
05-95-40-4030-5855	533	Foster Care Services	Federal Funds	($173,320)
05-95-40-4030-5855	535	Out Of Home Placements	General Funds	($232,263)
05-95-40-4030-5855	535	Out Of Home Placements	Federal Funds	($233,385)
05-95-40-4030-5855	550	Assessment and Counseling	General Funds	($1,716)
05-95-40-4030-5855	550	Assessment and Counseling	Federal Funds	($1,724)
05-95-40-4030-5855	563	Community Based Services	General Funds	($59,040)
05-95-40-4030-5855	563	Community Based Services	Federal Funds	($59,325)
05-95-40-4030-5857		DCYF-Prevention Programs		
05-95-40-4030-5857	073	Grants - Non-Federal	General Funds	($784,911)
05-95-45		Division of Family Assistance		
05-95-45-4500-6127		Employment Support		
05-95-45-4500-6127	102	Contracts For Program Services	General Funds	($73,000)
05-95-45-4500-6127	102	Contracts For Program Services	Federal Funds	($554,000)
05-95-48		Bureau of Elderly and Adult Services		
05-95-48-4810-8915		Congregate Housing		
05-95-48-4810-8915	502	Payments to Providers	General Funds	($15,000)
05-95-48-4815-6173		Nursing Services		
05-95-48-4815-6173	504	Nursing Home Payments	General Funds	($2,057,000)

05-95-48-4815-6173	504	Nursing Home Payments	Federal Funds	($2,057,000)
05-95-48-4815-6173	505	Mid-Level Care Expenses	General Funds	($71,000)
05-95-48-4815-6173	505	Mid-Level Care Expenses	Federal Funds	($70,000)
05-95-48-4815-6173	506	Home Nursing Services	General Funds	($435,000)
05-95-48-4815-6173	506	Home Nursing Services	Federal Funds	($436,000)
05-95-48-4815-6173	529	Home Health Services	General Funds	$274,000
05-95-48-4815-6173	529	Home Health Services	Federal Funds	$274,000
05-95-90		Division of Public Health Services		
05-95-90-9015-5121		Health Promotion		
05-95-90-9015-5121	020	Current Expenses	General Funds	($12,422)
05-95-90-9015-5121	022	Rents & Leases Other than State	General Funds	($1,500)
05-95-90-9015-5121	050	Personal Services - Temporary/Appointed	General Funds	($9,503)
05-95-90-9015-5121	060	Benefits	General Funds	($727)
05-95-90-9020-2223		Boston EMA Title I		
05-95-90-9020-2223	568	TI HIV Care Boston Ema	General Funds	($400,000)
05-95-90-9025-5178		Immunization Program		
05-95-90-9025-5178	102	Contracts For Program Services	Federal Funds	($5,000)
05-95-90-9030-5230		Public Health Laboratories		
05-95-90-9030-5230	020	Current Expenses	General Funds	($20,400)
05-95-90-9030-5230	548	Reagents	General Funds	($27,000)
05-95-92		Bureau of Behavioral Health		
05-95-92-9200-7010		Community Mental Health Services		
05-95-92-9200-7010	552	Rehab Services	General Funds	($466,000)
05-95-92-9200-7010	552	Rehab Services	Federal Funds	($617,000)
05-95-93		Division of Developmental Services		
05-95-93-9300-7100		Developmental Services		
05-95-93-9300-7100	102	Contracts for Program Services	General Funds	($30,000)
05-95-93-9300-7100	557	Medicaid Waiver Services	General Funds	($671,000)
05-95-93-9300-7100	557	Medicaid Waiver Services	Federal Funds	($671,000)
05-95-93-9300-7016		Acquired Brain Disorder Services		
05-95-93-9300-7016	557	Medicaid Waiver Services	General Funds	($120,000)
05-95-93-9300-7016	557	Medicaid Waiver Services	Federal Funds '	($120,000)
05-95-93-9300-7559		NH Brain Injury Program		
05-95-93-9300-7559	502	Payments to Providers	General Funds	($50,000)
05-95-93-9300-5191		Special Medical Services		
05-95-93-9300-5191	046	Consultants (Non-Benefited)	General Funds	($41,000)
05-95-93-9300-5191	102	Contracts for Program Services	General Funds	($15,000)
05-95-93-9300-5191	561	Specialty Clinics	General Funds	($99,000)
05-95-94		New Hampshire Hospital		
05-95-94-9400-8750		Acute Psychiatric Services		
05-95-94-9400-8750	102	Contracts for Program Services	General Funds	($190,000)
05-95-94-9400-8750	102	Contracts for Program Services	Federal Funds	($22,000)

05-95-95-9560		Office of Medicaid and Business Policy		
05-95-95-9560-6126		Medicaid Administration		
05-95-95-9560-6126	512	Transportation Of Clients	General Funds	($306,000)
05-95-95-9560-6126	512	Transportation Of Clients	Federal Funds	($306,000)
05-95-95-9560-6143		Pharmacy Services		
05-95-95-9560-6143	503	State Phase Down	General Funds	($5,500,000)
05-95-95-9560-6147		Provider Payments		
05-95-95-9560-6147	101	Medical Payments to Providers	General Funds	($3,416,846)
05-95-95-9560-6147	101	Medical Payments to Providers	Federal Funds	($3,415,246)
05-95-95-9560-6147	565	Outpatient Hospital	General Funds	($350,000)
05-95-95-9560-6147	565	Outpatient Hospital	Federal Funds	($350,000)
05-95-95-9584		DCBCS Treatment & Prevention		
05-95-95-9584-1388		Governor		
05-95-95-9584-1388	102	Contracts for Program Services	General Funds	($76,000)
05-43		New Hampshire Veterans Home		
05-43-43-4300-5358		Custodial Services		
05-43-43-4300-5358	018	Overtime	General Funds	($10,000)
05-43-43-4300-5358	019	Holiday Pay	General Funds	($5,000)
05-43-43-4300-5358	020	Current Expenses	General Funds	($10,000)
05-43-43-4300-5358	021	Food Institutions	General Funds	($26,000)
05-43-43-4300-5358	023	Heat, Electricity & Water	General Funds	($40,000)
05-43-43-4300-5358	047	Own Forces Maintenance - Building & Grounds	General Funds	($50,000)
05-43-43-4300-5358	050	Personal Services - Temporary/Appointed	General Funds	($20,000)
05-43-43-4300-5358	070	In-State Travel	General Funds	($7,000)
05-43-43-4300-5359		Professional Services		
05-43-43-4300-5359	010	Personal Services- Permanent Classified	General Funds	($773,535)
05-43-43-4300-5359	010	Personal Services- Permanent Classified	Federal Funds	$773,535
05-43-43-4300-5359	011	Personal Services - Unclassified	General Funds	($5,727)
05-43-43-4300-5359	011	Personal Services - Unclassified	Federal Funds	$5,727
05-43-43-4300-5359	018	Overtime	General Funds	($6,180)
05-43-43-4300-5359	018	Overtime	Federal Funds	$6,180
05-43-43-4300-5359	019	Holiday Pay	General Funds	($23,619)
05-43-43-4300-5359	019	Holiday Pay	Federal Funds	$10,974
05-43-43-4300-5359	019	Holiday Pay	Other Funds	($9,540)
05-43-43-4300-5359	020	Current Expenses	General Funds	($31,999)
05-43-43-4300-5359	020	Current Expenses	Federal Funds	$27,640
05-43-43-4300-5359	020	Current Expenses	Other Funds	($3,289)
05-43-43-4300-5359	026	Organizational Dues	General Funds	($119)
05-43-43-4300-5359	026	Organizational Dues	Federal Funds	$119
05-43-43-4300-5359	027	Transfers to Office Information Technology	General Funds	($7,520)
05-43-43-4300-5359	027	Transfers to Office Information Technology	Federal Funds	$7,520
05-43-43-4300-5359	030	Equipment New/Replacement	General Funds	($10,952)
05-43-43-4300-5359	030	Equipment New/Replacement	Federal Funds	$10,952
05-43-43-4300-5359	041	Audit Fund Set Aside	General Funds	($377)
05-43-43-4300-5359	041	Audit Fund Set Aside	Federal Funds	$377

05-43-43-4300-5359	046	Consultants (Non-Benefited)	General Funds	($18,775)
05-43-43-4300-5359	046	Consultants (Non-Benefited)	Federal Funds	$18,775
05-43-43-4300-5359	050	Personal Services - Temporary/Appointed	General Funds	($40,051)
05-43-43-4300-5359	050	Personal Services - Temporary/Appointed	Federal Funds	$40,051
05-43-43-4300-5359	060	Benefits	General Funds	($407,826)
05-43-43-4300-5359	060	Benefits	Federal Funds	$407,826
05-43-43-4300-5359	070	In-State Travel	General Funds	($1,366)
05-43-43-4300-5359	070	In-State Travel	Federal Funds	$527
05-43-43-4300-5359	070	In-State Travel	Other Funds	($633)
05-43-43-4300-5359	080	Out-of-State Travel	General Funds	($313)
05-43-43-4300-5359	080	Out-of-State Travel	Federal Funds	$313
05-43-43-4300-5360		Pharmacy Services		
05-43-43-4300-5360	100	Prescription Drug Expenditures	General Funds	($54,000)
05-74		HHS Admin Attached Boards		
05-74-74-7405-7400		Board of Medicine		
05-74-74-7405-7400	018	Overtime	General Funds	($31)
05-74-74-7405-7400	020	Current Expenses	General Funds	($5,000)
05-74-74-7405-7400	050	Personal Services - Temporary/Appointed	General Funds	($18,810)
05-74-74-7405-7400	060	Benefits	General Funds	($1,552)
05-74-74-7410-7410		Board of Optometry		
05-74-74-7410-7410	020	Current Expenses	General Funds	($1,500)
05-74-74-7410-7410	070	In-State Travel	General Funds	($539)
05-74-74-7420-7420		Nursing Home Exam Board		
05-74-74-7420-7420	020	Current Expenses	General Funds	($500)
05-74-74-7420-7420	050	Personal Services - Temporary/Appointed	General Funds	($924)
05-74-74-7420-7420	060	Benefits	General Funds	($77)
05-74-74-7425-7425		Off of Allied Health Prof		
05-74-74-7425-7425	046	Consultants (Non-Benefited)	General Funds	($700)
05-74-74-7425-7425	050	Personal Services - Temporary/Appointed	General Funds	($4,883)
05-74-74-7425-7425	060	Benefits	General Funds	($117)
05-74-74-7425-7425	070	In-State Travel	General Funds	($2,000)
05-74-74-7430-7430		Nurses Registration		
05-74-74-7430-7430	018	Overtime	General Funds	($8,000)
05-74-74-7430-7430	020	Current Expenses	General Funds	($10,000)
05-74-74-7430-7430	024	Maintenance Other Than Building & Grounds	General Funds	($3,000)
05-74-74-7430-7430	046	Consultants (Non-Benefited)	General Funds	($3,500)
05-74-74-7430-7430	050	Personal Services - Temporary/Appointed	General Funds	($924)
05-74-74-7430-7430	060	Benefits	General Funds	($77)
05-74-74-7430-7430	070	In-State Travel	General Funds	($500)
05-74-74-7431-7431		Nurses Registration		
05-74-74-7431-7431	020	Current Expenses	Other Funds	($1,000)
05-74-74-7431-7431	024	Maintenance Other Than Building & Grounds	Other Funds	($3,000)
05-74-74-7431-7431	042	Post Retirement (Additional Fringe Benefits)	Other Funds	($1,442)

05-74-74-7431-7431	050	Personal Services - Temporary/Appointed	Other Funds	($306)
05-74-74-7431-7431	060	Benefits	Other Funds	($500)
05-74-74-7432-7432		Nurses Registration		
05-74-74-7432-7432	020	Current Expenses	Other Funds	($9,000)
05-74-74-7432-7432	046	Consultants (Non-Benefited)	Other Funds	($250)
05-74-74-7432-7432	070	In-State Travel	Other Funds	($1,000)
05-74-74-7435-7435		Pharmacy Board		
05-74-74-7435-7435	018	Overtime	General Funds	($8,000)
05-74-74-7435-7435	020	Current Expenses	General Funds	($2,004)
05-74-74-7435-7435	022	Rents & Leases Other than State	General Funds	($1,000)
05-74-74-7435-7435	026	Organizational Dues	General Funds	($600)
05-74-74-7435-7435	046	Consultants (Non-Benefited)	General Funds	($2,500)
05-74-74-7435-7435	070	In-State Travel	General Funds	($6,000)
05-74-74-7440-7440		Chiropractic Examiners		
05-74-74-7440-7440	010	Personal Services- Permanent Classified	General Funds	($10,156)
05-74-74-7440-7440	060	Benefits	General Funds	($5,542)
05-74-74-7445-7445		Cosmetology/Barbers Board		
05-74-74-7445-7445	010	Personal Services- Permanent Classified	General Funds	($8,385)
05-74-74-7445-7445	060	Benefits	General Funds	($10,632)
05-74-74-7450-7450		Dental Board		
05-74-74-7450-7450	020	Current Expenses	General Funds	($5,500)
05-74-74-7450-7450	026	Organizational Dues	General Funds	($590)
05-74-74-7450-7450	046	Consultants (Non-Benefited)	General Funds	($1,000)
05-74-74-7455-7455		Electrolysis Board		
05-74-74-7455-7455	020	Current Expenses	General Funds	($334)
05-74-74-7460-7460		Funeral Directors - Embalmers		
05-74-74-7460-7460	020	Current Expenses	General Funds	($994)
05-74-74-7460-7460	026	Organizational Dues	General Funds	($75)
05-74-74-7460-7460	046	Consultants (Non-Benefited)	General Funds	($1,000)
05-74-74-7465-7465		NH Bd of Mental Health Practice		
05-74-74-7465-7465	020	Current Expenses	General Funds	($3,000)
05-74-74-7465-7465	046	Consultants (Non-Benefited)	General Funds	($1,000)
05-74-74-7465-7465	050	Personal Services - Temporary/Appointed	General Funds	($8,847)
05-74-74-7465-7465	060	Benefits	General Funds	($733)
05-74-74-7470-7470		Ophthalmic Dispensers		
05-74-74-7470-7470	020	Current Expenses	General Funds	($1,410)
05-74-74-7475-7475		Naturopathic Examiners		
05-74-74-7475-7475	020	Current Expenses	General Funds	($197)
05-74-74-7475-7475	050	Personal Services - Temporary/Appointed	General Funds	($584)
05-74-74-7475-7475	060	Benefits	General Funds	($48)
05-74-74-7480-7480		Hearing Aid Dealers		
05-74-74-7480-7480	020	Current Expenses	General Funds	($1,000)

05-74-74-7480-7480	070	In-State Travel	General Funds	($128)
05-74-74-7485-7485		Board of Acupuncture		
05-74-74-7485-7485	020	Current Expenses	General Funds	($183)
05-74-74-7485-7485	050	Personal Services - Temporary/Appointed	General Funds	($544)
05-74-74-7485-7485	060	Benefits	General Funds	($45)
05-74-74-7490-7490		Midwifery Council		
05-74-74-7490-7490	020	Current Expenses	General Funds	($64)
05-74-74-7492-7492		Bd of Alc - ODA Professionals		
05-74-74-7492-7492	070	In-State Travel	General Funds	($1,962)
05-74-74-7493-7493		Massage Therapy Advisory Board		
05-74-74-7493-7493	020	Current Expenses	General Funds	($5,821)
05-74-74-7495-7495		Bd of Licensed Dietitians		
05-74-74-7495-7495	050	Personal Services - Temporary/Appointed	General Funds	($1,158)
05-74-74-7495-7495	060	Benefits	General Funds	($96)
06-57		Postsecondary Education Commission		
06-57-57-5700-5407		Administration - Financial Aid		
06-57-57-5700-5407	021	Food Institutions	General Funds	($2,000)
06-57-57-5700-5407	050	Personal Services - Temporary/Appointed	General Funds	($20,659)
06-57-57-5700-5407	060	Benefits	General Funds	($1,580)
06-57-57-5700-6074		Granite State Scholars		
06-57-57-5700-6074	107	Scholarships & Grants	General Funds	($160,949)
06-57-57-5700-6075		Veterinary Education Program		
06-57-57-5700-6075	107	Scholarships & Grants	General Funds	($21,813)
06-57-57-5700-6076		Medical Education Program		
06-57-57-5700-6076	107	Scholarships & Grants	General Funds	($5,000)
06-56		Department of Education		
06-56-56-5605-2022		Governance and Standards		
06-56-56-5605-2022	010	Personal Services- Permanent Classified	General Funds	($72,852)
06-56-56-5605-2022	046	Consultants (Non-Benefited)	General Funds	($7,810)
06-56-56-5605-2022	060	Benefits	General Funds	($21,412)
06-56-56-5605-2022	067	Training & Providers	General Funds	($5,000)
06-56-56-5605-2022	235	Transcription Services	General Funds	($1,203)
06-56-56-5610-6019		Other State Aid		
06-56-56-5610-6019	078	Cat Aid - Education	General Funds	($3,946,405)
06-56-56-5610-6019	600	Tuition and Transportation Aid	General Funds	($607,993)
06-56-56-5610-6019	606	Dropout Prevention	General Funds	($128,065)
06-56-56-5610-6019	607	Statewide Special Education	General Funds	($23,942)
06-56-56-5610-6019	609	Local Education Improvement	General Funds	($39,903)
06-56-56-5610-6019	610	Career Tech Student Orgs	General Funds	($9,178)
06-56-56-5615-4101		Court Ordered Placements		
06-56-56-5615-4101	602	State Fund Non-Match	General Funds	($122,710)

06-56-56-5620-6401		Instruction - State		
06-56-56-5620-6401	010	Personal Services- Permanent Classified	General Funds	($137,710)
06-56-56-5620-6401	060	Benefits	General Funds	($62,529)
06-56-56-5620-3260		Curriculum and Assessment		
06-56-56-5620-3260	010	Personal Services- Permanent Classified	General Funds	($63,180)
06-56-56-5620-3260	060	Benefits	General Funds	($27,613)
06-56-56-5620-3260	067	Training & Providers	General Funds	($1,836)
06-56-56-5620-3260	102	Contracts for Program Services	General Funds	($4,589)
06-56-56-5620-3260	103	Contracts for Operational Services	General Funds	($120)
06-56-56-5620-3260	612	State Testing	General Funds	($240,420)
06-56-56-5620-5406		Parent As Teacher		
06-56-56-5620-5406	602	State Fund Non-Match	General Funds	($65,000)
06-56-56-5635-4000		Program Support - State		
06-56-56-5635-4000	010	Personal Services- Permanent Classified	General Funds	($73,682)
06-56-56-5635-4000	060	Benefits	General Funds	($30,926)
06-56-56-5635-4000	614	Data/Info Processing	General Funds	($2,190)
06-56-56-5640-3004		School Nutrition - Section IV		
06-56-56-5640-3004	602	State Fund Non-Match	General Funds	($15,961)
06-56-56-5650-4082		Career Tech - Adult Learn - ADM		
06-56-56-5650-4082	011	Personal Services-Unclassified	General Funds	($92,106)
06-56-56-5650-4082	060	Benefits	General Funds	($25,218)
06-56-56-5650-6030		Vocational Education - State		
06-56-56-5650-6030	010	Personal Services- Permanent Classified	General Funds	($30,888)
06-56-56-5650-6030	060	Benefits	General Funds	($13,235)
06-56-56-5660-7004		Adult Education		
06-56-56-5660-7004	602	State Fund Non-Match	General Funds	($102,920)
06-83		Lottery Commission		
06-83-83-8300-1029		Lottery Division		
06-83-83-8300-1029	022	Rents & Leases Other than State	Other Funds	($650,000)
06-61		McAuliffe-Shepard Discovery Center		
06-61-61-6100-3432		Administration		
06-61-61-6100-3432	018	Overtime	General Funds	($1,500)
06-61-61-6100-3432	020	Current Expenses	General Funds	($12,700)
06-61-61-6100-3432	023	Heat, Electricity & Water	General Funds	($21,100)
06-61-61-6100-3432	024	Maintenance Other Than Building & Grounds	General Funds	($1,500)
06-61-61-6100-3432	048	Contractual Maintenance - Building & Grounds	General Funds	($8,200)

Total appropriations and charges as included in category 01 thru and including 06

General fund	($33,759,257)
Federal funds	($7,474,655)
Other funds	($1,165,845)

Total funds ($42,399,757)

104 Effective Date.

I. Sections 10-12, 41-44, 48, 50, 62-67, 69, 70, and 91-94 shall take effect July 1, 2010.

II. Section 45 and 46 of this act shall take effect June 15, 2010.

III. Section 68 of this act shall take effect November 1, 2012.

IV. Sections 75 and 77 of this act shall take effect July 1, 2011.

V. Sections 97-99 of this act shall take effect January 1, 2011.

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

AMENDED ANALYSIS

1. Clarifies the administration of the New Hampshire employment program.

2. Makes the funded family assistance program (TANF) permissive rather than mandatory.

3. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

4. Repeals 2009, 144:211 requiring a report relative to suspending certain administrative requirements for community mental health centers for the biennium ending June 30, 2011.

5. Authorizes the commissioner of the department of health and human services to transfer funds within and among all accounting units within the department, to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and as otherwise necessary for the efficient management of the department.

6. Permits funds from the lead paint poisoning prevention fund to be used to support program staff and administrative costs.

7. Transfers powers and duties for the New Hampshire refugee resettlement program from the governor's office to the department of health and human services.

8. Establishes a special account for civil fines collected by the department of health and human services under RSA 151.

9. Changes the due date for the Medicaid enhancement tax.

10. Renames the "multiple DWI offender intervention detention center program" as the "multiple DWI offender intervention program," and authorizes the commissioner of the department of health and human services to directly operate the program, to approve community-based providers of the program, or to contract with public or private entities to operate the program.

11. Requires the commission to examine driving while impaired education and intervention programs to study penalties for intoxication or under the influence of drugs offenses and submit a report of its findings.

12. Makes further reductions in the operating budget for the legislative and executive branches for fiscal years 2010 and 2011.

13. Requires the commissioner of the department of agriculture, markets and food to put out to bid administration of the animal population control fund.

14. Abolishes the position of animal population control assistant.

15. Provides that the department of health and human services shall not reduce funding provided to North Country Transportation used for meeting the state matching funds requirement for the Job Access and Reverse Committee (JARC).

16. Suspends the catastrophic illness program in the department of health and human services for the fiscal year ending June 30, 2011.

17. Suspends the senior volunteer grant program in the department of health and human services for the fiscal year ending June 30, 2011.

18. Reduces required funding by the department of health and human services for juvenile placement programs and requires the department to report biennially on the effectiveness of the programs.

19. Reduces the rate paid to residential providers subject to the rate setting rule of the department of health and human services by 2 percent.

20. Extends the suspension of direct graduate medical education payments to hospitals until

July 1, 2011.

21. Suspends the provision of indirect graduate medical education payments to hospitals through June, 2011.

22. Suspends catastrophic aid payments to hospitals effective June 15, 2010 through June 30, 2011.

23. Conditions eligibility for cash assistance and medical assistance benefits on the recipient filing an application for any federal cash assistance benefits for which the individual may be entitled.

24. Allows a municipality, with the approval of its legislative body, to adopt a local meals and rooms tax in addition to the state meals and rooms tax.

25. Reduces rooms and meals tax revenue distributions to towns and cities an additional $6,091,930.

26. Removes the application of the rooms and meals tax to campsites.

27. Authorizes the state treasurer to refinance certain debt service obligations.

28. Increases the bonded appropriation for the university system of New Hampshire KEEP NH program by $25,000,000 for the biennium ending June 30, 2011.

29. Increases the tax rate imposed on tobacco products other than cigarettes.

30. Authorizes the department of administrative services to transfer moneys from certain dedicated funds or accounts maintained separately on the books of the state.

31. Requires the lapse of certain retirement pension benefit-health insurance funds.

32. Requires the lapse of certain judicial council funds for contracts for program services.

33. Requires the lapse of certain appropriations to the state treasurer for debt service.

34. Makes distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

35. Establishes a commission to study business taxes.

36. Reduces the state's contribution for benefits under the New Hampshire retirement system for fiscal year 2011.

37. Increases the license fees for selling animals and birds.

38. Requires the lottery commission to submit a report to the governor and the legislature describing how it proposes to modernize and update its products.

39. Transfers certain appropriations relating to adequate education grants.

40. Specifies that state agency appropriation reductions in this bill are in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.

41. For the fiscal year ending June 30, 2011, suspends existing legal requirements for a special meeting of a school district and requires a special meeting of a school district to be held upon the majority vote of the school board to address changes to catastrophic aid funding.

42. Allows a town to call a special meeting during the 2011 fiscal year to address any reduction in the amount of state revenue distributed to the town which could affect the town's budget.

43. Allows state agencies to supplant general fund reductions with federal and other funds that may become available for that purpose.

44. Requires nonclassified and unclassified state employees to take 12 furlough days during fiscal year 2011.

45. Requires reductions in personnel expenditures in an agency to be distributed proportionately between classified and unclassified employees of such agency.

46. Provides that the procedure for reassignment of state employees prior to layoff is suspended and any positions intended by a department to be left vacant shall remain vacant.

47. Prohibits certain transfers of funds out of any class line which is the source of payment for Medicaid providers whose reimbursement rates are set by the department of health and human services and whose rates have been reduced by the department of health and human services through the use of a budget neutrality factor, a proportionate discount factor, or any similar reduction device.

48. Directs the department of health and human services to reduce state general fund

appropriations from any line by a certain amount, excluding direct services unless approved by the fiscal committee of the general court and the governor and council.

49. Requires the relocation of the populations of the Anna Philbrook center, the Shea Farm transitional housing unit, the youth development center, and the state prison for women.

50. Establishes a committee to study the transfer of populations of the youth development center and the state prison for women.

51. Directs the state treasurer to deposit certain fine revenues in the general fund.

52. Replaces the electricity consumption tax paid by consumers with an electricity generation tax paid by generation facilities.

53. Sets the insurance premium tax at 2 percent for all lines of insurance.

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

55. Increases the fees for marriage licenses and vital record copies and amendments and requires a portion of the increase to be deposited in the general fund.

56. Prohibits departments from delaying a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.

57. Makes appropriation reductions for fiscal year 2011.

2010-1963h

Amendment to SB 450-FN
Proposed by the Minority of Finance - R

Amend the title of the bill by replacing all after section 51 with the following:

52 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other law to the contrary, for the fiscal year ending June 30, 2010, the department of administrative services shall transfer funds from the following accounts or funds maintained separately on the books of the state to the general fund in the following amounts:

Account/Fund	Amount Transferred to General Fund
Statewide Public Boat Access Fund, RSA 233-A:13	$500,000
Nitrogen Oxide Emissions Reduction Fund, RSA 125-J:13, II	$90,000
Laboratory Equipment Fund, RSA 131:3-a, II	$100,000
New Hampshire Hazardous Waste Cleanup Fund, RSA 147-B:3	$100,000
Default Bench Warrant Fund, RSA 263:56-d	$100,000
Fire Standards and Training and Emergency Medical Services Fund, RSA 21-P:12-d	$1,500,000
Recount Administrative and Fee Account, RSA 660:31	$110,000
Reflectorized Plates Inventory Fund, RSA 228:25	$250,000
Education Credentialing Fund, RSA 186:11, X	$250,000
Sludge Analysis Fund, RSA 485-A:4, XIV-c	$25,000
Wastewater Plant Operator Certification Fund, RSA 485-A:7-a	$75,000

53 Operating Budget; Lapse of Appropriation. New Hampshire Retirement System; Retirement Pension Benefit; Health Insurance. Amend 2009, 143:1, 01, 59, 59, 590510, 1052, class 064, footnote F to read as follows:

[*~~064 F. This appropriation shall not lapse until June 30, 2011~~]

54 Operating Budget. Lapse of Appropriation. Judicial Council; Contracts for Program Services. Amend 2009, 143:1, 02, 07, 070010, 1094, class 102, footnote F to read as follows:

[*~~102 F. This appropriation shall not lapse until June 30, 2011~~]

55 Department of Treasury. Lapse of Appropriation for Debt Service. Amend 2009, 143:1, 01, 38, 38, 380010, 2076, class 043, footnote F and class 044, footnote F to read as follows:

[~~Class Notes, 043 F. This appropriation shall not lapse until on June 30,2011.~~
~~Class Notes, 044 F. This appropriation shall not lapse until on June 30, 2011.~~]

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

(b) ***Partnerships, limited liability companies, associations, and*** trusts, the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds $2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

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

III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, association, or trust issuing the same, on shares in partnerships, limited liability companies, associations, or trusts the beneficial interest in which is represented by transferable shares.

58 New Sections; Taxation of Interests and Dividends; Partnerships and Limited Liability Companies. Amend RSA 77 by inserting after section 14 the following new sections:

77:14-a Partnerships and Limited Liability Companies. Partnerships and limited liability companies having a usual place of business in this state, any member of which is an inhabitant thereof, shall be subject to taxes imposed by this chapter. If any of the members of the partnership or limited liability company are not inhabitants of this state only so much of the income thereof as is proportionate to the aggregate interest of the partners or members who are inhabitants of this state in the profits of the partnership or limited liability company shall be taxed.

77:14-b Partners and Members. The tax shall be assessed on such a partnership or limited liability company by the name under which it does business, and the partners or members shall not be taxed with respect to the taxable income derived by them from such a partnership or limited liability company.

77:14-c Members of Partnership or Limited Liability Company Outside the State. An inhabitant of this state who is a member of a partnership or limited liability company having no usual place of business in this state, who receives income from such partnership or limited liability company derived from such a source that it would be taxable if received directly from such source by such partner or member, shall as to such income be subject to the taxes imposed by this chapter.

77:14-d Application of Sections. RSA 77:14-a to 14-d shall apply, so far as apt, to associations and trusts, but not to partnerships, limited liability companies, associations, and trusts the beneficial interest in which is represented by transferable shares.

59 Repeal. RSA 77:1-a, relative to definitions, is repealed.

60 Applicability. Sections 56-59 of this act shall apply to taxable periods ending on or after December 31, 2010.

61 New Chapter; Commission to Study Business Taxes Established. Amend RSA by inserting after chapter 77-E the following new chapter:

CHAPTER 77-F

COMMISSION TO STUDY BUSINESS TAXES

77-F:1 Commission to Study Business Taxes Established.

I. There is a commission established to study business taxes.

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

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

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

(c) Five members of the public appointed by the governor, representing the following groups and interests:

(1) Tax experts and accountants;

(2) Small business;

(3) Real estate, finance, and investment; and

(4) Business trade associations.

II. The commission shall study and evaluate:

(a) The present system of business taxation in New Hampshire, including but not limited to the rates and allocation among taxpayers of the business enterprise tax, the business profits tax, and the interest and dividends tax.

(b) Whether there are changes to the present system of business taxes and rates of assessment that should be considered by the legislature in order to:

(1) Ensure fairness and equity in the allocation of business taxes including among similarly situated business entities and taxpayers;

(2) Ensure clear tax laws and synchronization with federal tax laws; and

(3) Continue to provide a business tax environment that enhances the growth of jobs, income in the state, and the transition to clean and renewable energy.

(c) Safe harbors for the reasonable compensation deduction under the business profits tax, including but not limited to:

(1) Safe harbors based on the percentage of the gross selling price on the sale of business assets other than inventory;

(2) The percentage of gross revenues and the percentage of gross business profits using the independent investor return test;

(3) The federal self-employment tax; and

(4) Any other issue related to the reasonable compensation deduction.

(d) Business tax credits and deductions including, but not limited to, net operating losses.

(e) Offering tax credits to insurance companies that create new net jobs in New Hampshire.

III. The commission may solicit and receive testimony and other information from any person or organization with information or expertise relevant to the committee's objective. State agencies shall cooperate with the commission, and provide data, information, reports, and testimony to the commission upon request.

IV. The governor shall appoint a chair from among the members. The first meeting of the commission shall be called by the chair and shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

V. Legislative members of the commission shall receive mileage at the legislative rate when attending meetings of the commission.

VI. The commission shall, following a public hearing on a draft final report, submit a final report on the items included in subparagraphs II(a) and (b) or before December 1, 2010, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees, the house and senate clerks, and the state librarian.

VII. The commission shall, following a public hearing on a draft final report, submit a final report on the items included in subparagraphs II(c) and (d) or before November 1, 2012, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees, the house and senate clerks, and the state librarian.

62 Repeal. RSA 77-F, relative to a commission to study business taxes, is repealed.

63 New Hampshire Retirement System; Employer Contributions; State Payment. Amend RSA 100-A:16, II(b)-(c) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that any employer, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any

employer, other than the state, shall pay [~~75~~] ***80*** percent of such total contributions, and [~~25~~] ***20*** percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided that, in the case of compensation attributable to extra or special duty, the employer shall pay the full amount of such total contributions; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that, in the case of teachers, any employer, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay [~~75~~] ***80*** percent of such total contributions, and [~~25~~] ***20*** percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided further that in case of teacher members employed by the state the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in subparagraphs (h) and (i).

64 Lottery Commission; Report Required. The lottery commission shall submit to the governor, the president of the senate, and the speaker of the house of representatives, no later than November 15, 2010, a comprehensive report describing how it proposes to modernize and update its products within the next 5 years in order to maximize revenues in a competitive lottery environment.

65 Operating Budget; Transfer of Appropriations; Adequate Education Grants; Funds From Education Trust Fund Transferred to General Fund.

I. The commissioner of the department of administrative services is authorized to transfer up to $80,000,000 from the appropriation in account 06-56-56-560010-7550 class line 086 for fiscal year 2011 into account 06-56-56-560010-7550, class line 086 for fiscal year 2010 on or before June 30, 2010. Account 06-56-56-560010-7550, class line 079 for fiscal year 2010 shall be reduced by the same amount that is transferred into account 06-56-56-560010-7550, class line 086 for fiscal year 2010, and account 06-56-56-560010-7550, class line 079 for fiscal year 2011 shall be increased by the corresponding amount.

II. Notwithstanding RSA 198:39, any funds remaining in the education trust fund as of June 30, 2010 shall be transferred to the general fund as undesignated surplus.

66 Application; Appropriations Reductions; All State Agencies. The reductions required by this act shall be in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.

67 Special School District Meetings. Notwithstanding RSA 197:2 and RSA 197:3, for the fiscal year ending June 30, 2011, a special meeting of a school district shall be held upon the majority vote of the school board only for the purpose of addressing changes in catastrophic aid funding which could affect the school district during the 2011 year.

68 Repeal. Section 67 of this act, relative to special school district meetings, is repealed.

69 Special Meeting of Towns for the Fiscal Year Ending June 30, 2011. Notwithstanding any other provision of law to the contrary, for the fiscal year ending June 30, 2011, any town, including those towns that have adopted RSA 40:13 may, by a majority vote of the governing body, call a special meeting without court approval to address any reduction in the amount of

state revenue distributed to the town which could affect the town's budget. Such meetings shall be subject to the following:

I. The governing body of such town shall post a notice, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of general circulation in the political subdivision, provided that if there is no newspaper of general circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

II. The governing body shall hold a public hearing on the proposed warrant articles at the town meeting.

III. The governing body of any town that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of RSA 39 and RSA 40 and other applicable law without regard to RSA 40:13. If the governing body elects to follow the provisions of RSA 40:13, it shall provide at least a 15-day period between the deliberative session and the vote for the purposes of proceedings under this section.

70 Repeal. Section 69 of this act, relative to the special meetings of towns, is repealed.

71 State Agencies; Supplanting General Fund Reductions With Other Funds. For the fiscal year ending June 30, 2011, any state agency may supplant general fund reductions required pursuant to this act with federal and other funds that may become available for that purpose. The department of administrative services shall report to the fiscal committee of the general court on or before July 30, 2010 detailing the use of any such funds.

72 Furloughs Required for Certain State Employees. Nonclassified and unclassified state employees shall take 12 unpaid furlough days during fiscal year 2011.

73 Reductions in Personnel Expenditures. Notwithstanding any provision of law to the contrary, for the biennium ending June 30, 2011, any reductions in personnel expenditures in an agency shall be distributed proportionately between classified and unclassified employees of such agency. Upon petition by an agency, the fiscal committee of the general court may grant an exemption from this requirement.

74 Vacant Positions; Bumping Rights; Layoffs. Amend 2009, 144:64 to read as follows:

144:64 Department of Administrative Services; Suspension of Bumping Rights.

I. The displacement of classified state employees by more senior classified state employees, or so-called bumping, pursuant to administrative rule Per 1101.02 (i) through (l) under the authority of RSA 21-I:43 by the director of the division of personnel is hereby suspended from the effective date of this section to June 30, 2011.

II. The procedure for layoffs of permanent employees pursuant to administrative rule Per 1101.02 (d), prohibiting the layoff of permanent employees while there are temporary fill-in, part-time, or probationary employees serving in the same class of position within the same division of the agency, is hereby suspended from the effective date of this section to June 30, 2011.

III. The reassignment prior to layoff of classified state employees into vacant but funded positions, pursuant to administrative rule Per 1101.02 (f) under the authority of RSA 21-I:43 by the director of the division of personnel is hereby suspended from the effective date of this section to June 30, 2011.

75 Vacant Positions; Rehiring of Laid Off State Employees. Amend 2009, 144:65, II to read as follows:

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

76 New Section; Certain Transfers Prohibited. Amend RSA 9 by inserting after section 16-b the following new section:

9:16-c Certain Transfers Prohibited. Notwithstanding any other provision of law to the contrary, no funds shall be transferred out of any class line which is the source of payment for Medicaid providers whose reimbursement rates are set by the department of health and human services and whose rates have been reduced by the department of health and human services through the use of a budget neutrality factor, a proportionate discount factor, or any similar reduction device.

77 Department of Health and Human Services; Reduction in Appropriation. Amend 2009, 143:9, as amended by 2010, 4:3 to read as follows:

143:9 Department of Health and Human Services; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund appropriations from any line by [~~$19,559,231~~] ***$8,676,231*** for the biennium ending June 30, 2011. Any direct services to New Hampshire citizens shall be excluded from these reductions unless expressly approved by the fiscal committee of the general court and the governor and council. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.

78 Transfer of Anna Philbrook Center Residents. Notwithstanding any provision of law to the contrary:

I. The department of health and human services shall transfer all residents of the Anna Philbrook center to the F-Unit wing of New Hampshire hospital. After said transfer is complete, the department shall consider utilizing the Anna Philbrook center for office space as needed by the department, or taking steps to close the facility once vacant.

II. The department of health and human services shall utilize the I-Unit wing of the New Hampshire hospital to provide beds as necessary for adult patients displaced by the transfer of residents of the Anna Philbrook center to the F-Unit wing of New Hampshire hospital pursuant to paragraph I.

79 Shelter Care Services. For the biennium ending June 30, 2011, the department of health and human services shall continue to fund shelter care services at Midway Shelter in Bradford, Antrim Girls Shelter in Antrim, and North Country Shelter Care in Jefferson.

80 Shea Farm Transitional Housing Unit; Transfer to Tobey Building. The department of health and human services and department of corrections shall work in consultation to facilitate the transfer of the Shea Farm transitional housing unit to the Tobey building. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding for the Shea Farm transitional housing unit and the Tobey building shall be appropriately transferred to allow operation of the transitional housing unit and relocation of programs of the department of health and human services currently residing in the Tobey building. Said transfers shall include, but not be limited to, the use of existing capital and operating budget appropriations to allow for renovations to the Tobey building to ensure its appropriate use, as well as renovations to the Anna Philbrook center if the department of health and human services decides to utilize said facility for office space pursuant to section 85 of this act. The transfers provided in this section shall include all of the equipment, books, papers, and records of the departments necessary for the operation of the facilities.

81 Youth Development Center and State Prison for Women; Population Transfers.

I. Notwithstanding any provision of law to the contrary, the department of health and human services and department of corrections shall simultaneously transfer the population of the youth development center to suitable properties located at the lakes region facility located in Laconia, and the population of the state prison for women to the current facility of the youth development center by June 30, 2011. Once the populations of the youth development center and state prison for women are transferred to the proposed facilities, the department of corrections shall cease its contracts with Hillsborough and Strafford counties to house female offenders. Notwithstanding any provision of law to the contrary, all functions, positions, powers, duties, shall be appropriately transferred to allow the operation of the facilities for the use required by this section. The departments shall utilize existing capital and operating budget appropriations for renovations of the youth development center and the lakes region facility located in Laconia as

necessary to effectuate the transfer of said populations. The transfers provided in this section shall include all of the equipment, books, papers, and records of the departments necessary for the operation of the facilities.

II. The department of health and human services and department of corrections shall work in consultation to develop a plan to effectuate the transfer of said populations. Said plan shall include an estimate of any state general fund savings which will result from said transfers, and shall be submitted to the speaker of the house of representatives, the president of the senate, the fiscal committee of the general court, and the governor and executive councilors on or before September 1, 2010.

82 Committee to Study the Youth Development Center and State Prison for Women.

I. There is established a committee to study the transfer of populations of the youth development center and the state prison for women.

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

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

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

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

IV. The committee shall study the transfer of the population of the youth development center to the lakes region facility located in Laconia, and the transfer of the population of the state prison for women to the current facility of the youth development center as required by section 81 of this act. The committee shall also determine all statutory or administrative rule changes that will be necessary to effectuate said transfers.

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

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

83 Fine Revenues. Notwithstanding the provisions of RSA 262:44, the state treasurer shall deposit into the general fund $185,000 for fiscal year 2010 and $760,000 for fiscal year 2011 from fine revenues received under RSA 262:44, I.

84 Prohibition on Delay of Payment or Expenditure. For the fiscal years ending June 30, 2010 and June 30, 2011, no department as defined in RSA 9:1 shall delay a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.

85 Appropriations and Charges. In addition to any other sums appropriated for the fiscal year ending June 30, 2011, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

1-14		Department of Administrative Services		
01-14-14-1400-1042		Commissioner - Administration		
01-14-14-1400-1042	020	Current Expenses	General Funds	($1,000)
01-14-14-1400-1042	030	Equipment New/Replacement	General Funds	($500)
01-14-14-1400-1042	080	Out-of-State Travel	General Funds	($1,000)
01-14-14-1410-1044		Personnel Admin - Support		
01-14-14-1410-1044	020	Current Expenses	General Funds	($7,500)
01-14-14-1405-1310		Bureau of Accounting		
01-14-14-1405-1310	030	Equipment New/Replacement	General Funds	($250)

01-14-14-1405-1310	066	Employee Training	General Funds	($1,450)
01-14-14-1405-1330		Financial Reporting		
01-14-14-1405-1330	070	In-State Travel	General Funds	($150)
01-14-14-1405-1330	080	Out-of-State Travel	General Funds	($1,000)
01-14-14-1400-1350		Budget Office		
01-14-14-1400-1350	080	Out-of-State Travel	General Funds	($1,000)
01-14-14-1400-1360		Business Office		
01-14-14-1400-1360	020	Current Expenses	General Funds	($500)
01-14-14-1420-1370		Financial Data Management		
01-14-14-1420-1370	037	Technology - Hardware	General Funds	($25,352)
01-14-14-1420-1370	046	Consultants (non-benefited)	General Funds	($30,000)
01-14-14-1400-1375		Risk Management Unit		
01-14-14-1400-1375	020	Current Expenses	General Funds	($500)
01-14-14-1400-1375	030	Equipment New/Replacement	General Funds	($250)
01-14-14-1400-1375	080	Out-of-State Travel	General Funds	($1,000)
01-14-14-1415-1440		Plant & Property Administration		
01-14-14-1415-1440	070	In-State Travel	General Funds	($250)
01-14-14-1415-1440	080	Out-of-State Travel	General Funds	($1,450)
01-14-14-1410-1442		Employee Relations		
01-14-14-1410-1442	020	Current Expenses	General Funds	($600)
01-14-14-1415-2040		General Services		
0.1-14-14-1415-2040	023	Heat, Electricity & Water	General Funds	($50,000)
01-14-14-1415-2040	080	Out-of-State Travel	General Funds	($184)
01-14-14-1415-2042		Bureau Facilities and Assets Management		
01-14-14-1415-2042	030	Equipment New/Replacement	General Funds	($5,300)
01-14-14-1415-2045		Bureau of Court Facilities		
01-14-14-1415-2045	023	Heat, Electricity & Water	Other Funds	($125,000)
01-14-14-1415-2045	047	Own Forces Maintenance - Building & Grounds	Other Funds	($6,500)
01-14-14-1415-2045	070	In-State Travel	Other Funds	($5,000)
01-14-14-1415-2045	201	Sheriff's Reimbursement	General Funds	($100,000)
01-14-14-1415-2083		M-S Building		
01-14-14-1415-2083	020	Current Expenses	General Funds	($10,000)
01-14-14-1415-2083	023	Heat, Electricity & Water	General Funds	($25,000)
01-14-14-1415-2083	030	Equipment New/Replacement	General Funds	($900)
01-14-14-1415-2083	070	In-State Travel	General Funds	($500)
01-14-14-1415-2091		Public Works Bureau		
01-14-14-1415-2091	020	Current Expenses	General Funds	($5,000)
01-14-14-1415-2091	030	Equipment New/Replacement	General Funds	($1,000)
01-14-14-1415-2091	070	In-State Travel	General Funds	($7,500)
01-14-14-1415-2098		Dept. Of Justice Building		

01-14-14-1415-2098	023	Heat, Electricity & Water	General Funds	($15,000)
01-14-14-1415-2098	030	Equipment New/Replacement	General Funds	($1,000)
01-14-14-1415-2099		Upham Walker Building		
01-14-14-1415-2099	023	Heat, Electricity & Water	General Funds	($5,000)
01-14-14-1415-5320		Lakes Region Campus		
01-14-14-1415-5320	070	In-State Travel	General Funds	($300)
01-14-14-1400-1356		Retirees Health		
01-14-14-1400-1356	046	Consultants (Non-benefited)	General Funds	($7,790)
01-14-14-1400-1356	100	Prescription Drug Expenditures	General Funds	($1,423,300)
01-14-14-1400-1356	101	Medical Payments To Providers	General Funds	($1,010,800)
01-14-14-1400-1356	102	Contracts for Program Services	General Funds	($108,110)
01-34		Department of Cultural Resources		
01-34-34-3420-3420		Office of Preservation		
01-34-34-3420-3420	010	Personal Services - Permanent Classified	General Funds	($38,560)
01-34-34-3420-3420	060	Benefits	General Funds	($31,614)
01-34-34-3420-3441		Federal Preservation Programs		
01-34-34-3420-3441	010	Personal Services - Permanent Classified	Federal Funds	$38,560
01-34-34-3420-3441	060	Benefits	Federal Funds	$31,614
01-34-34-3405-7000		Central Library Services		
01-34-34-3405-7000	010	Personal Services - Permanent Classified	General Funds	($115,595)
01-34-34-3405-7000	060	Benefits	General Funds	($44,512)
01-34-34-3410-1250		State Arts Development		
01-34-34-3410-1250	011	Personal Services - Unclassified	General Funds	($32,561)
01-34-34-3410-1250	060	Benefits	General Funds	($12,469)
01-84		Dept of Revenue Administration		
01-84-84-8400-7884		Administration		
01-84-84-8400-7884	070	In-State Travel	General Funds	($50,000)
01-84-84-8405-1301		Audit Division		
01-84-84-8405-1301	010	Personal Services - Permanent Classified	General Funds	($319,665)
01-84-84-8405-1301	060	Benefits	General Funds	($180,391)
01-84-84-8405-1401		Collections Division		
01-84-84-8405-1401	010	Personal Services - Permanent Classified	General Funds	($47,981)
01-84-84-8405-1401	060	Benefits	General Funds	($24,135)
01-84-84-8405-1501		Documents Processing Division		
01-84-84-8405-1501	010	Personal Services - Permanent Classified	General Funds	($126,805)
01-84-84-8405-1501	012	Personal Services - Unclassified	General Funds	($70,853)
01-84-84-8405-1501	045	Personal Services (Non-Benefited)	General Funds	($30,000)
01-84-84-8405-1501	060	Benefits	General Funds	($126,972)
01-84-84-8410-5413		Appraisal Services		
01-84-84-8410-5413	010	Personal Services - Permanent Classified	General Funds	($33,291)
01-84-84-8410-5413	060	Benefits	General Funds	($14,258)

01-28		Real Estate Commission		
01-28-28-2800-2054		Real Estate Comm Admin		
01-28-28-2800-2054	010	Personal Services- Permanent Classified	General Funds	($11,000)
01-28-28-2800-2054	104	Certification Expense	General Funds	($27,000)
01-29		Real Estate Appraiser Board		
01-29-29-2923-1140		Real Estate Appraiser Board Admin		
01-29-29-2923-1140	060	Benefits	General Funds	($7,155)
01-51		Board of Accountancy		
01-51-51-5100-2115		Board of Accountancy Admin		
01-51-51-5100-2115	020	Current Expenses	General Funds	($8,000)
01-51-51-5100-2115	046	Consultants (Non-benefited)	General Funds	($4,100)
01-31		Joint Board		
01-31-31-3100-2250		Joint Board Admin		
01-31-31-3100-2250	010	Personal Services- Permanent Classified	General Funds	($33,840)
01-31-31-3100-2250	060	Benefits	General Funds	($23,561)
01-39		Board of Manufactured Housing		
01-39-39-3923-4423		Board of Manufactured Housing		
01-39-39-3923-4423	020	Current Expense	General Funds	($1,451)
01-39-39-3923-4423	070	In-State Travel	General Funds	($260)
01-05		Executive Council		
01-05-05-0520-1001		Executive Council		
01-05-05-0520-1001	012	Personal Services - Unclassified	General Funds	($300)
01-05-05-0520-1001	020	Current Expense	General Funds	($2,180)
01-05-05-0520-1001	027	Transfers to DoIT	General Funds	($500)
01-05-05-0520-1001	030	Equipment	General Funds	($600)
01-05-05-0520-1001	080	Out-of-State Travel	General Funds	($1,215)
01-02		Executive Office		
01-02-02-0200		Executive Office		
01-02-02-0200-1036		Office of the Governor		
01-02-02-0200-1036		Personal Services/Current Expenses/Benefits	General Funds	($75,665)
01-02-02-0205		Governor's Commission on Disability		
01-02-02-0205-1004		Commission on Disability		
01-02-02-0205-1004	011	Personal Services - Unclassified	General Funds	($31,237)
01-02-02-0205-1006	020	Current Expenses	General Funds	($500)
01-02-02-0205-1004	026	Organizational Dues	General Funds	($100)
01-02-02-0205-1006	030	Equipment	General Funds	($500)
01-02-02-0205-1006	046	Consultants (Non-Benefited)	General Funds	($750)
01-02-02-0205-1004	060	Benefits	General Funds	($4,881)
01-02-02-0205-1006	070	In-State Travel	General Funds	($1,500)
01-02-02-0205-1006	080	Out-of-State	General Funds	($559)
01-02-02-0205-1004	230	Interpreter Services	General Funds	($2,000)
01-02-02-0240		Office of Energy and Planning Administration		

01-02-02-0240-6400				
01-02-02-0240-6400	010	Personal Services- Permanent Classified	General Funds	($21,204)
01-02-02-0240-6400	016	Personal Services - Non-Classified	General Funds	($12,659)
01-02-02-0240-6400	046	Consultants (Non-Benefited)	General Funds	($10,000)
01-02-02-0240-6400	060	Benefits	General Funds	($6,942)
01-02-02-0240-6400	068	Remuneration	General Funds	($18,607)
01-02-02-0240-6570		Municipal/Regional Assistance		
01-02-02-0240-6570	010	Personal Services- Permanent Classified	General Funds	($2,150)
01-02-02-0240-6570	060	Benefits	General Funds	($332)
01-02-02-0240-6570	073	Grants - Non Federal	General Funds	($30,000)
01-02-02-0240-4096		Connecticut River Valley		
01-02-02-0240-4096	068	Remuneration	General Funds	($26,136)
01-02-02-0240-8114		Unemployment Compensation		
01-02-02-0240-8114	061	Unemployment Compensation	General Funds	($5,000)
02-12		Adjutant General Department		
02-12-12-1200-2220		Administration and Armories		
02-12-12-1200-2220	010	Personal Services- Permanent Classified	General Funds	($89,318)
02-12-12-1200-2220	020	Current Expense	General Funds	($15,000)
02-12-12-1200-2220	022	Rents & Leases Other than State	General Funds	($6,853)
02-12-12-1200-2220	060	Benefits	General Funds	($63,308)
02-12-12-1200-2233		Air National Guard MNT/OPER		
02-12-12-1200-2233	020	Current Expenses	General Funds	($5,000)
02-12-12-1200-2233	020	Current Expenses	Federal Funds	($15,000)
02-12-12-1200-2233	023	Heat, Electricity, & Water	General Funds	($5,000)
02-12-12-1200-2233	023	Heat, Electricity, & Water	Federal Funds	($15,000)
02-12-12-1200-2233	047	Own Forces Maintenance - Building & Grounds	General Funds	($5,000)
02-12-12-1200-2233	047	Own Forces Maintenance - Building & Grounds	Federal Funds	($15,000)
02-12-12-1200-2240		Army and State 50/50		
02-12-12-1200-2240	023	Heat, Electricity, & Water	General Funds	($45,000)
02-12-12-1200-2240	023	Heat, Electricity, & Water	Federal Funds	($45,000)
02-12-12-1200-2240	103	Contracts for Operational Services	General Funds	($88,374)
02-12-12-1200-2240	103	Contracts for Operational Services	Federal Funds	($88,374)
02-12-12-1210-2260		NH State Veterans Cemetery Operations		
02-12-12-1210-2260	050	Personal Services - Temporary/Appointed	General Funds	($15,000)
02-12-12-1210-2260	060	Benefits	General Funds	($1,147)
02-18		Department of Agriculture, Markets & Food		
02-18-18-1825-2705		Animal Population Control		
02-18-18-1825-2705	010	Personal Services- Permanent Classified	General Funds	($30,888)
02-18-18-1825-2705	060	Benefits	General Funds	($30,098)
02-18-18-1830-2137		Pesticide Regulation		
02-18-18-1830-2137	060	Benefits	General Funds	($31,626)

02-18-18-1830-2137	060	Benefits	Other Funds	$31,626
02-18-18-1805-2133		Division of Weights & Measures		
02-18-18-1805-2133	018	Overtime	General Funds	($31,041)
02-18-19-1900-7883		Board of Veterinary Medicine		
02-18-19-1900-7883	010	Personal Services- Permanent Classified	General Funds	($9,688)
02-18-19-1900-7883	060	Benefits	General Funds	($5,677)
02-20		Department of Justice		
02-20-20-2000-2601		Attorney General		
02-20-20-2000-2601	010	Personal Services- Permanent Classified	General Funds	($89,379)
02-20-20-2000-2601	060	Benefits	General Funds	($32,799)
02-20-20-2005-2610		Criminal Bureau		
02-20-20-2005-2610	010	Personal Services- Permanent Classified	General Funds	($124,374)
02-20-20-2005-2610	060	Benefits	General Funds	($63,229)
02-20-20-2005-2610	010	Personal Services- Permanent Classified	Federal Funds	$92,428
02-20-20-2005-2610	060	Benefits	Federal Funds	$42,264
02-20-20-2005-2611		Consumer Bureau		
02-20-20-2005-2611	010	Personal Services- Permanent Classified	General Funds	($39,990)
02-20-20-2005-2611	014	Personal Services- Unclassified	General Funds	($68,092)
02-20-20-2005-2611	060	Benefits	General Funds	($43,025)
02-20-20-2005-2611	010	Personal Services- Permanent Classified	Other Funds	$39,990
02-20-20-2005-2611	014	Personal Services- Unclassified	Other Funds	$68,092
02-20-20-2005-2611	060	Benefits	Other Funds	$43,025
02-20-20-2010-2620		Civil Bureau		
02-20-20-2010-2620	010	Personal Services- Permanent Classified	General Funds	($47,310)
02-20-20-2010-2620	013	Personal Services- Unclassified	General Funds	($172,374)
02-20-20-2010-2620	060	Benefits	General Funds	($106,062)
02-73		Public Employee Labor Relations Board		
02-73-73-7300-2066		Public Employee Labor Relations Board		
02-73-73-7300-2066	010	Personal Services- Permanent Classified	General Funds	($14,936)
02-73-73-7300-2066	020	Current Expenses	General Funds	($1,500)
02-73-73-7300-2066	026	Organizational Dues	General Funds	($115)
02-73-73-7300-2066	046	Consultants (Non-Benefited)	General Funds	($1,200)
02-73-73-7300-2066	050	Personal Services- Temporary/Appointed	General Funds	
($4,500)				
02-73-73-7300-2066	070	In-State Travel	General Funds	($250)
02-86		Racing & Charitable Gaming Commission		
02-86-86-8600-2210		Racing & Charitable Gaming Commission		
02-86-86-8600-2210	018	Overtime	General Funds	($5,000)
02-86-86-8600-2210	019	Holiday Pay	General Funds	($1,000)
02-86-86-8600-2210	020	Current Expenses	General Funds	($15,000)
02-86-86-8600-2210	024	Maintenance Other than Building & Grounds	General Funds	($500)
02-86-86-8600-2210	059	Full-Time Temporary	General Funds	($20,000)
02-86-86-8600-2210	060	Benefits	General Funds	($10,000)
02-86-86-8600-2210	070	In-State Travel	General Funds	($5,000)

02-26		Department of Labor		
02-26-26-2605-6100		Inspection Division		
02-26-26-2605-6100	010	Personal Services- Permanent Classified	General Funds	($57,826)
02-26-26-2605-6100	060	Benefits	General Funds	($50,174)
02-77		Liquor Commission		
02-77-77-7705-7878		Enforcement		
02-77-77-7705-7878	18	Overtime	Other Funds	($60,000)
02-77-77-7705-7878	30	Equipment New/Replacement	Other Funds	($70,000)
02-77-77-7705-1021		Licensing		
02-77-77-7705-1021	22	Rents & Leases Other Than State	Other Funds	($40,000)
02-77-77-7710-1023		Financial Administration		
02-77-77-7710-1023	22	Rents & Leases Other Than State	Other Funds	($110,000)
02-77-77-7715-1024		Merchandising - Administration		
02-77-77-7715-1024	46	Consultants (Non-Benefited)	Other Funds	($225,000)
02-46		Department of Corrections		
02-46-46-4650-8236		Pharmacy		
02-46-46-4650-8236	070	In-State travel	General Funds	($1,601)
02-46-46-4650-8236	100	Prescription Drug Expenditures	General Funds	($750,000)
02-46-46-4600-7101		Commissioner's Office		
02-46-46-4600-7101	020	Current Expenses	General Funds	($15,000)
02-46-46-4600-7101	066	Employee Training	General Funds	($15,000)
02-46-46-4600-7101	070	In-State travel	General Funds	($1,722)
02-46-46-4660-7111		NH State Prison for Women		
02-46-46-4660-7111	020	Current Expenses	General Funds	($10,000)
02-46-46-4660-7111	023	Heat, Electricity & Water	General Funds	($11,493)
02-46-46-4660-7111	047	Own Forces Maintenance - Building & Grounds	General Funds	($2,000)
02-46-46-4660-7111	048	Contractual Maintenance - Building & Grounds	General Funds	($3,000)
02-46-46-4660-7111	068	Remuneration	General Funds	($12,497)
02-46-46-4660-7111	070	In-State travel	General Funds	($3,257)
02-46-46-4660-7111	102	Contracts For Program Services	General Funds	($242,000)
02-46-46-4650-5833		Secured Psych Unit (SPU)		
02-46-46-4650-5833	020	Current Expenses	General Funds	($5,000)
02-46-46-4650-5833	024	Maintenance Other Than Building & Grounds	General Funds	($1,000)
02-46-46-4650-5833	047	Own Forces Maintenance - Building & Grounds	General Funds	($5,000)
02-46-46-4650-5833	068	Remuneration	General Funds	($4,507)
02-46-46-4650-5833	070	In-State travel	General Funds	($1,831)
02-46-46-4630-7103		NHSP/M - Kitchen		
02-46-46-4630-7103	020	Current Expenses	General Funds	($10,000)
02-46-46-4630-7103	024	Maintenance Other Than Building &		

		Grounds	General Funds	($2,000)
02-46-46-4630-7108		NHSP/M - Warehouse		
02-46-46-4630-7108	020	Current Expenses	General Funds	($40,000)
02-46-46-4630-7108	070	In-State travel	General Funds	($217)
02-46-46-4630-7113		NHSP/M - Admin		
02-46-46-4630-7113	020	Current Expenses	General Funds	($10,000)
02-46-46-4630-7113	024	Maintenance Other Than Building & Grounds	General Funds	($1,000)
02-46-46-4630-7113	070	In-State travel	General Funds	($25,727)
02-46-46-4630-7120		NHSP/M - Security		
02-46-46-4630-7120	020	Current Expenses	General Funds	($10,000)
02-46-46-4630-7120	068	Remuneration	General Funds	($150,173)
02-46-46-4630-7140		NHSP/M - Maintenance		
02-46-46-4630-7140	020	Current Expenses	General Funds	($40,000)
02-46-46-4630-7140	023	Heat, Electricity & Water	General Funds	($158,914)
02-46-46-4630-7140	047	Own Forces Maintenance - Building & Grounds	General Funds	($10,000)
02-46-46-4630-7140	070	In-State travel	General Funds	($3,257)
02-46-46-4600-7170		Parole Board		
02-46-46-4600-7170	020	Current Expenses	General Funds	($5,000)
02-46-46-4600-7170	068	Remuneration	General Funds	($200)
02-46-46-4600-7170	070	In-State travel	General Funds	($9,874)
02-46-46-4650-8231		Mental Health		
02-46-46-4650-8231	020	Current Expenses	General Funds	($1,000)
02-46-46-4650-8231	070	In-State travel	General Funds	($2,569)
02-46-46-4650-8235		Residential Treatment Unit (RTU)		
02-46-46-4650-8235	020	Current Expenses	General Funds	($5,000)
02-46-46-4650-8235	070	In-State travel	General Funds	($2,910)
02-46-46-4610-8300		Financial Services		
02-46-46-4610-8300	020	Current Expenses	General Funds	($1,000)
02-46-46-4610-8300	070	In-State travel	General Funds	($286)
02-46-46-4640-8302		Field Services		
02-46-46-4640-8302	020	Current Expenses	General Funds	($10,000)
02-46-46-4640-8302	023	Heat, Electricity & Water	General Funds	($1,562)
02-46-46-4640-8302	047	Own Forces Maintenance - Building & Grounds	General Funds	($2,000)
02-46-46-4640-8302	070	In-State travel	General Funds	($90,733)
02-46-46-4600-8360		Training		
02-46-46-4600-8360	020	Current Expenses	General Funds	($2,000)
02-46-46-4600-8360	070	In-State travel	General Funds	($1,329)
02-46-46-4645-7874		Calumet House		

02-46-46-4645-7874	023	Heat, Electricity & Water	General Funds	($2,455)
02-46-46-4645-7874	024	Maintenance Other Than Building & Grounds	General Funds	($2,000)
02-46-46-4645-7874	070	In-State travel	General Funds	($1,086)
02-46-46-4650-8234		Medical - Dental		
02-46-46-4650-8234	024	Maintenance Other Than Building & Grounds	General Funds	($3,000)
02-46-46-4650-8234	070	In-State travel	General Funds	($11,326)
02-46-46-4645-5172		Shea Farm		
02-46-46-4645-5172	023	Heat, Electricity & Water	General Funds	($2,947)
02-46-46-4645-5172	048	Contractual Maintenance - Building & Grounds	General Funds	($6,000)
02-46-46-4645-7107		North End House		
02-46-46-4645-7107	070	In-State travel	General Funds	($543)
02-46-46-4600-8301		Human Resources		
02-46-46-4600-8301	070	In-State travel	General Funds	($615)
02-76		NH Commission for Human Rights		
02-76-76-7600-7882		NH Commission for Human Rights		
02-76-76-7600-7882	020	Current Expenses	General Funds	($2,175)
02-76-76-7600-7882	020	Current Expenses	Federal Funds	($458)
02-76-76-7600-7882	038	Technology - Software	General Funds	($2,557)
02-76-76-7600-7882	038	Technology - Software	Federal Funds	($539)
02-76-76-7600-7882	050	Personal Services- Temporary/Appointed	General Funds	($1,638)
02-76-76-7600-7882	050	Personal Services- Temporary/Appointed	Federal Funds	($345)
02-76-76-7600-7882	057	Books, Periodicals, Subscriptions	General Funds	($1,922)
02-76-76-7600-7882	057	Books, Periodicals, Subscriptions	Federal Funds	($405)
02-76-76-7600-7882	066	Employee Training	General Funds	($814)
02-76-76-7600-7882	066	Employee Training	Federal Funds	($171)
02-76-76-7600-7882	068	Remuneration	General Funds	($826)
02-76-76-7600-7882	068	Remuneration	Federal Funds	($174)
02-76-76-7600-7882	070	In-State Travel	General Funds	($1,264)
02-76-76-7600-7882	070	In-State Travel	Federal Funds	($266)
02-76-76-7600-7882	103	Contracts for Operational Services	General Funds	($25)
02-76-76-7600-7882	103	Contracts for Operational Services	Federal Funds	($5)
03-35		Department of Resources and Economic Development		
03-35-35-3500-3400		Office of the Commissioner		
03-35-35-3500-3400	040	Indirect Costs	General Funds	($1,657)
03-35-35-3500-3401		Design Development-Maintenance		
03-35-35-3500-3401	010	Personal Services- Permanent Classified	General Funds	($36,025)
03-35-35-3500-3401	010	Personal Services- Permanent Classified	Other Funds	($41,782)
03-35-35-3500-3401	060	Benefits	General Funds	($14,395)
03-35-35-3500-3401	060	Benefits	Other Funds	($16,694)
03-35-35-3500-3402		Bureau Of Historic Sites		
03-35-35-3500-3402	070	In-State Travel	General Funds	($500)

03-35-35-3510-3500		Forest And Lands/Adm.		
03-35-35-3510-3500	045	Personal Services (Non-Benefited)	General Funds	($16,000)
03-35-35-3510-3505		Management & Protection		
03-35-35-3510-3505	010	Personal Services- Permanent Classified	Other Funds	($19,413)
03-35-35-3510-3505	060	Benefits	Other Funds	($7,765)
03-35-35-3510-3510		Forest Management		
03-35-35-3510-3510	010	Personal Services- Permanent Classified	General Funds	($86,509)
03-35-35-3510-3510	010	Personal Services- Permanent Classified	Other Funds	$86,509
03-35-35-3510-3510	020	Current Expenses	General Funds	($10,000)
03-35-35-3510-3510	060	Benefits	General Funds	($24,825)
03-35-35-3510-3510	060	Benefits	Other Funds	$24,825
03-35-35-3510-2102		Fuelwood		
03-35-35-3510-2102	020	Current Expenses	Other Funds	$10,000
03-35-35-3510-3520		Forest Protection		
03-35-35-3510-3520	010	Personal Services- Permanent Classified	General Funds	($55,996)
03-35-35-3510-3520	050	Personal Services - Temporary/Appointed	General Funds	($29,778)
03-35-35-3510-3520	060	Benefits	General Funds	($32,758)
03-35-35-3510-3492		Special Deputy Training		
03-35-35-3510-3492	050	Personal Services - Temporary/Appointed	Other Funds	$25,000
03-35-35-3510-3492	060	Benefits	Other Funds	$1,912
03-35-35-3505-3600		Economic Development Admin.		
03-35-35-3505-3600	020	Current Expenses	General Funds	($4,458)
03-35-35-3505-3600	069	Promotional And Marketing Expense	General Funds	($100,000)
03-35-35-3505-3612		Office of International Comm.		
03-35-35-3505-3612	020	Current Expenses	General Funds	($86,000)
03-35-35-3505-3615		Industrial Research Center		
03-35-35-3505-3615	102	Contracts For Program Services	General Funds	($100,000)
03-35-35-3520-3620		Travel & Tourism		
03-35-35-3520-3620	069	Promotional And Marketing Expense	General Funds	($165,000)
03-35-35-3520-3576		International Tourism		
03-35-35-3520-3576	069	Promotional And Marketing Expense	General Funds	($5,000)
03-35-35-3520-5874		Travel & Tourism Dev Fund		
03-35-35-3520-5874	069	Promotional And Marketing Expense	General Funds	($40,000)
03-44		Environmental Services		
03-44-44-4400-1002		Administration and Support		
03-44-44-4400-1002	102	Contracts for Program Services	General Funds	($220,000)
03-44-44-4420-1003		State Aid Grants		
03-44-44-4420-1003	073	Grants - Non-Federal	General Funds	($327,701)
03-44-44-4420-1518		Lakes - Rivers Management		

03-44-44-4420-1518	102	Contracts for Program Services	General Funds	($100,000)
03-44-44-4420-1523		ShellFish Healthy Tides		
03-44-44-44201523	102	Contracts for Program Services	General Funds	($16,500)
03-44-44-4420-3800		Dam Maintenance Administration		
03-44-44-4420-3800	102	Contracts for Program Services	General Funds	($78,700)
03-44-44-4420-3800	303	Public Access Projects	General Funds	($25,000)
03-44-44-4440-2589		CERCLA Maintenance		
03-44-44-4440-2589	102	Contracts for Program Services	General Funds	($200,000)
03-44-44-4400-1002		Administration and Support		
03-44-44-4400-1002	010	Personal Services - Permanent Classified	General Funds	($75,373)
03-44-44-4400-1002	010	Personal Services - Permanent Classified	Other Funds	($34,982)
03-44-44-4400-1002	060	Benefits	General Funds	($40,861)
03-44-44-4400-1002	060	Benefits	Other Funds	($18,965)
03-44-44-4420-3800		Dam Bureau Administration		
03-44-44-4420-3800	010	Personal Services - Permanent Classified	General Funds	($110,070)
03-44-44-4420-3800	060	Benefits	General Funds	($64,534)
03-44-44-4420-3800	010	Personal Services - Permanent Classified	Other Funds	($22,545)
03-44-44-4420-3800	060	Benefits	Other Funds	($13,218)
03-44-44-4420-3815		Wetlands Administration		
03-44-44-4420-3815	010	Personal Services - Permanent Classified	General Funds	($64,254)
03-44-44-4420-3815	060	Benefits	General Funds	($51,343)
03-44-44-4440-5402		Solid Waste Assist- Prmt- Enfor		
03-44-44-4440-5402	010	Personal Services - Permanent Classified	General Funds	($147,661)
03-44-44-4440-5402	060	Benefits	General Funds	($72,576)
03-44-44-4440-5492		RCRA State Match		
03-44-44-4440-5492	010	Personal Services - Permanent Classified	General Funds	($94,551)
03-44-44-4440-5492	060	Benefits	General Funds	($56,607)
03-44-44-4430-5496		Radon Program		
03-44-44-4430-5496	010	Personal Services - Permanent Classified	General Funds	($31,907)
03-44-44-4430-5496	060	Benefits	General Funds	($10,027)
03-44-44-4430-5496	010	Personal Services - Permanent Classified	Federal Funds	($31,907)
03-44-44-4430-5496	060	Benefits	Federal Funds	($10,028)
04-96		Department of Transportation		
04-96-96-9640-2931		Railroad		
04-96-96-9640-2931	010	Personal Services- Permanent Classified	General Funds	($34,866)
04-96-96-9640-2931	060	Benefits	General Funds	($21,800)
04-96-96-9640-2931	010	Personal Services- Permanent Classified	Federal Funds	$34,866
04-96-96-9640-2931	060	Benefits	Federal Funds	$21,800
04-96-96-9640-2107		Aeronautics		
04-96-96-9640-2107	070	In-State Travel	General Funds	($4)
04-96-96-9640-2049		Land & Buildings		

04-96-96-9640-2049	046	Consultants (Non-Benefited)	General Funds	($2,500)
04-96-96-9640-2049	048	Contractual Maintenance - Buildings & Grounds	General Funds	($17,500)
04-96-96-9640-2049	400	Construction, Repair & Material	General Funds	($5,000)
04-96-96-9640-2058		Maintenance/Critical Repair		
04-96-96-9640-2058	048	Contractual Maintenance - Buildings & Grounds	General Funds	($10,000)
05-95		Department of Health and Human Services		
05-95-40		Division for Children, Youth and Families		
05-95-40-4030-5855		Child-Family Services		
05-95-40-4030-5855	101	Medical Payments to Providers	General Funds	($6,997)
05-95-40-4030-5855	101	Medical Payments to Providers	Federal Funds	($7,031)
05-95-40-4030-5855	533	Foster Care Services	General Funds	($172,486)
05-95-40-4030-5855	533	Foster Care Services	Federal Funds	($173,320)
05-95-40-4030-5855	535	Out Of Home Placements	General Funds	($232,263)
05-95-40-4030-5855	535	Out Of Home Placements	Federal Funds	($233,385)
05-95-40-4030-5855	550	Assessment and Counseling	General Funds	($1,716)
05-95-40-4030-5855	550	Assessment and Counseling	Federal Funds	($1,724)
05-95-40-4030-5855	563	Community Based Services	General Funds	($59,040)
05-95-40-4030-5855	563	Community Based Services	Federal Funds	($59,325)
05-95-40-4030-5857		DCYF-Prevention Programs		
05-95-40-4030-5857	073	Grants - Non-Federal	General Funds	($784,911)
05-95-45		Division of Family Assistance		
05-95-45-4500-6127		Employment Support		
05-95-45-4500-6127	102	Contracts For Program Services	General Funds	($73,000)
05-95-45-4500-6127	102	Contracts For Program Services	Federal Funds	($554,000)
05-95-48		Bureau of Elderly and Adult Services		
05-95-48-4810-8915		Congregate Housing		
05-95-48-4810-8915	502	Payments to Providers	General Funds	($15,000)
05-95-48-4815-6173		Nursing Services		
05-95-48-4815-6173	504	Nursing Home Payments	General Funds	($2,057,000)
05-95-48-4815-6173	504	Nursing Home Payments	Federal Funds	($2,057,000)
05-95-48-4815-6173	505	Mid-Level Care Expenses	General Funds	($71,000)
05-95-48-4815-6173	505	Mid-Level Care Expenses	Federal Funds	($70,000)
05-95-48-4815-6173	506	Home Nursing Services	General Funds	($435,000)
05-95-48-4815-6173	506	Home Nursing Services	Federal Funds	($436,000)
05-95-48-4815-6173	529	Home Health Services	General Funds	$274,000
05-95-48-4815-6173	529	Home Health Services	Federal Funds	$274,000
05-95-90		Division of Public Health Services		
05-95-90-9015-5121		Health Promotion		
05-95-90-9015-5121	020	Current Expenses	General Funds	($12,422)
05-95-90-9015-5121	022	Rents & Leases Other than State	General Funds	($1,500)
05-95-90-9015-5121	050	Personal Services - Temporary/Appointed	General Funds	($9,503)
05-95-90-9015-5121	060	Benefits	General Funds	($727)

05-95-90-9020-2223		Boston EMA Title I		
05-95-90-9020-2223	568	TI HIV Care Boston Ema	General Funds	($400,000)
05-95-90-9025-5178		Immunization Program		
05-95-90-9025-5178	102	Contracts For Program Services	Federal Funds	($5,000)
05-95-90-9030-5230		Public Health Laboratories		
05-95-90-9030-5230	020	Current Expenses	General Funds	($20,400)
05-95-90-9030-5230	548	Reagents	General Funds	($27,000)
05-95-92		Bureau of Behavioral Health		
05-95-92-9200-7010		Community Mental Health Services		
05-95-92-9200-7010	552	Rehab Services	General Funds	($466,000)
05-95-92-9200-7010	552	Rehab Services	Federal Funds	($617,000)
05-95-93		Division of Developmental Services		
05-95-93-9300-7100		Developmental Services		
05-95-93-9300-7100	102	Contracts for Program Services	General Funds	($30,000)
05-95-93-9300-7100	557	Medicaid Waiver Services	General Funds	($671,000)
05-95-93-9300-7100	557	Medicaid Waiver Services	Federal Funds	($671,000)
05-95-93-9300-7016		Acquired Brain Disorder Services		
05-95-93-9300-7016	557	Medicaid Waiver Services	General Funds	($120,000)
05-95-93-9300-7016	557	Medicaid Waiver Services	Federal Funds '	($120,000)
05-95-93-9300-7559		NH Brain Injury Program		
05-95-93-9300-7559	502	Payments to Providers	General Funds	($50,000)
05-95-93-9300-5191		Special Medical Services		
05-95-93-9300-5191	046	Consultants (Non-Benefited)	General Funds	($41,000)
05-95-93-9300-5191	102	Contracts for Program Services	General Funds	($15,000)
05-95-93-9300-5191	561	Specialty Clinics	General Funds	($99,000)
05-95-94		New Hampshire Hospital		
05-95-94-9400-8750		Acute Psychiatric Services		
05-95-94-9400-8750	102	Contracts for Program Services	General Funds	($190,000)
05-95-94-9400-8750	102	Contracts for Program Services	Federal Funds	($22,000)
05-95-95-9560		Office of Medicaid and Business Policy		
05-95-95-9560-6126		Medicaid Administration		
05-95-95-9560-6126	512	Transportation Of Clients	General Funds	($306,000)
05-95-95-9560-6126	512	Transportation Of Clients	Federal Funds	($306,000)
05-95-95-9560-6143		Pharmacy Services		
05-95-95-9560-6143	503	State Phase Down	General Funds	($5,500,000)
05-95-95-9560-6147		Provider Payments		
05-95-95-9560-6147	101	Medical Payments to Providers	General Funds	($3,416,846)
05-95-95-9560-6147	101	Medical Payments to Providers	Federal Funds	($3,415,246)
05-95-95-9560-6147	565	Outpatient Hospital	General Funds	($350,000)
05-95-95-9560-6147	565	Outpatient Hospital	Federal Funds	($350,000)

05-95-95-9584		DCBCS Treatment & Prevention		
05-95-95-9584-1388		Governor		
05-95-95-9584-1388	102	Contracts for Program Services	General Funds	($76,000)
05-43		New Hampshire Veterans Home		
05-43-43-4300-5358		Custodial Services		
05-43-43-4300-5358	018	Overtime	General Funds	($10,000)
05-43-43-4300-5358	019	Holiday Pay	General Funds	($5,000)
05-43-43-4300-5358	020	Current Expenses	General Funds	($10,000)
05-43-43-4300-5358	021	Food Institutions	General Funds	($26,000)
05-43-43-4300-5358	023	Heat, Electricity & Water	General Funds	($40,000)
05-43-43-4300-5358	047	Own Forces Maintenance - Building & Grounds	General Funds	($50,000)
05-43-43-4300-5358	050	Personal Services - Temporary/Appointed	General Funds	($20,000)
05-43-43-4300-5358	070	In-State Travel	General Funds	($7,000)
05-43-43-4300-5359		Professional Services		
05-43-43-4300-5359	010	Personal Services- Permanent Classified	General Funds	($773,535)
05-43-43-4300-5359	010	Personal Services- Permanent Classified	Federal Funds	$773,535
05-43-43-4300-5359	011	Personal Services - Unclassified	General Funds	($5,727)
05-43-43-4300-5359	011	Personal Services - Unclassified	Federal Funds	$5,727
05-43-43-4300-5359	018	Overtime	General Funds	($6,180)
05-43-43-4300-5359	018	Overtime	Federal Funds	$6,180
05-43-43-4300-5359	019	Holiday Pay	General Funds	($23,619)
05-43-43-4300-5359	019	Holiday Pay	Federal Funds	$10,974
05-43-43-4300-5359	019	Holiday Pay	Other Funds	($9,540)
05-43-43-4300-5359	020	Current Expenses	General Funds	($31,999)
05-43-43-4300-5359	020	Current Expenses	Federal Funds	$27,640
05-43-43-4300-5359	020	Current Expenses	Other Funds	($3,289)
05-43-43-4300-5359	026	Organizational Dues	General Funds	($119)
05-43-43-4300-5359	026	Organizational Dues	Federal Funds	$119
05-43-43-4300-5359	027	Transfers to Office Information Technology	General Funds	($7,520)
05-43-43-4300-5359	027	Transfers to Office Information Technology	Federal Funds	$7,520
05-43-43-4300-5359	030	Equipment New/Replacement	General Funds	($10,952)
05-43-43-4300-5359	030	Equipment New/Replacement	Federal Funds	$10,952
05-43-43-4300-5359	041	Audit Fund Set Aside	General Funds	($377)
05-43-43-4300-5359	041	Audit Fund Set Aside	Federal Funds	$377
05-43-43-4300-5359	046	Consultants (Non-Benefited)	General Funds	($18,775)
05-43-43-4300-5359	046	Consultants (Non-Benefited)	Federal Funds	$18,775
05-43-43-4300-5359	050	Personal Services - Temporary/Appointed	General Funds	($40,051)
05-43-43-4300-5359	050	Personal Services - Temporary/Appointed	Federal Funds	$40,051
05-43-43-4300-5359	060	Benefits	General Funds	($407,826)
05-43-43-4300-5359	060	Benefits	Federal Funds	$407,826
05-43-43-4300-5359	070	In-State Travel	General Funds	($1,366)
05-43-43-4300-5359	070	In-State Travel	Federal Funds	$527
05-43-43-4300-5359	070	In-State Travel	Other Funds	($633)
05-43-43-4300-5359	080	Out-of-State Travel	General Funds	($313)
05-43-43-4300-5359	080	Out-of-State Travel	Federal Funds	$313
05-43-43-4300-5360		Pharmacy Services		
05-43-43-4300-5360	100	Prescription Drug Expenditures	General Funds	($54,000)

05-74		HHS Admin Attached Boards		
05-74-74-7405-7400		Board of Medicine		
05-74-74-7405-7400	018	Overtime	General Funds	($31)
05-74-74-7405-7400	020	Current Expenses	General Funds	($5,000)
05-74-74-7405-7400	050	Personal Services - Temporary/Appointed	General Funds	($18,810)
05-74-74-7405-7400	060	Benefits	General Funds	($1,552)
05-74-74-7410-7410		Board of Optometry		
05-74-74-7410-7410	020	Current Expenses	General Funds	($1,500)
05-74-74-7410-7410	070	In-State Travel	General Funds	($539)
05-74-74-7420-7420		Nursing Home Exam Board		
05-74-74-7420-7420	020	Current Expenses	General Funds	($500)
05-74-74-7420-7420	050	Personal Services - Temporary/Appointed	General Funds	($924)
05-74-74-7420-7420	060	Benefits	General Funds	($77)
05-74-74-7425-7425		Off of Allied Health Prof		
05-74-74-7425-7425	046	Consultants (Non-Benefited)	General Funds	($700)
05-74-74-7425-7425	050	Personal Services - Temporary/Appointed	General Funds	($4,883)
05-74-74-7425-7425	060	Benefits	General Funds	($117)
05-74-74-7425-7425	070	In-State Travel	General Funds	($2,000)
05-74-74-7430-7430		Nurses Registration		
05-74-74-7430-7430	018	Overtime	General Funds	($8,000)
05-74-74-7430-7430	020	Current Expenses	General Funds	($10,000)
05-74-74-7430-7430	024	Maintenance Other Than Building & Grounds	General Funds	($3,000)
05-74-74-7430-7430	046	Consultants (Non-Benefited)	General Funds	($3,500)
05-74-74-7430-7430	050	Personal Services - Temporary/Appointed	General Funds	($924)
05-74-74-7430-7430	060	Benefits	General Funds	($77)
05-74-74-7430-7430	070	In-State Travel	General Funds	($500)
05-74-74-7431-7431		Nurses Registration		
05-74-74-7431-7431	020	Current Expenses	Other Funds	($1,000)
05-74-74-7431-7431	024	Maintenance Other Than Building & Grounds	Other Funds	($3,000)
05-74-74-7431-7431	042	Post Retirement (Additional Fringe Benefits)	Other Funds	($1,442)
05-74-74-7431-7431	050	Personal Services - Temporary/Appointed	Other Funds	($306)
05-74-74-7431-7431	060	Benefits	Other Funds	($500)
05-74-74-7432-7432		Nurses Registration		
05-74-74-7432-7432	020	Current Expenses	Other Funds	($9,000)
05-74-74-7432-7432	046	Consultants (Non-Benefited)	Other Funds	($250)
05-74-74-7432-7432	070	In-State Travel	Other Funds	($1,000)
05-74-74-7435-7435		Pharmacy Board		
05-74-74-7435-7435	018	Overtime	General Funds	($8,000)
05-74-74-7435-7435	020	Current Expenses	General Funds	($2,004)
05-74-74-7435-7435	022	Rents & Leases Other than State	General Funds	($1,000)
05-74-74-7435-7435	026	Organizational Dues	General Funds	($600)
05-74-74-7435-7435	046	Consultants (Non-Benefited)	General Funds	($2,500)

05-74-74-7435-7435	070	In-State Travel	General Funds	($6,000)
05-74-74-7440-7440		Chiropractic Examiners		
05-74-74-7440-7440	010	Personal Services- Permanent Classified	General Funds	($10,156)
05-74-74-7440-7440	060	Benefits	General Funds	($5,542)
05-74-74-7445-7445		Cosmetology/Barbers Board		
05-74-74-7445-7445	010	Personal Services- Permanent Classified	General Funds	($8,385)
05-74-74-7445-7445	060	Benefits	General Funds	($10,632)
05-74-74-7450-7450		Dental Board		
05-74-74-7450-7450	020	Current Expenses	General Funds	($5,500)
05-74-74-7450-7450	026	Organizational Dues	General Funds	($590)
05-74-74-7450-7450	046	Consultants (Non-Benefited)	General Funds	($1,000)
05-74-74-7455-7455		Electrolysis Board		
05-74-74-7455-7455	020	Current Expenses	General Funds	($334)
05-74-74-7460-7460		Funeral Directors - Embalmers		
05-74-74-7460-7460	020	Current Expenses	General Funds	($994)
05-74-74-7460-7460	026	Organizational Dues	General Funds	($75)
05-74-74-7460-7460	046	Consultants (Non-Benefited)	General Funds	($1,000)
05-74-74-7465-7465		NH Bd of Mental Health Practice		
05-74-74-7465-7465	020	Current Expenses	General Funds	($3,000)
05-74-74-7465-7465	046	Consultants (Non-Benefited)	General Funds	($1,000)
05-74-74-7465-7465	050	Personal Services - Temporary/Appointed	General Funds	($8,847)
05-74-74-7465-7465	060	Benefits	General Funds	($733)
05-74-74-7470-7470		Ophthalmic Dispensers		
05-74-74-7470-7470	020	Current Expenses	General Funds	($1,410)
05-74-74-7475-7475		Naturopathic Examiners		
05-74-74-7475-7475	020	Current Expenses	General Funds	($197)
05-74-74-7475-7475	050	Personal Services - Temporary/Appointed	General Funds	($584)
05-74-74-7475-7475	060	Benefits	General Funds	($48)
05-74-74-7480-7480		Hearing Aid Dealers		
05-74-74-7480-7480	020	Current Expenses	General Funds	($1,000)
05-74-74-7480-7480	070	In-State Travel	General Funds	($128)
05-74-74-7485-7485		Board of Acupuncture		
05-74-74-7485-7485	020	Current Expenses	General Funds	($183)
05-74-74-7485-7485	050	Personal Services - Temporary/Appointed	General Funds	($544)
05-74-74-7485-7485	060	Benefits	General Funds	($45)
05-74-74-7490-7490		Midwifery Council		
05-74-74-7490-7490	020	Current Expenses	General Funds	($64)
05-74-74-7492-7492		Bd of Alc - ODA Professionals		
05-74-74-7492-7492	070	In-State Travel	General Funds	($1,962)
05-74-74-7493-7493		Massage Therapy Advisory Board		

05-74-74-7493-7493	020	Current Expenses	General Funds	($5,821)
05-74-74-7495-7495		Bd of Licensed Dietitians		
05-74-74-7495-7495	050	Personal Services - Temporary/Appointed	General Funds	($1,158)
05-74-74-7495-7495	060	Benefits	General Funds	($96)
06-57		Postsecondary Education Commission		
06-57-57-5700-5407		Administration - Financial Aid		
06-57-57-5700-5407	021	Food Institutions	General Funds	($2,000)
06-57-57-5700-5407	050	Personal Services - Temporary/Appointed	General Funds	($20,659)
06-57-57-5700-5407	060	Benefits	General Funds	($1,580)
06-57-57-5700-6074		Granite State Scholars		
06-57-57-5700-6074	107	Scholarships & Grants	General Funds	($160,949)
06-57-57-5700-6075		Veterinary Education Program		
06-57-57-5700-6075	107	Scholarships & Grants	General Funds	($21,813)
06-57-57-5700-6076		Medical Education Program		
06-57-57-5700-6076	107	Scholarships & Grants	General Funds	($5,000)
06-56		Department of Education		
06-56-56-5605-2022		Governance and Standards		
06-56-56-5605-2022	010	Personal Services- Permanent Classified	General Funds	($72,852)
06-56-56-5605-2022	046	Consultants (Non-Benefited)	General Funds	($7,810)
06-56-56-5605-2022	060	Benefits	General Funds	($21,412)
06-56-56-5605-2022	067	Training & Providers	General Funds	($5,000)
06-56-56-5605-2022	235	Transcription Services	General Funds	($1,203)
06-56-56-5610-6019		Other State Aid		
06-56-56-5610-6019	078	Cat Aid - Education	General Funds	($3,946,405)
06-56-56-5610-6019	600	Tuition and Transportation Aid	General Funds	($607,993)
06-56-56-5610-6019	606	Dropout Prevention	General Funds	($128,065)
06-56-56-5610-6019	607	Statewide Special Education	General Funds	($23,942)
06-56-56-5610-6019	609	Local Education Improvement	General Funds	($39,903)
06-56-56-5610-6019	610	Career Tech Student Orgs	General Funds	($9,178)
06-56-56-5615-4101		Court Ordered Placements		
06-56-56-5615-4101	602	State Fund Non-Match	General Funds	($122,710)
06-56-56-5620-6401		Instruction - State		
06-56-56-5620-6401	010	Personal Services- Permanent Classified	General Funds	($137,710)
06-56-56-5620-6401	060	Benefits	General Funds	($62,529)
06-56-56-5620-3260		Curriculum and Assessment		
06-56-56-5620-3260	010	Personal Services- Permanent Classified	General Funds	($63,180)
06-56-56-5620-3260	060	Benefits	General Funds	($27,613)
06-56-56-5620-3260	067	Training & Providers	General Funds	($1,836)
06-56-56-5620-3260	102	Contracts for Program Services	General Funds	($4,589)
06-56-56-5620-3260	103	Contracts for Operational Services	General Funds	($120)
06-56-56-5620-3260	612	State Testing	General Funds	($240,420)
06-56-56-5620-5406		Parent As Teacher		

06-56-56-5620-5406	602	State Fund Non-Match	General Funds	($65,000)
06-56-56-5635-4000		Program Support - State		
06-56-56-5635-4000	010	Personal Services- Permanent Classified	General Funds	($73,682)
06-56-56-5635-4000	060	Benefits	General Funds	($30,926)
06-56-56-5635-4000	614	Data/Info Processing	General Funds	($2,190)
06-56-56-5640-3004		School Nutrition - Section IV		
06-56-56-5640-3004	602	State Fund Non-Match	General Funds	($15,961)
06-56-56-5650-4082		Career Tech - Adult Learn - ADM		
06-56-56-5650-4082	011	Personal Services-Unclassified	General Funds	($92,106)
06-56-56-5650-4082	060	Benefits	General Funds	($25,218)
06-56-56-5650-6030		Vocational Education - State		
06-56-56-5650-6030	010	Personal Services- Permanent Classified	General Funds	($30,888)
06-56-56-5650-6030	060	Benefits	General Funds	($13,235)
06-56-56-5660-7004		Adult Education		
06-56-56-5660-7004	602	State Fund Non-Match	General Funds	($102,920)
06-83		Lottery Commission		
06-83-83-8300-1029		Lottery Division		
06-83-83-8300-1029	022	Rents & Leases Other than State	Other Funds	($650,000)
06-61		McAuliffe-Shepard Discovery Center		
06-61-61-6100-3432		Administration		
06-61-61-6100-3432	018	Overtime	General Funds	($1,500)
06-61-61-6100-3432	020	Current Expenses	General Funds	($12,700)
06-61-61-6100-3432	023	Heat, Electricity & Water	General Funds	($21,100)
06-61-61-6100-3432	024	Maintenance Other Than Building & Grounds	General Funds	($1,500)
06-61-61-6100-3432	048	Contractual Maintenance - Building & Grounds	General Funds	($8,200)

Total appropriations and charges as included in category 01 thru and including 06

General fund	($33,759,257)
Federal funds	($7,474,655)
Other funds	($1,165,845)
Total funds	($42,399,757)

86 Effective Date.

I. Sections 10-12, 41-44, 48, 50, 56-61, and 63 shall take effect July 1, 2010.

II. Section 45 and 46 of this act shall take effect June 15, 2010.

III. Section 62 of this act shall take effect November 1, 2012.

IV. Sections 68 and 70 of this act shall take effect July 1, 2011.

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

AMENDED ANALYSIS

1. Clarifies the administration of the New Hampshire employment program.

2. Makes the funded family assistance program (TANF) permissive rather than mandatory.

3. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

4. Repeals 2009, 144:211 requiring a report relative to suspending certain administrative

requirements for community mental health centers for the biennium ending June 30, 2011.

5. Authorizes the commissioner of the department of health and human services to transfer funds within and among all accounting units within the department, to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and as otherwise necessary for the efficient management of the department.

6. Permits funds from the lead paint poisoning prevention fund to be used to support program staff and administrative costs.

7. Transfers powers and duties for the New Hampshire refugee resettlement program from the governor's office to the department of health and human services.

8. Establishes a special account for civil fines collected by the department of health and human services under RSA 151.

9. Changes the due date for the Medicaid enhancement tax.

10. Renames the "multiple DWI offender intervention detention center program" as the "multiple DWI offender intervention program," and authorizes the commissioner of the department of health and human services to directly operate the program, to approve community-based providers of the program, or to contract with public or private entities to operate the program.

11. Requires the commission to examine driving while impaired education and intervention programs to study penalties for intoxication or under the influence of drugs offenses and submit a report of its findings.

12. Makes further reductions in the operating budget for the legislative and executive branches for fiscal years 2010 and 2011.

13. Requires the commissioner of the department of agriculture, markets and food to put out to bid administration of the animal population control fund.

14. Abolishes the position of animal population control assistant.

15. Provides that the department of health and human services shall not reduce funding provided to North Country Transportation used for meeting the state matching funds requirement for the Job Access and Reverse Committee (JARC).

16. Suspends the catastrophic illness program in the department of health and human services for the fiscal year ending June 30, 2011.

17. Suspends the senior volunteer grant program in the department of health and human services for the fiscal year ending June 30, 2011.

18. Reduces required funding by the department of health and human services for juvenile placement programs and requires the department to report biennially on the effectiveness of the programs.

19. Reduces the rate paid to residential providers subject to the rate setting rule of the department of health and human services by 2 percent.

20. Extends the suspension of direct graduate medical education payments to hospitals until July 1, 2011.

21. Suspends the provision of indirect graduate medical education payments to hospitals through June, 2011.

22. Suspends catastrophic aid payments to hospitals effective June 15, 2010 through June 30, 2011.

23. Conditions eligibility for cash assistance and medical assistance benefits on the recipient filing an application for any federal cash assistance benefits for which the individual may be entitled.

24. Allows a municipality, with the approval of its legislative body, to adopt a local meals and rooms tax in addition to the state meals and rooms tax.

25. Reduces rooms and meals tax revenue distributions to towns and cities an additional $6,091,930.

26. Removes the application of the rooms and meals tax to campsites.

27. Authorizes the department of administrative services to transfer moneys from certain dedicated funds or accounts maintained separately on the books of the state.

28. Requires the lapse of certain retirement pension benefit-health insurance funds.

29. Requires the lapse of certain judicial council funds for contracts for program services.

30. Requires the lapse of certain appropriations to the state treasurer for debt service.

31. Makes distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

32. Establishes a commission to study business taxes.

33. Reduces the state's contribution for benefits under the New Hampshire retirement system for fiscal year 2011.

34. Requires the lottery commission to submit a report to the governor and the legislature describing how it proposes to modernize and update its products.

35. Transfers certain appropriations relating to adequate education grants.

36. Specifies that state agency appropriation reductions in this bill are in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.

37. For the fiscal year ending June 30, 2011, suspends existing legal requirements for a special meeting of a school district and requires a special meeting of a school district to be held upon the majority vote of the school board to address changes to catastrophic aid funding.

38. Allows a town to call a special meeting during the 2011 fiscal year to address any reduction in the amount of state revenue distributed to the town which could affect the town's budget.

39. Allows state agencies to supplant general fund reductions with federal and other funds that may become available for that purpose.

40. Requires nonclassified and unclassified state employees to take 12 furlough days during fiscal year 2011.

41. Requires reductions in personnel expenditures in an agency to be distributed proportionately between classified and unclassified employees of such agency.

42. Provides that the procedure for reassignment of state employees prior to layoff is suspended and any positions intended by a department to be left vacant shall remain vacant.

43. Prohibits certain transfers of funds out of any class line which is the source of payment for Medicaid providers whose reimbursement rates are set by the department of health and human services and whose rates have been reduced by the department of health and human services through the use of a budget neutrality factor, a proportionate discount factor, or any similar reduction device.

44. Directs the department of health and human services to reduce state general fund appropriations from any line by a certain amount, excluding direct services unless approved by the fiscal committee of the general court and the governor and council.

45. Requires the relocation of the populations of the Anna Philbrook center, the Shea Farm transitional housing unit, the youth development center, and the state prison for women.

46. Establishes a committee to study the transfer of populations of the youth development center and the state prison for women.

47. Directs the state treasurer to deposit certain fine revenues in the general fund.

48. Prohibits departments from delaying a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.

49. Makes appropriation reductions for fiscal year 2011.

2010-1954h

Floor Amendment to SB 450-FN
Proposed by Rep. Wendelboe

Amend the bill by inserting after section 103 the following and renumbering the original section 104 to read as 105:

104 New Hampshire Medical Malpractice Joint Underwriting Association; Resolution of Matters.

I. The general court hereby finds that in light of the New Hampshire supreme court's determination that the proposed transfer of surplus funds from the New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA) to the general fund pursuant to RSA 144:1 would constitute an unconstitutional impairment of policyholder contract rights, any attempt to transfer these funds to the general fund without agreement of the policyholders will inevitably result in further litigation and delay, and that therefore it is in the best interest of the state of New Hampshire and its citizens to expeditiously resolve this matter as set forth in this section.

II. Notwithstanding any other provision of law, the NHMMJUA, by and through its board of directors, and the insurance commissioner are hereby:

(a) Directed to take no action which impairs or could impair the rights of current or former policyholders of the NHMMJUA with respect to funds held in surplus with respect to the period from 1986 to 2009, whether such right is established by contract, law, regulation or otherwise.

(b) Authorized and directed to negotiate and enter into a settlement with the class of policyholders of the NHMMJUA with respect to the period from 1986 to 2009:

(1) To assist in securing court approval for a class action settlement that may be necessary or appropriate; and

(2) To resolve and release all related issues.

(c) Authorized and directed to approve a distribution by the NHMMJUA to the policyholders of amounts in excess of those reasonably necessary as reserves for existing and potential claims with respect to the period from 1986 to 2009 no later than September 1, 2010.

AMENDED ANALYSIS

1. Clarifies the administration of the New Hampshire employment program.

2. Makes the funded family assistance program (TANF) permissive rather than mandatory.

3. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

4. Repeals 2009, 144:211 requiring a report relative to suspending certain administrative requirements for community mental health centers for the biennium ending June 30, 2011.

5. Authorizes the commissioner of the department of health and human services to transfer funds within and among all accounting units within the department, to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and as otherwise necessary for the efficient management of the department.

6. Permits funds from the lead paint poisoning prevention fund to be used to support program staff and administrative costs.

7. Transfers powers and duties for the New Hampshire refugee resettlement program from the governor's office to the department of health and human services.

8. Establishes a special account for civil fines collected by the department of health and human services under RSA 151.

9. Changes the due date for the Medicaid enhancement tax.

10. Renames the "multiple DWI offender intervention detention center program" as the "multiple DWI offender intervention program," and authorizes the commissioner of the department of health and human services to directly operate the program, to approve community-based providers of the program, or to contract with public or private entities to operate the program.

11. Requires the commission to examine driving while impaired education and intervention programs to study penalties for intoxication or under the influence of drugs offenses and submit a report of its findings.

12. Makes further reductions in the operating budget for the legislative and executive branches for fiscal years 2010 and 2011.

13. Requires the commissioner of the department of agriculture, markets and food to put out to bid administration of the animal population control fund.

14. Abolishes the position of animal population control assistant.

15. Provides that the department of health and human services shall not reduce funding provided to North Country Transportation used for meeting the state matching funds requirement for the Job Access and Reverse Committee (JARC).

16. Suspends the catastrophic illness program in the department of health and human services for the fiscal year ending June 30, 2011.

17. Suspends the senior volunteer grant program in the department of health and human services for the fiscal year ending June 30, 2011.

18. Reduces required funding by the department of health and human services for juvenile placement programs and requires the department to report biennially on the effectiveness of the programs.

19. Reduces the rate paid to residential providers subject to the rate setting rule of the department of health and human services by 2 percent.

20. Extends the suspension of direct graduate medical education payments to hospitals until July 1, 2011.

21. Suspends the provision of indirect graduate medical education payments to hospitals through June, 2011.

22. Suspends catastrophic aid payments to hospitals effective June 15, 2010 through June 30, 2011.

23. Conditions eligibility for cash assistance and medical assistance benefits on the recipient filing an application for any federal cash assistance benefits for which the individual may be entitled.

24. Allows a municipality, with the approval of its legislative body, to adopt a local meals and rooms tax in addition to the state meals and rooms tax.

25. Reduces rooms and meals tax revenue distributions to towns and cities an additional $6,091,930.

26. Removes the application of the rooms and meals tax to campsites.

27. Authorizes the state treasurer to refinance certain debt service obligations.

28. Increases the bonded appropriation for the university system of New Hampshire KEEP NH program by $25,000,000 for the biennium ending June 30, 2011.

29. Increases the tax rate imposed on tobacco products other than cigarettes.

30. Authorizes the department of administrative services to transfer moneys from certain dedicated funds or accounts maintained separately on the books of the state.

31. Requires the lapse of certain retirement pension benefit-health insurance funds.

32. Requires the lapse of certain judicial council funds for contracts for program services.

33. Requires the lapse of certain appropriations to the state treasurer for debt service.

34. Makes distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

35. Establishes a commission to study business taxes.

36. Reduces the state's contribution for benefits under the New Hampshire retirement system for fiscal year 2011.

37. Increases the license fees for selling animals and birds.

38. Requires the lottery commission to submit a report to the governor and the legislature describing how it proposes to modernize and update its products.

39. Transfers certain appropriations relating to adequate education grants.

40. Specifies that state agency appropriation reductions in this bill are in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.

41. For the fiscal year ending June 30, 2011, suspends existing legal requirements for a special meeting of a school district and requires a special meeting of a school district to be held upon the majority vote of the school board to address changes to catastrophic aid funding.

42. Allows a town to call a special meeting during the 2011 fiscal year to address any reduction in the amount of state revenue distributed to the town which could affect the town's budget.

43. Allows state agencies to supplant general fund reductions with federal and other funds that may become available for that purpose.

44. Requires nonclassified and unclassified state employees to take 12 furlough days during fiscal year 2011.

45. Requires reductions in personnel expenditures in an agency to be distributed proportionately between classified and unclassified employees of such agency.

46. Provides that the procedure for reassignment of state employees prior to layoff is suspended and any positions intended by a department to be left vacant shall remain vacant.

47. Prohibits certain transfers of funds out of any class line which is the source of payment for Medicaid providers whose reimbursement rates are set by the department of health and human services and whose rates have been reduced by the department of health and human services through the use of a budget neutrality factor, a proportionate discount factor, or any similar reduction device.

48. Directs the department of health and human services to reduce state general fund appropriations from any line by a certain amount, excluding direct services unless approved by the fiscal committee of the general court and the governor and council.

49. Requires the relocation of the populations of the Anna Philbrook center, the Shea Farm transitional housing unit, the youth development center, and the state prison for women.

50. Establishes a committee to study the transfer of populations of the youth development center and the state prison for women.

51. Directs the state treasurer to deposit certain fine revenues in the general fund.

52. Replaces the electricity consumption tax paid by consumers with an electricity generation tax paid by generation facilities.

53. Sets the insurance premium tax at 2 percent for all lines of insurance.

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

55. Increases the fees for marriage licenses and vital record copies and amendments and requires a portion of the increase to be deposited in the general fund.

56. Prohibits departments from delaying a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.

57. Makes appropriation reductions for fiscal year 2011.

58. Requires the New Hampshire Medical Malpractice Joint Underwriting Association and the insurance commissioner to settle a lawsuit.

2010-1956h

Floor Amendment to SB 450-FN
Proposed by Rep. Wendelboe - R

Amend the bill by deleting section 88 and renumbering the original sections 89-104 to read as 88-103, respectively.

Amend the bill by replacing section 88 with the following:

88 Committee to Study the Youth Development Center and State Prison for Women.

I. There is established a committee to study the transfer of populations of the youth development center and the state prison for women.

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

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

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

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

IV. The committee shall study the transfer of the population of the youth development center and the transfer of the population of the state prison for women. The committee shall also

determine all statutory or administrative rule changes that will be necessary to effectuate said transfers.

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

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

Amend the bill by replacing section 95 with the following:

95 Applicability. The provisions of RSA 400-A:32, I(a) as amended by section 94 of this act shall apply to tax periods of authorized insurers beginning after June 30, 2009. Any additional premium tax liability due to the amendment to RSA 400-A:32, I(c) by section 94 of this act shall be paid in full to the insurance commissioner by June 15, 2010.

Amend the bill by replacing section 103 with the following:

103 Effective Date.

I. Sections 10-12, 41-44, 48, 50, 62-67, 69, 70, and 90-93 shall take effect July 1, 2010.

II. Section 45 and 46 of this act shall take effect June 15, 2010.

III. Section 68 of this act shall take effect November 1, 2012.

IV. Sections 75 and 77 of this act shall take effect July 1, 2011.

V. Sections 96-98 of this act shall take effect January 1, 2011.

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

AMENDED ANALYSIS

1. Clarifies the administration of the New Hampshire employment program.

2. Makes the funded family assistance program (TANF) permissive rather than mandatory.

3. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

4. Repeals 2009, 144:211 requiring a report relative to suspending certain administrative requirements for community mental health centers for the biennium ending June 30, 2011.

5. Authorizes the commissioner of the department of health and human services to transfer funds within and among all accounting units within the department, to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and as otherwise necessary for the efficient management of the department.

6. Permits funds from the lead paint poisoning prevention fund to be used to support program staff and administrative costs.

7. Transfers powers and duties for the New Hampshire refugee resettlement program from the governor's office to the department of health and human services.

8. Establishes a special account for civil fines collected by the department of health and human services under RSA 151.

9. Changes the due date for the Medicaid enhancement tax.

10. Renames the "multiple DWI offender intervention detention center program" as the "multiple DWI offender intervention program," and authorizes the commissioner of the department of health and human services to directly operate the program, to approve community-based providers of the program, or to contract with public or private entities to operate the program.

11. Requires the commission to examine driving while impaired education and intervention programs to study penalties for intoxication or under the influence of drugs offenses and submit a report of its findings.

12. Makes further reductions in the operating budget for the legislative and executive branches for fiscal years 2010 and 2011.

13. Requires the commissioner of the department of agriculture, markets and food to put out to bid administration of the animal population control fund.

14. Abolishes the position of animal population control assistant.

15. Provides that the department of health and human services shall not reduce funding provided to North Country Transportation used for meeting the state matching funds requirement for the Job Access and Reverse Committee (JARC).

16. Suspends the catastrophic illness program in the department of health and human services for the fiscal year ending June 30, 2011.

17. Suspends the senior volunteer grant program in the department of health and human services for the fiscal year ending June 30, 2011.

18. Reduces required funding by the department of health and human services for juvenile placement programs and requires the department to report biennially on the effectiveness of the programs.

19. Reduces the rate paid to residential providers subject to the rate setting rule of the department of health and human services by 2 percent.

20. Extends the suspension of direct graduate medical education payments to hospitals until July 1, 2011.

21. Suspends the provision of indirect graduate medical education payments to hospitals through June, 2011.

22. Suspends catastrophic aid payments to hospitals effective June 15, 2010 through June 30, 2011.

23. Conditions eligibility for cash assistance and medical assistance benefits on the recipient filing an application for any federal cash assistance benefits for which the individual may be entitled.

24. Allows a municipality, with the approval of its legislative body, to adopt a local meals and rooms tax in addition to the state meals and rooms tax.

25. Reduces rooms and meals tax revenue distributions to towns and cities an additional $6,091,930.

26. Removes the application of the rooms and meals tax to campsites.

27. Authorizes the state treasurer to refinance certain debt service obligations.

28. Increases the bonded appropriation for the university system of New Hampshire KEEP NH program by $25,000,000 for the biennium ending June 30, 2011.

29. Increases the tax rate imposed on tobacco products other than cigarettes.

30. Authorizes the department of administrative services to transfer moneys from certain dedicated funds or accounts maintained separately on the books of the state.

31. Requires the lapse of certain retirement pension benefit-health insurance funds.

32. Requires the lapse of certain judicial council funds for contracts for program services.

33. Requires the lapse of certain appropriations to the state treasurer for debt service.

34. Makes distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

35. Establishes a commission to study business taxes.

36. Reduces the state's contribution for benefits under the New Hampshire retirement system for fiscal year 2011.

37. Increases the license fees for selling animals and birds.

38. Requires the lottery commission to submit a report to the governor and the legislature describing how it proposes to modernize and update its products.

39. Transfers certain appropriations relating to adequate education grants.

40. Specifies that state agency appropriation reductions in this bill are in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.

41. For the fiscal year ending June 30, 2011, suspends existing legal requirements for a special meeting of a school district and requires a special meeting of a school district to be held upon the majority vote of the school board to address changes to catastrophic aid funding.

42. Allows a town to call a special meeting during the 2011 fiscal year to address any reduction in the amount of state revenue distributed to the town which could affect the town's budget.

43. Allows state agencies to supplant general fund reductions with federal and other funds that may become available for that purpose.

44. Requires nonclassified and unclassified state employees to take 12 furlough days during fiscal year 2011.

45. Requires reductions in personnel expenditures in an agency to be distributed proportionately between classified and unclassified employees of such agency.

46. Provides that the procedure for reassignment of state employees prior to layoff is suspended and any positions intended by a department to be left vacant shall remain vacant.

47. Prohibits certain transfers of funds out of any class line which is the source of payment for Medicaid providers whose reimbursement rates are set by the department of health and human services and whose rates have been reduced by the department of health and human services through the use of a budget neutrality factor, a proportionate discount factor, or any similar reduction device.

48. Directs the department of health and human services to reduce state general fund appropriations from any line by a certain amount, excluding direct services unless approved by the fiscal committee of the general court and the governor and council.

49. Requires the relocation of the populations of the Anna Philbrook center and the Shea Farm transitional housing unit.

50. Establishes a committee to study the transfer of populations of the youth development center and the state prison for women.

51. Directs the state treasurer to deposit certain fine revenues in the general fund.

52. Replaces the electricity consumption tax paid by consumers with an electricity generation tax paid by generation facilities.

53. Sets the insurance premium tax at 2 percent for all lines of insurance.

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

55. Increases the fees for marriage licenses and vital record copies and amendments and requires a portion of the increase to be deposited in the general fund.

56. Prohibits departments from delaying a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.

57. Makes appropriation reductions for fiscal year 2011.

2010-1959h

Floor Amendment to SB 450-FN
Proposed by Rep. Vaillancourt

Amend the bill by replacing section 49 with the following:

49 New Subdivision; Optional Local Meals and Rooms Tax, Local Meals Tax, or Local Rooms Tax. Amend RSA 78-A by inserting after section 26 the following new subdivision:

Optional Local Meals and Rooms Tax, Local Meals Tax, or Local Rooms Tax

78-A:27 Local Meals and Rooms Tax, Local Meals Tax, or Local Rooms Tax.

I. A municipality may, in accordance with the procedures under RSA 78-A:28, adopt an addition to the meals and rooms tax rate imposed under RSA 78-A:6, to be known as the local meals and rooms tax or the local meals tax or local rooms tax, at a rate not to exceed ½ of the state meals and rooms tax rate to be established by the municipality. A local meals tax shall be imposed only on meals. A local rooms tax shall be imposed only on rooms.

II. The commissioner shall assess, collect, administer, and enforce the local meals and rooms tax, local meals tax, or local rooms tax in accordance with the applicable provisions of this chapter relative to the state meals and rooms tax; except that the revenue collected from the local meals and rooms tax, local meals tax, or local rooms tax shall, after deduction of administrative expenses, be remitted to the treasurer of the municipality imposing the local tax.

78-A:28 Procedure for Adoption and Modification of Local Meals and Rooms Tax, Local Meals Tax, or Local Rooms Tax.

I. Any town or city may adopt the provisions of RSA 78-A:27 in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the local meals and rooms tax, local meals tax, or local rooms tax, the amount of such tax, and the manner of its determination, as listed in RSA 78-A:27. If a majority of those voting on the question vote "yes," the tax shall take effect within the town or city, on the date set by the governing body following its adoption.

III. A municipality may modify or rescind the tax provided in RSA 78-A:27 in the manner described in this section.

AMENDED ANALYSIS

1. Clarifies the administration of the New Hampshire employment program.

2. Makes the funded family assistance program (TANF) permissive rather than mandatory.

3. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

4. Repeals 2009, 144:211 requiring a report relative to suspending certain administrative requirements for community mental health centers for the biennium ending June 30, 2011.

5. Authorizes the commissioner of the department of health and human services to transfer funds within and among all accounting units within the department, to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and as otherwise necessary for the efficient management of the department.

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25. Removes the application of the rooms and meals tax to campsites.

26. Authorizes the state treasurer to refinance certain debt service obligations.

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32. Requires the lapse of certain appropriations to the state treasurer for debt service.

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34. Establishes a commission to study business taxes.

35. Reduces the state's contribution for benefits under the New Hampshire retirement system for fiscal year 2011.

36. Increases the license fees for selling animals and birds.

37. Requires the lottery commission to submit a report to the governor and the legislature describing how it proposes to modernize and update its products.

38. Transfers certain appropriations relating to adequate education grants.

39. Specifies that state agency appropriation reductions in this bill are in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.

40. For the fiscal year ending June 30, 2011, suspends existing legal requirements for a special meeting of a school district and requires a special meeting of a school district to be held upon the majority vote of the school board to address changes to catastrophic aid funding.

41. Allows a town to call a special meeting during the 2011 fiscal year to address any reduction in the amount of state revenue distributed to the town which could affect the town's budget.

42. Allows state agencies to supplant general fund reductions with federal and other funds that may become available for that purpose.

43. Requires nonclassified and unclassified state employees to take 12 furlough days during fiscal year 2011.

44. Requires reductions in personnel expenditures in an agency to be distributed proportionately between classified and unclassified employees of such agency.

45. Provides that the procedure for reassignment of state employees prior to layoff is suspended and any positions intended by a department to be left vacant shall remain vacant.

46. Prohibits certain transfers of funds out of any class line which is the source of payment for Medicaid providers whose reimbursement rates are set by the department of health and

human services and whose rates have been reduced by the department of health and human services through the use of a budget neutrality factor, a proportionate discount factor, or any similar reduction device.

47. Directs the department of health and human services to reduce state general fund appropriations from any line by a certain amount, excluding direct services unless approved by the fiscal committee of the general court and the governor and council.

48. Requires the relocation of the populations of the Anna Philbrook center, the Shea Farm transitional housing unit, the youth development center, and the state prison for women.

49. Establishes a committee to study the transfer of populations of the youth development center and the state prison for women.

50. Directs the state treasurer to deposit certain fine revenues in the general fund.

51. Replaces the electricity consumption tax paid by consumers with an electricity generation tax paid by generation facilities.

52. Sets the insurance premium tax at 2 percent for all lines of insurance.

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

54. Increases the fees for marriage licenses and vital record copies and amendments and requires a portion of the increase to be deposited in the general fund.

55. Prohibits departments from delaying a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.

56. Makes appropriation reductions for fiscal year 2011.

2010-1960h

Floor Amendment to SB 450-FN
Proposed by Rep. Vaillancourt

Amend the bill by inserting after section 102 the following and renumbering the original sections 103-104 to read as 110-111, respectively:

103 New Chapter; Gaming Oversight Authority and Video Lottery. Amend RSA by inserting after chapter 287-G the following new chapter:

CHAPTER 287-H
GAMING OVERSIGHT AUTHORITY AND VIDEO LOTTERY

287-H:1 Definitions. In this chapter:

I. "Centralized data provider" means a provider of centralized gambling data, selected by the gaming oversight authority.

II. "Currency" means legal tender in the form of coins or paper which is officially issued by the United States Treasury, but it does not include any type of credit or debit card.

III. "Facility applicant" means the entity, which will participate and apply for a facility license, as applicable.

IV. "Facility license" means the license issued by the gaming oversight authority to a facility licensee.

V. "Facility licensee" means an applicant who is issued a license by the gaming oversight authority to provide facilities and support to state operated video lottery locations.

VI. "Gaming oversight authority" means the authority established by RSA 287-H:2.

VII. "Net machine income" means all cash or other consideration utilized to play a video lottery machine, less all cash or other consideration paid to players of video lottery machines as winnings. Non cashable promotional credits shall be excluded from the calculation.

VIII. "Technology provider" means any person or entity which designs, manufactures, installs, distributes, or supplies video lottery machines for lease to the state for conducting video lottery games in accordance with this chapter.

IX. "Token" means the coin, which is not legal tender, sold by a cashier in a face amount equal to the currency paid by a player for the sole purpose of playing a video lottery machine at a

licensed facility, which can be exchanged for currency at the same facility where the video lottery machines are located, but it does not include any type of credit or debit card.

X. "Video lottery employee" means a person employed by the state in the operation of a video lottery location, including without limitation, cashiers; floormen; machine mechanics; security personnel or inspectors; and supervisors or managers. Video lottery employees shall be hired, fired, trained, managed, and supervised by the division of gaming enforcement.

XI. "Video lottery location" means a state operated facility, within a location provided by the facility licensee, authorized by the local community that contains video lottery machines operated in accordance with this chapter.

XII. "Video lottery machines" means an electronic, mechanical, or computerized machine licensed by the lottery commission, which upon the insertion of bills, coins, tokens, or any representative of value is available to be played where, by chance or skill, or both, the player may receive cash, cash equivalents, or tokens. Video lottery machines include, but are not limited to, slot machines, video poker machines, and other lottery machines. A machine shall be considered a video lottery machine notwithstanding the use of an electronic credit system making the deposit of bills, coins, or tokens unnecessary. Video lottery machines do not include any redemption slot machines and redemption poker machines as defined in RSA 647 or video poker machines or other similar machines used for amusement purposes only.

287-H:2 Gaming Oversight Authority.

I. There is hereby established the New Hampshire gaming oversight authority. The gaming oversight authority shall consist of the commissioner of the department of safety, the commissioner of the department of resources and economic development, and the commissioner of the department of revenue administration, or their respective designees. The commissioner of the department of safety shall serve as the chairperson of the gaming oversight authority.

II. The gaming oversight authority through delegation to the division of gaming enforcement shall exclusively establish, staff, manage, and operate video lottery locations at facilities licensed under the provisions of this chapter. Facilities provided by the facility licensee shall contain non-gaming resources such as, dining, liquor, hotel, and any other support resource approved by the gaming oversight authority. The facility licensee shall, at a minimum, provide and pay for heat, electricity, water, sewer, maintenance, and security surveillance infrastructure for the video lottery location for which the facility licensee shall receive remuneration pursuant to RSA 287-H:17, III.

287-H:3 Duties of the Gaming Oversight Authority. The gaming oversight authority shall:

I. Issue licenses only after completion of the investigations set forth in this chapter. All license applications shall be approved or denied no later than 150 days from the date of application. No license issued under the provisions of this chapter shall be assigned, transferred, or sold without a complete application and the approval of the gaming oversight authority and payment of a $1,000 application fee. No person or entity may own or have an interest in more than one facility license.

II. Collect all license fees imposed upon any applicant and all fees imposed by this chapter.

III. Certify net machine income by inspecting records, conducting audits, having its agents on site, or by other reasonable means.

IV. Establish a central computer system at a location of its choosing linking all video lottery machines to a central computer to ensure control over the video lottery machines.

V. Enter into lease agreements with up to 3 technology providers to provide video lottery machines to the state. Lease agreements shall provide that the technology provider supply the quantity and quality of video lottery machines determined by the gaming oversight authority in a timely and efficient manner, and shall be paid with a percentage of the net machine income, as provided in RSA 287-H:17, IV. The technology provider shall provide all maintenance and service of its video lottery machines at no additional charge or fee to the state. Each agreement shall also provide that the technology provider shall be required to replace 30 percent of its video lottery machines on a yearly basis.

VI. Establish technical standards for approval of video lottery machines, including mechanical and electrical reliability and security against tampering, as it may deem necessary to protect the public from fraud or deception and to ensure the integrity of the operation.

VII. No later than November 1 in each calendar year of this program, provide a report to the fiscal committee of the general court regarding the generation of revenue of video lottery machines. Such report shall include any recommendations for legislation and any community concerns.

VIII. Have the authority to issue subpoenas and compel the attendance of witnesses, to administer oaths, and require testimony of witnesses under oath.

IX. Make and keep records of all proceedings of its public meetings. A copy of the transcript shall be made available to any person upon request and payment of the costs of preparing a copy.

X. Keep and maintain a list of all license applicants and a record of all actions taken with respect to each applicant. A file and record of the actions by the gaming oversight authority shall be open to the public.

XI. Maintain such other files and records as it deems necessary. All records maintained by the gaming oversight authority may be maintained in digital format or other technology, provided that such information is capable of being produced in written form.

XII. Maintain the confidentiality of all information and data obtained by the gaming oversight authority. Such information shall not be revealed in whole or in part except as otherwise provided by law, upon the lawful order of a court of competent jurisdiction, lawfully executed and served grand jury subpoenas, or with the approval of the attorney general, to a duly authorized law enforcement agency.

XIII. Provide notice of the contents of any information or data released, except to a duly authorized law enforcement agency or grand jury subpoena pursuant to paragraph XII, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the gaming oversight authority.

XIV. If necessary, contract for and procure financial, economic, or security consultants and any other technical and professional services as the authority deem necessary.

XV. Develop and provide an employee training program which shall include, but not be limited to, information on state law, criminal and civil liability, and management practices.

287-H:4 Rulemaking.

I. The gaming oversight authority shall have general responsibility for the implementation of this chapter and shall adopt rules under RSA 541-A relative to:

(a) Hearing and deciding all license applications or recommendations for the suspension or revocation of any license.

(b) Conducting all investigations required with regard to the application, suspension, or revocation of any licensee or applicant.

(c) Conducting hearings pertaining to administrative violations or rules and collecting all penalties assessed under the provisions of this chapter.

(d) Establishing standards and a reasonable fee structure for the licensing and renewal of licenses for technology providers.

(e) Establishing technical standards for approval of video lottery machines, including mechanical and electrical reliability and security against tampering, as it may deem necessary to protect the public from fraud or deception and to ensure the integrity of operation.

(f) Establishing criteria for licensing, suspension, and revocation and the bidding process under RSA 287-H:12.

(g) The value of prizes, which may be awarded, and the cost of play for each video lottery game played on a video lottery machine, as recommended by the technology provider.

(h) Establishing employee qualifications, training, and background investigations for prospective employees.

(i) Standards for the management, and operation, of all video lottery locations.

II. Pending the adoption of rules under RSA 541-A, and notwithstanding RSA 541-A:2, the gaming oversight authority shall adopt interim rules including provisions for the publication of public notice of the period of time for the submission of facility license applications and after public hearing and within 60 days of the effective date of this chapter. Such interim rules shall automatically expire upon the adoption of rules under RSA 541-A.

287-H:5 Restrictions. No member or employee of the gaming oversight authority, the department of revenue administration, the department of resources and economic development, or the department of safety shall have a fiduciary interest in any technology provider, facility licensee, or centralized data provider.

287-H:6 Licensure of Technology Provider and Centralized Data Provider. No technology provider or centralized data provider shall engage in the business of providing, installing, or repairing video lottery machines used in this program without a license issued by the gaming oversight authority.

287-H:7 Restriction on Technology and Centralized Data Provider. No technology provider or centralized data provider or their employees shall be entitled to operate video lottery machines within the state.

287-H:8 Restriction of Minors.

I. No person under the age of 21 shall play a video lottery machine authorized by this chapter.

II. No member or employee of any video lottery location, department of safety, the attorney general's office**,** or the gaming oversight authority shall knowingly permit a person under the age of 21 to play or participate in any aspect of the playing of a video lottery machine.

III. Each violation of this section shall be punishable by a fine of no more than $1,000 and shall be payable by such person, employee, or facility licensee who violates paragraph I or II. If such violator is a state employee, then the employee shall also be subject to appropriate sanctions in conformance with the adopted policies and procedures of the division of gaming enforcement, and the department of administrative services, division of personnel.

287-H:9 Person Misrepresenting Age.

I. A person who falsely represents his age for the purpose of playing video lottery machines shall be guilty of a misdemeanor. Any person who violates any of the provisions of this section shall be fined for his or her first offense a minimum of $250. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. A second or subsequent offense shall carry a $500 minimum fine.

II. Notwithstanding paragraph I or any other law to the contrary, any person who possesses or uses or displays in any manner an identification card, document, license or any other document which falsely represents such person's age for the purpose of playing video lottery machines shall be fined a minimum of $250. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. The provisions of this paragraph shall not reduce the maximum penalty which may be imposed for such an offense pursuant to paragraph I. A second or subsequent offense shall carry a $500 minimum fine.

III. An identification card issued under the provisions of RSA 260:21 shall be withdrawn for violation of this section for 90 days. In addition, the director of the division of motor vehicles shall withdraw, for 90 days, the identification card of any person who allows his or her card to be used or displayed by another person for the purpose of playing video lottery machines.

287-H:10 Penalty for Tampering or Manipulating. Any person who, with the intent to manipulate the outcome, payoff, or operation of a video lottery machine, manipulates the outcome, payoff, or operation of any video lottery machine by physical, electronic, or mechanical means, shall be guilty of a class A felony.

287-H:11 Video Lottery Machine Requirements.

I. No video lottery machine shall be used to conduct gaming unless it is identical in all electrical, mechanical, and other aspects to a model, which has been specifically tested and licensed for use by the gaming oversight authority.

II. All video lottery machines in operation shall pay out as winnings at least 92 percent on an annual basis.

III. The gaming oversight authority shall establish the days and hours of operation of video lottery locations and shall not be restricted by the facility licensee.

IV. No automatic teller machines shall be located within 150 feet of a video lottery machine.

287-H:12 Licenses; Number of Video Lottery Machines.

I. From the effective date of this chapter, the number of video lottery machines statewide shall be limited to 6,000 to be distributed at the discretion and judgment of the gaming oversight authority.

II. The gaming oversight authority shall issue not more than a total of 6 facility licenses in the state of New Hampshire. Four facility licensees shall have 1,200 video lottery machines and 2 facility licensees shall have 600 video lottery machines. Prior to issuing any facility licenses and when there are fewer than 6 facility licenses, the gaming oversight authority shall issue facility licenses pursuant to the bidding process described in paragraph III. Eligibility shall be based on, but not limited to the following:

(a) Evidence provided by the applicant that the applicant has received any required local approval.

(b) Regional location of prospective facility licensee.

(c) A detailed economic plan, filed with the gaming oversight authority, for the municipality and the surrounding region where the prospective facility licensee is located with supporting documentation to explain the following:

(1) Unemployment in the area.

(2) Direct and indirect employment gain.

(3) Effect on tourism-based economy.

(4) Effect on regional economic development.

(5) Tourist trends.

(d) A business plan, filed with the gaming oversight authority, to support video lottery machines.

(e) Qualifications of those persons who own or manage the prospective licensee facility.

(f) Regional population.

(g) Vehicle traffic.

(h) Total square footage of the facility and total acreage of such facility.

(i) Availability of suitable infrastructure.

(j) Availability of adequate parking.

(k) Other information that the gaming oversight authority may require.

III. Within 60 days of the effective date of this chapter and whenever there are fewer than 6 facility licensees, the gaming oversight authority shall solicit sealed bids through a competitive bidding process for the available facility license or licenses. The minimum bid for the facility licenses for 600 video lottery machines shall be $6,000,000. The minimum bid for the facility licenses for 1200 video lottery machines shall be $12,000,000. If there are more bidders who are equally eligible than the number of available facility licenses, the gaming oversight authority shall conduct a drawing to determine which bidder or bidders will be issued facility licenses. All successful bidders shall pay the balance of the total amount of each bid within 30 days of notification that the bid has been accepted or shall forfeit the gaming facility license.

287-H:13 Application and License Requirements.

I. A facility licensee applicant shall obtain a facility license from the gaming oversight authority. An applicant shall complete and sign an application on the forms prescribed by the gaming oversight authority. The application shall include the full name, residence, date of birth, and other personal identifying information of the applicant, and if a corporation or other form of business enterprise, the same information shall be provided with respect to each partner, trustee, officer, director, and any shareholder or other holder who owns more than 3 percent of the legal or

beneficial interests of such entity. All such business entities shall be registered with the secretary of state.

II. The gaming oversight authority shall refer applications to the attorney general who shall conduct an investigation. The investigation may be conducted through any appropriate state or federal law enforcement system and may seek information as to the applicant's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may deem relevant to the subject's fitness to be associated with the ownership or management of the operation of a facility licensee in New Hampshire, including but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. The attorney general shall report the results of the investigation to the gaming oversight authority within 90 days after the receipt of the application. Notwithstanding any other law to the contrary, the results of any such investigation shall be confidential and shall not be subject to disclosure or to public inspection.

III. In any investigation conducted pursuant to paragraph II, the attorney general or any duly authorized member of the attorney general's staff may subpoena the attendance of witnesses and require the production of such correspondence, documents, books, and papers as deemed advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

287-H:14 Licensure Requirements.

I. No facility license shall be issued by the gaming oversight authority unless the applicant has proven to the satisfaction of the gaming oversight authority by clear and convincing evidence:

(a) The financial stability based on audited financial statements, integrity, and responsibility, considering, without limitation, bank references, business and personal income and disbursement schedules, tax returns and other reports filed with governmental agencies, and business and personal accounting and check records and ledgers.

(b) The trustworthiness and good reputation of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes and other evidences of indebtedness of the applicant.

(c) The good character, honesty and integrity, considering, without limitation, information pertaining to reputation, criminal record, business activities, and financial affairs covering at least the 10-year period immediately preceding the filing of the application.

(d) In addition, no facility license shall be issued by the gaming oversight authority to any applicant unless the applicant has proven to the satisfaction of the gaming oversight authority by clear and convincing evidence that each director, officer, or similar principal employee and each direct or indirect owner satisfies the standards for licensure contained in RSA 287-H:13.

(e) The gaming oversight authority may, in its discretion, waive the qualification requirement for any such person who is not significantly involved in the activities of the applicant, does not have the ability to significantly influence or control the applicant, or for other good cause, only when written justification is provided.

(f) Except as provided in this chapter, no person who owns, directly or indirectly, legally or beneficially, 5 percent or less of the equity securities or 50 percent or less of the outstanding debt securities of a publicly traded holding company of an applicant for a facility license shall be required to be qualified pursuant to the provisions of this section prior to the issuance of such a license to the applicant.

(g) If a facility licensee has 25 or fewer holders of its equity securities, either directly or indirectly, legally or beneficially, then each such holder shall satisfy the standards of this chapter.

II. No technology provider's license shall be issued by the gaming oversight unless the applicant has demonstrated to the satisfaction of the gaming oversight authority by clear and convincing evidence that it satisfies the standards contained in paragraph I of this section. The gaming oversight authority shall establish the form of application that shall be completed by each

applicant for a technology provider's license. Each technology provider license applicant shall be subject to the investigation set forth in RSA 287-H:13 except that all investigatory reports shall be provided to the gaming oversight authority.

III. All information and data required by the gaming oversight authority, or the division of gaming enforcement to be furnished pursuant to this chapter, or which may otherwise be obtained by the gaming oversight authority, or the division of gaming enforcement in the performance of their duties under this chapter, except information regarding net machine income, shall be considered to be confidential and shall not be revealed in whole or in part except as otherwise provided by law, or upon the lawful order of a court of competent jurisdiction, or with the approval of attorney general to a duly authorized law enforcement agency.

IV. No licensee or any individual or entity that is an owner of, or has a financial interest in or with the licensee shall be permitted to make a political contribution as defined by RSA 664:2, VIII.

287-H:15 License and Investigation Fees. A non-refundable license application fee for each class or type of license to be issued under this chapter shall be $1,000. Renewal fees shall be $1,000 for each class or type of license. Upon application for a facility license, the applicant shall pay a one-time fee of 10 percent of the applicant's bid amount under RSA 287-H:12 which will be used by the gaming oversight authority as start-up capital at each location for training and an initial bank. If the facility license applicant is not issued a license under RSA 287-H:12, the one-time application fee shall be returned to the applicant by the gaming oversight authority. If the facility license applicant is issued a license under RSA 287-H:12, the one-time application fee shall be subtracted from the amount of the bid owed by the applicant. Upon issuance of a facility license, the facility licensee shall pay the amount of bid owned to the gaming oversight authority. Fifteen percent of such amount shall be used by the gaming oversight authority as start-up capital at each location for training and an initial bank and 75 percent shall be deposited in the general fund.

287-H:16 Term of License. Any facility license or technology provider's license issued pursuant to this chapter and any renewal thereof shall be valid for 5 years unless earlier suspended or revoked by the gaming oversight authority. All licenses issued under this chapter shall be issued as a privilege and not by right. No person or entity may claim any property right to, or in conjunction with, any license issued under this chapter. The gaming oversight authority shall be informed within 10 days of any anticipated change in ownership or stockholders of a licensee that would normally be subject to investigation and licensing requirements in RSA 287-H:15. Failure to inform the gaming oversight authority of said anticipated changes shall result in license revocation.

287-H:17 Distribution of Net Income; Machine Income Fund. There is hereby established a machine income fund in the office of the state treasurer to be administered by the state treasurer. The fund shall be nonlapsing and continually appropriated to the state treasurer for the purposes set forth in this section. The state treasurer shall distribute the funds on the fifth of each month as follows:

I. Sixty percent of the net machine income shall be deposited in the general fund.

II. Thirteen percent of the net machine income shall be paid to the gaming oversight authority to be used to pay for the establishment, administration, and operation of the division of gaming enforcement.

III. Eighteen percent of the net machine income shall be paid to the facility licensee as a gross lease.

IV. Six percent of the net machine income shall be paid to the technology provider for the leasing and maintenance of the video lottery machines.

V. Two percent of the net machine income shall be paid to the centralized data provider to carry out the responsibilities outlined in this chapter.

VI. One percent of the net machine income shall be paid to the city or town where the facility licensee facility is located.

287-H:18 Gaming Oversight.

I. The gaming oversight authority or the division of gaming enforcement shall be present at all facility licensee location at which video lottery machines are operated by the state at all times whether the facility is open to the public or not.

II. The division of gaming enforcement shall be present at all times when a video lottery machine is opened to remove or insert any drop box, hopper, or other mechanism containing money, tokens, or other items of value. The division of gaming enforcement shall be present in the count room at all times that money, tokens, or other items of value utilized in video lottery machines are counted.

287-H:19 Hearings; Investigations; False Statement; Enforcement Policy.

I. The gaming oversight authority shall adopt and publish rules pursuant to RSA 541-A, to govern its proceedings and to regulate the mode and manner of all investigations and hearings before it.

(a) All hearings before the gaming oversight authority shall be in accordance with RSA 541-A:31-36. In any such investigation or hearing the gaming oversight authority shall not be bound by the technical rules of evidence.

(b) The gaming oversight authority, or any member, may subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and may compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda, and papers of any kind whatever.

(c) Witnesses summoned before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court. Justices of the peace and all other magistrates empowered to issue subpoenas and compel the attendance of witnesses in the courts of this state shall have the same power to compel their attendance and the production of evidence in any proceeding before the gaming oversight authority.

(d) The gaming oversight authority may apply to the superior court, under the provisions of RSA 491:19-20, to have punished for contempt any witness who refuses to obey a subpoena, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear.

II. If any false statement is knowingly made in any statement under oath which may be required by the provisions of this chapter or by the gaming oversight authority, the person making the same shall be guilty of perjury. The making of any such false statement in any such application or in any such accompanying statements, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the gaming oversight authority, constitute sufficient cause for the revocation of the license.

III.(a) The gaming oversight authority shall adopt by rule under RSA 541-A a formal enforcement policy for licensees under its jurisdiction. This policy shall specify the disciplinary action which the gaming oversight authority shall take for violations of various laws under its jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the gaming oversight authority shall consider in determining penalties for specific actions. The gaming oversight authority shall not suspend or revoke a license until the licensee has been provided a hearing under RSA 541-A.

(b) In applying its enforcement policy, the gaming oversight authority shall establish and enforce specific penalties for specific offenses. The gaming oversight authority shall not apply penalties such as license suspensions for indefinite periods of time.

287-H:20 Suspension or Revocation; Administrative Fines.

I. If any licensee violates any of the provisions of law or any of the rules of the gaming oversight authority adopted under this chapter, the license may be suspended or revoked after notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of this chapter, the gaming oversight authority, after the appropriate hearing, may impose a fine of a specific sum, which shall not be less than $1,000 nor more than $50,000 for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the gaming oversight authority.

II. Notwithstanding any other provision of law, the gaming oversight authority may accept at any time, a petition from the governing body of a city or town who has voted to accept the provisions of RSA 287-H, to revoke a license held by a facility licensee who is located within that community. Any petition filed under this paragraph shall state with particularity all relevant facts and circumstances that support the opinion of the petitioner to revoke a license. A licensee against whom a petition is filed shall be entitled to a public hearing before any decision by the gaming oversight authority. All proceedings conducted in conjunction with this paragraph shall conform to the requirements of RSA 541-A.

III. Appeals from a decision of the gaming oversight authority shall be in accordance with RSA 541.

287-H:21 Penalties. Any person who violates any of the provisions of this chapter or any of the rules adopted pursuant to this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. In case of appeal by a licensee, the license of such licensee may be suspended at the discretion of the gaming oversight authority during the pendency of such appeal.

287-H:22 Prosecutions. The gaming oversight authority shall appoint gaming investigators whose primary function shall be the proper prosecution of this chapter. The investigators shall have all the powers of the sheriff in any county, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town. The gaming oversight authority shall have the primary responsibility for the enforcement of all video lottery gaming. Any person violating the provisions of any law may be prosecuted by the gaming oversight authority or any of its investigators as provided in this section, or by the attorney general, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

287-H:23 Interference With Gaming Investigators. It shall be unlawful to resist or attempt to resist arrest by a gaming investigator, or to obstruct, or to intimidate or interfere with a gaming investigator in the performance of his or her duty. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

287-H:24 Fines.

I. All fines imposed by any court and collected for the violation of the provisions of this chapter shall be paid to the state, county, or town, the officials of which instituted the prosecution.

II. All fines imposed by the gaming oversight authority shall be deposited into the general fund.

287-H:25 Procedures for Adoption by Local Community.

I. Any town or city in which a facility licensee location is situated may adopt the provisions of RSA 287-H, to allow the operation of electronic games of chance, in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot; provided, however, if the question is placed on the warrant at a special town meeting, it shall be the only question at such special town meeting. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we adopt the provisions of RSA 287-H, allowing the operation of electronic games of chance at the licensed facility located within the town and operated by the state?"

II. If a majority of those voting on the question vote "Yes," RSA 287-H shall apply within the city or town.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I, provided, however, that the town may consider the question at no more than one special town meeting and the annual town meeting in the same calendar year.

287-H:26 Declaration of Limited Exemption. Pursuant to section 2 of an act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, being Chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1177, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

287-H:27 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

104 New Paragraph; Attorney General; Gaming Investigators. Amend RSA 21-M:3 by inserting after paragraph VII the following new paragraph:

VIII. The attorney general may hire investigators or contract for investigatory services to facilitate background investigations required under RSA 287-H, and said investigators shall be paid from licensing fees paid under RSA 287-H:15.

105 New Sections; Division of Gaming Enforcement. Amend RSA 21-P by inserting after section 8 the following new sections:

21-P:8-a Division of Gaming Enforcement.

I. There is hereby established a division of gaming enforcement under the supervision of an unclassified director of gaming enforcement whom shall be responsible for the following functions, in accordance with applicable laws:

(a) Manage and hire employees for the day-to-day operation of all video lottery locations ensuring the integrity of the program. Gaming enforcement employees shall be assigned to all locations and will be present at all times whether the location is open or closed.

(b) Investigate violations of RSA 284 or RSA 287-H and the rules adopted under the provisions of RSA 284 or RSA 287-H.

(c) Report the results of any investigation conducted to the gaming oversight authority.

(d) Participate in any hearing conducted by the gaming oversight authority.

II. The commissioner of safety shall organize the division into such units as the commissioner deems necessary.

21-P:8-b Powers and Duties; Gaming Enforcement. The director of gaming enforcement shall be the chief administrative officer of the division of gaming enforcement and shall have the following powers and duties:

I. The director shall manage all operations of the division of gaming enforcement and the daily operation of video lottery locations and administer and enforce the laws with which the division is charged. The director shall report directly to the gaming oversight authority.

II. The director shall have every power enumerated in the laws, whether granted to the director, the division, or any administrative unit of the division. In accordance with these provisions, the director shall:

(a) Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the division and each program and activity of the division.

(b) Adopt all rules of the division with approval of the gaming oversight authority, pursuant to RSA 541-A.

(c) Exercise general supervisory and appointing authority over all division employees, subject to applicable personnel statutes and rules.

(d) Delegate authority to subordinates as the director deems necessary and appropriate, except that rulemaking authority shall not be delegated. All such delegations shall be made in writing, shall be disseminated, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the director's office.

(e) Adopt practices which will improve the efficiency of the division and the provision of services to the citizens of the state.

(f) Provide cooperation, at the request of the heads of administratively attached agencies in order to:

(1) Minimize or eliminate duplication of services and jurisdictional conflicts;

(2) Coordinate activities and resolve problems of mutual concern; and

(3) Resolve by agreement the manner and extent to which the division shall provide budgeting, recordkeeping and related clerical assistance to administratively attached agencies.

(g) Give bond, and require division directors to give bond, to the state as specified in RSA 93-B.

(h) Where functions of divisions overlap or a function assigned to one division could better be performed by another division, recommend appropriate legislation to the next regular session of the general court.

III. The director shall adopt such reasonable internal practices and procedures, which shall not be considered rules subject to the provisions of RSA 541-A, as may be necessary to carry out the duties of the division and its divisions, consistent with this chapter, including without limitation a comprehensive manual of procedures for the operation of video lottery locations.

IV. The director may not accept, on behalf of the division, any grants of money without first obtaining the express consent of the fiscal committee of the general court established by RSA 14:30-a.

V. The director shall have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

VI. The director may enter into contracts for services, supplies, or other needs of the division.

VII. The director shall report annually to the gaming oversight authority with respect to the division's operation for the preceding year, and render such other reports as the governor and council, the general court, or the gaming oversight authority shall from time to time request.

VIII. The director shall develop, publish, and periodically revise an annual comprehensive plan for the division which shall indicate, among other things, the division's goals, objectives, resources, current conditions, and needs. The director shall annually submit such comprehensive plan to the gaming oversight authority.

IX. The director, the gaming oversight authority, the commissioner of the department of safety, and if necessary, the sweepstakes commission shall jointly establish procedures for sharing data, background investigation, technology and technology providers, and facilities. These procedures shall not be considered rules subject to RSA 541-A and shall be established so as to ensure compliance with state and federal confidentiality and privacy laws.

X. If this section conflicts with other powers and duties specifically granted by statute to the director, the specific powers and duties shall control. If this section conflicts with other statutes specifically limiting the powers of the director, the specific limitations shall control.

106 Director of Gaming Enforcement; Salary. The salary for the unclassified position authorized in section 105 of this act shall be established as provided in RSA 14:14-c, RSA 17-A:7, and RSA 94:1-d.

107 New Subparagraph; Authorized Video Lottery of Games of Chance Machines Not Prohibited. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Video lottery machines authorized pursuant to RSA 287-H.

108 New Subparagraph; Application of Receipts; Machine Income Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (299) the following new subparagraph:

(300) Moneys deposited in the machine income fund established under RSA 287-H:17.

109 New Paragraph; Facility Licensee; Cocktail Lounge License. Amend RSA 178:20, by inserting after paragraph V the following new paragraph:

VI. The liquor commission may issue a special license to a person holding a facility license as defined by RSA 287-H:1, IV. Such special license shall allow the sale of liquor, wine, and beverages within the facility licensee location, including dining room, function room, gaming room, lounge, or any other area designated by the commission, without regard to whether meals are served therein, but only during the time gaming is being conducted under RSA 287-H. A person licensed under this section shall comply with RSA 179:44.

Amend the bill by deleting section 50 and renumbering the remaining sections 51-111 to read as 50-110, respectively.

Amend the bill by replacing section 65 with the following:

65 Applicability. Sections 61-64 of this act shall apply to taxable periods ending on or after December 31, 2010.

Amend the bill by replacing section 76 with the following:

76 Repeal. Section 75 of this act, relative to the special meetings of towns, is repealed.

Amend the bill by replacing section 95 with the following:

95 Applicability. The provisions of RSA 400-A:32, I(a) as amended by section 94 of this act shall apply to tax periods of authorized insurers beginning after June 30, 2009. Any additional premium tax liability due to the amendment to RSA 400-A:32, I(c) by section 94 of this act shall be paid in full to the insurance commissioner by June 15, 2010.

Amend the bill by replacing section 110 with the following:

110 Effective Date.

I. Sections 10-12, 41-44, 48, 61-66, 68, 69 and 90-93, shall take effect July 1, 2010.

II. Sections 45 and 46 of this act shall take effect June 15, 2010.

III. Section 67 of this act shall take effect November 1, 2012.

IV. Sections 74 and 76 of this act shall take effect July 1, 2011.

V. Sections 96-98 of this act shall take effect January 1, 2011.

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

AMENDED ANALYSIS

1. Clarifies the administration of the New Hampshire employment program.

2. Makes the funded family assistance program (TANF) permissive rather than mandatory.

3. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

4. Repeals 2009, 144:211 requiring a report relative to suspending certain administrative requirements for community mental health centers for the biennium ending June 30, 2011.

5. Authorizes the commissioner of the department of health and human services to transfer funds within and among all accounting units within the department, to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and as otherwise necessary for the efficient management of the department.

6. Permits funds from the lead paint poisoning prevention fund to be used to support program staff and administrative costs.

7. Transfers powers and duties for the New Hampshire refugee resettlement program from the governor's office to the department of health and human services.

8. Establishes a special account for civil fines collected by the department of health and human services under RSA 151.

9. Changes the due date for the Medicaid enhancement tax.

10. Renames the "multiple DWI offender intervention detention center program" as the "multiple DWI offender intervention program," and authorizes the commissioner of the department of health and human services to directly operate the program, to approve community-based providers of the program, or to contract with public or private entities to operate the program.

11. Requires the commission to examine driving while impaired education and intervention programs to study penalties for intoxication or under the influence of drugs offenses and submit a report of its findings.

12. Makes further reductions in the operating budget for the legislative and executive branches for fiscal years 2010 and 2011.

13. Requires the commissioner of the department of agriculture, markets and food to put out to bid administration of the animal population control fund.

14. Abolishes the position of animal population control assistant.

15. Provides that the department of health and human services shall not reduce funding provided to North Country Transportation used for meeting the state matching funds requirement for the Job Access and Reverse Committee (JARC).

16. Suspends the catastrophic illness program in the department of health and human services for the fiscal year ending June 30, 2011.

17. Suspends the senior volunteer grant program in the department of health and human services for the fiscal year ending June 30, 2011.

18. Reduces required funding by the department of health and human services for juvenile placement programs and requires the department to report biennially on the effectiveness of the programs.

19. Reduces the rate paid to residential providers subject to the rate setting rule of the department of health and human services by 2 percent.

20. Extends the suspension of direct graduate medical education payments to hospitals until July 1, 2011.

21. Suspends the provision of indirect graduate medical education payments to hospitals through June, 2011.

22. Suspends catastrophic aid payments to hospitals effective June 15, 2010 through June 30, 2011.

23. Conditions eligibility for cash assistance and medical assistance benefits on the recipient filing an application for any federal cash assistance benefits for which the individual may be entitled.

24. Allows a municipality, with the approval of its legislative body, to adopt a local meals and rooms tax in addition to the state meals and rooms tax.

25. Removes the application of the rooms and meals tax to campsites.

26. Authorizes the state treasurer to refinance certain debt service obligations.

27. Increases the bonded appropriation for the university system of New Hampshire KEEP NH program by $25,000,000 for the biennium ending June 30, 2011.

28. Increases the tax rate imposed on tobacco products other than cigarettes.

29. Authorizes the department of administrative services to transfer moneys from certain dedicated funds or accounts maintained separately on the books of the state.

30. Requires the lapse of certain retirement pension benefit-health insurance funds.

31. Requires the lapse of certain judicial council funds for contracts for program services.

32. Requires the lapse of certain appropriations to the state treasurer for debt service.

33. Makes distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

34. Establishes a commission to study business taxes.

35. Reduces the state's contribution for benefits under the New Hampshire retirement system for fiscal year 2011.

36. Increases the license fees for selling animals and birds.

37. Requires the lottery commission to submit a report to the governor and the legislature describing how it proposes to modernize and update its products.

38. Transfers certain appropriations relating to adequate education grants.

39. Specifies that state agency appropriation reductions in this bill are in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.

40. For the fiscal year ending June 30, 2011, suspends existing legal requirements for a special meeting of a school district and requires a special meeting of a school district to be held upon the majority vote of the school board to address changes to catastrophic aid funding.

41. Allows a town to call a special meeting during the 2011 fiscal year to address any reduction in the amount of state revenue distributed to the town which could affect the town's budget.

42. Allows state agencies to supplant general fund reductions with federal and other funds that may become available for that purpose.

43. Requires nonclassified and unclassified state employees to take 12 furlough days during fiscal year 2011.

44. Requires reductions in personnel expenditures in an agency to be distributed proportionately between classified and unclassified employees of such agency.

45. Provides that the procedure for reassignment of state employees prior to layoff is suspended and any positions intended by a department to be left vacant shall remain vacant.

46. Prohibits certain transfers of funds out of any class line which is the source of payment for Medicaid providers whose reimbursement rates are set by the department of health and human services and whose rates have been reduced by the department of health and human services through the use of a budget neutrality factor, a proportionate discount factor, or any similar reduction device.

47. Directs the department of health and human services to reduce state general fund appropriations from any line by a certain amount, excluding direct services unless approved by the fiscal committee of the general court and the governor and council.

48. Requires the relocation of the populations of the Anna Philbrook center, the Shea Farm transitional housing unit, the youth development center, and the state prison for women.

49. Establishes a committee to study the transfer of populations of the youth development center and the state prison for women.

50. Directs the state treasurer to deposit certain fine revenues in the general fund.

51. Replaces the electricity consumption tax paid by consumers with an electricity generation tax paid by generation facilities.

52. Sets the insurance premium tax at 2 percent for all lines of insurance.

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

54. Increases the fees for marriage licenses and vital record copies and amendments and requires a portion of the increase to be deposited in the general fund.

55. Prohibits departments from delaying a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.

56.(a) Regulates video gaming, establishes the division of gaming enforcement, and establishes the gaming oversight authority.

(b) Determines the disbursement of all proceeds of video gambling with 60 percent of the proceeds distributed to the general fund.

(c) Establishes a new fund in the state treasurer's office for machine income.

(d) Allows facility licensees to receive a cocktail lounge license.

57. Makes appropriation reductions for fiscal year 2011.

2010-1808h

Amendment to SB 455-FN

Proposed by the Majority of the Committee on Commerce and Consumer Affairs - R

Amend the title of the bill by replacing it with the following:
AN ACT relative to federal health care reform.
Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Federal Health Care Reform 2010. Amend RSA by inserting after chapter 420-K the following new chapter:

CHAPTER 420-L
FEDERAL HEALTH CARE REFORM 2010

420-L:1 Purpose and Scope.

I. The intent of this chapter is to preserve the insurance regulatory authority of the state by authorizing the commissioner to implement the insurance reforms required under the Patient Protection and Affordable Care Act of 2009, as amended by the Health Care and Education Reconciliation Act of 2010 that take effect on or before July 1, 2011, (hereinafter "Act").

II. The provisions of this chapter shall ensure that New Hampshire residents obtain the full protections and benefits provided by the Act prior to any legislative action in the 2011 legislative session that may be necessary.

420-L:2 Definitions. In this chapter:

I. "Act" means the Patient Protection and Affordable Care Act of 2009 (Public Law 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

II. "Commissioner" means the insurance commissioner.

III. "Department" means the insurance department.

IV. "Health Care and Education Reconciliation Act of 2010" means the law enacted by the 111th United States Congress, HR 4872, (Public Law 111-152) signed into law on March 30, 2010.

V. "Patient Protection and Affordable Care Act of 2009" means the law enacted by the 111th United States Congress, HR 3590, (Public Law 111-148) signed into law on March 30, 2010.

420-L:3 Authority of the Commissioner. The commissioner shall enforce the consumer protections and market reforms as set forth in the Act that relate to insurance. This shall not include the medical assistance program under RSA 167. The commissioner shall have full power and authority in accordance with the time frames set forth in the Act to:

I. Make, adopt, and amend rules and regulations pursuant to RSA 541-A for, or as an aid to, the administration of any provision of the Act relating to insurance;

II. Apply for any grant funds available under the Act; and

III. Adopt and apply standards consistent with the Act for form and rate review of insurance products and any other regulatory oversight functions performed by the department.

420-L:4 Interpretation. All provisions in this chapter shall be interpreted consistently with the Act, and in executing the authority granted under this chapter, the commissioner shall be guided by applicable provisions of the Act, by federal regulations and any federal interpretations, standards, or guidance issued pursuant to the Act.

420-L:5 Application of Law. Any provision within Title XXXVII that prevents the application of the Act without providing greater consumer protections or increased access to health insurance coverage shall be preempted.

420-L:6 Health Insurance Reform Oversight Committee. There is established a health insurance reform oversight committee consisting of 2 members of the senate, appointed by the president of the senate, one of whom shall be from the senate commerce, labor and consumer protection committee, and 3 members of the house of representatives, appointed by the speaker of the house, 2 of whom shall be from the house commerce and consumer affairs committee. The committee shall meet at the request of the commissioner, but no more frequently than monthly. The commissioner shall make such periodic reports to the oversight committee relative to the department's federal insurance reform implementation plans and initiatives as may be required by the oversight committee. The oversight committee shall make a summary report on federal insurance reform implementation, together with any recommendations for legislation, to the house commerce and consumer affairs committee and the senate commerce, labor and consumer protection committee by the first day of the 2011 legislative session.

2 New Paragraph; Individual Health Insurance; Purpose. Amend RSA 404-G:1 by inserting after paragraph III the following new paragraph:

IV. Authorize the association to establish a federally qualified high risk pool pursuant to section 1101 of the Patient Protection and Affordable Care Act of 2009 (PL 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (PL 111-152).

3 New Paragraph; Individual Health Insurance; Definition Added. Amend RSA 404-G:2 by inserting after paragraph I the following new paragraph:

I-a. "Act" means the Patient Protection and Affordable Care Act of 2009 (PL 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (PL 111-152).

4 Individual Health Insurance; Definitions. Amend RSA 404-G:2, X-a to read as follows:

X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism [~~and~~]***,*** the high risk pool***, and the federally qualified high risk pool***, including articles, bylaws and operating rules, procedures and policies adopted by the association.

5 New Subparagraph; Individual Health Insurance; Powers of Association. Amend RSA 404-G:3, II by inserting after subparagraph (h) the following new subparagraph:

(i) Perform additional powers as set forth in RSA 404-G:5-g.

6 New Paragraph; High Risk Pool Administrator. Amend RSA 404-G:5-c by inserting after paragraph VIII the following new paragraph:

IX. The association may use the same administrator for both the high risk pool and the federally qualified high risk pool. Notwithstanding the provisions of subparagraph II(b), the association may extend the term of the current contract with the existing high risk pool administrator without a competitive bidding process until January 1, 2014.

7 New Section; Federally Qualified High Risk Pool. Amend RSA 404-G by inserting after section 5-f the following new section:

404-G:5-g Federally Qualified High Risk Pool.

I. The association shall negotiate and submit to the commissioner for approval a contract with the United States Department of Health and Human Services to create a federally qualified high risk pool pursuant to the Act. This pool shall be known as the "federally qualified high risk pool" and the contract shall be known as the "federally qualified high risk pool contract." The eligibility requirements, premiums, benefits, and all other elements of the federally qualified high risk pool and its operations shall be governed solely by federal law and regulation and the federally qualified high risk pool contract. Individuals covered by insurance under the federally qualified high risk pool shall not be covered lives for the purposes of this chapter. The federally qualified high risk pool shall be funded solely by federal moneys and premiums charged for coverage under it, and shall not be funded with state general fund revenue or any assessments under this chapter. All federal moneys received by the association for the federally qualified high risk pool shall be used solely for the federally qualified high risk pool.

II. In addition to the powers and duties enumerated elsewhere in this chapter, the board of directors of the association shall have the following powers and duties with respect to the federally qualified high risk pool:

(a) Make application, subject to review and approval of the commissioner, to establish and operate a federally qualified high risk pool; and

(b) Enter into contract with the Secretary of the United States Department of Health and Human Services, subject to review and approval of the commissioner, to establish and operate a federally qualified high risk pool under section 1101 of the Act.

III. The board of directors of the association shall adopt a plan of operation for the federally qualified high risk pool. This plan of operation shall include the federally qualified high risk pool contract, all federal rules and guidance issued with respect to federally qualified high risk pools, and any other provisions deemed necessary by the board to operate the federally qualified high risk pool.

8 Accident and Health Insurance; Dependent Coverage. Amend RSA 415:5, I(3)(a) to read as follows:

(3)(a) It purports to insure only one person, except that a policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent on the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is [~~unmarried and one of the following:~~

~~(1) Under age 19.~~

~~(2) Under age 25 if the child is a full-time enrolled student at an educational institution.~~

~~(3) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq~~] ***under age 26***.

9 Health Services Corporations; Dependent Coverage. Amend RSA 420-A:10-a, I to read as follows:

I. A policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent upon the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is [~~unmarried and one of the following:~~

~~(a) Under age 19.~~

~~(b) Under age 25 if the child is a full-time enrolled student at an educational institution.~~

~~(c) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq~~] ***under age 26***.

10 Health Maintenance Organizations; Dependent Coverage. Amend RSA 420-B:8-aa, I to read as follows:

I. A policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent upon the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is [~~unmarried and one of the following:~~

~~(a) Under age 19.~~

~~(b) Under age 25 if the child is a full-time enrolled student at an educational institution.~~

~~(c) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq~~] ***under age 26***.

11 Preferred Provider Agreements; Dependent Coverage. Amend RSA 420-C:4-a, I to read as follows:

I. A policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent upon the policyholder. In the event a carrier elects to

provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is [~~unmarried and one of the following:~~

~~(a) Under age 19.~~

~~(b) Under age 25 if the child is a full-time enrolled student at an educational institution.~~

~~(c) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq~~] ***under age 26***.

12 Delta Dental; Dependent Coverage. Amend RSA 420-F:5-a, I to read as follows:

I. A policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent upon the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is [~~unmarried and one of the following:~~

~~(a) Under age 19.~~

~~(b) Under age 25 if the child is a full-time enrolled student at an educational institution.~~

~~(c) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq~~] ***under age 26***.

13 Managed Care; Dependent Care. Amend RSA 420-J:8-d, I to read as follows:

I. A policy may, at the election of the carrier, insure, originally or by subsequent amendment, upon application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any other person dependent upon the policyholder. In the event a carrier elects to provide coverage for dependent children, the term "dependent child" shall include a subscriber's child by blood or by law, who is [~~unmarried and one of the following:~~

~~(a) Under age 19.~~

~~(b) Under age 25 if the child is a full-time enrolled student at an educational institution.~~

~~(c) Under age 26, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. section 1395 et seq~~] ***under age 26***.

14 Health Reform Coordinator. Amend RSA 400-A:6, VII to read as follows:

VII. The commissioner shall appoint, as the commissioner's assistants, a health care policy analyst, a health care statistician, a general counsel, an insurance fraud attorney, a senior insurance fraud investigator, an assistant property and casualty actuary, [~~and~~] a compliance and enforcement counsel, ***and a health reform coordinator,*** each of whom shall serve at the pleasure of the commissioner during good behavior. The health care policy analyst, health care statistician, general counsel, insurance fraud attorney, senior insurance fraud investigator, assistant property and casualty actuary, [~~and~~] compliance and enforcement counsel***, and health reform coordinator,*** shall perform such duties and exercise such powers as the commissioner may authorize.

15 Repeal. RSA 420-L, relative to federal health care reform 2010, is repealed.

16 Rules. Any rules adopted solely pursuant to RSA 420-L shall expire July 1, 2012.

17 Effective Date.

I. Section 15 of this act shall take effect July 1, 2011.

II. Sections 1-7 and 14 of this act shall take effect upon its passage.

III. Section 16 of this act shall take effect July 1, 2012.

IV. The remainder of this act shall take effect September 23, 2010.

AMENDED ANALYSIS

This bill authorizes the insurance commissioner to implement the insurance reforms required under federal law. The bill also revises the laws regarding dependent coverage to conform to federal law.

2010-1161h

Amendment to SB 470-FN

Proposed by the Committee on Executive Departments and Administration - R

Amend the title of the bill by replacing it with the following:

AN ACT relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.

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

1 Repeal. The following are repealed:

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

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

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill repeals provisions which allow group I and group II members of the New Hampshire retirement system to purchase credit for out-of-state service.

2010-1737h

Amendment to SB 480

Proposed by the Majority of the Committee on Judiciary - R

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

1 New Paragraphs; Attorney General; Hearing Officer. Amend RSA 21-M:3 by inserting after paragraph VII the following new paragraphs:

VIII. The attorney general shall appoint one or more individuals to serve as a hearing officer for appeals to any of the councils established under RSA 21-O. The attorney general and the commissioner of the department of environmental services may enter into a memorandum of understanding to transfer funds sufficient to fund the hearing officer position and related expenses. Such individual or individuals shall:

(a) Be qualified by education and experience in the conduct of administrative adjudicative hearings and the application of law to facts; and

(b) Be fully screened by the attorney general from the outset of any such appeal from any attorney representing the department.

IX. When designated as the hearing officer for a particular appeal, the hearing officer shall:

(a) Regulate all procedural aspects of a proceeding, including presiding over the hearing and any prehearing conferences;

(b) Adopt all findings of fact made by the council except to the extent any such finding is without evidentiary support in the record;

(c) Deliberate with the council before reaching conclusions on mixed questions of law and fact;

(d) Decide all questions of law presented during the pendency of the appeal; and

(e) Prepare and issue written decisions on all motions and on the merits of the appeal within 90 days of the conclusion of the hearing on the merits, provided that the hearing officer shall provide the council with a proposed written decision on the merits within 45 days of the conclusion of the hearing on the merits and shall not issue the decision until after the council has held a meeting at which the proposed decision can be discussed and adopted.

X. The hearing officer may, upon the request of any party to the proceeding, and only to the extent reasonably necessary for the determination of matters within the council's jurisdiction, subpoena witnesses for purposes of discovery as may be allowed by the council's rules and to provide testimony at any hearing conducted under this chapter. Any costs associated with the issuance of any subpoena issued by the hearing officer shall be paid by the party requesting the subpoena.

2 Duties of Commissioner. Amend RSA 21-O:3, VIII to read as follows:

VIII. Provide all necessary clerical and technical support [~~requested by~~] ***to*** any council established by this chapter. At a minimum, the commissioner shall:

(a) ***For any appeal from a department decision before any such council*** provide all necessary clerical and support personnel and services in order to:

(1) Prepare notices and other documents required under RSA 541-A [~~as directed by the particular council~~] and distribute such notices and documents [~~upon the approval of the particular council involved~~] ***as directed by the hearing officer appointed under RSA 21-M:3, VIII***;

(2) Schedule the conduct of all council administrative appeal proceedings, [~~with the approval of the particular council~~] ***as directed by the hearing officer appointed under RSA 21-M:3, VIII*** so as to ensure timely and efficient conduct of such proceedings;

(3) Prepare and maintain the record, required by RSA 541-A, of all [~~adjudicative proceedings conducted by councils~~] ***such appeals, which shall include the decisions issued in such proceedings***.

(b) Provide comfortable and adequate space for the use of all councils in performing their official duties; and

(c) [~~Prepare, maintain as a public record, and continuously update a document which shall summarize the findings and decisions of all councils supported by the department.~~] ***Provide all necessary clerical and support personnel and services in order to:***

(1) Prepare and distribute notices and other documents required under RSA 91-A for council meetings; and

(2) Prepare and maintain as public records the official minutes of the meetings of all councils supported by the department.

3 Wetlands Council. Amend RSA 21-O:5-a, V to read as follows:

V. The wetlands council shall hear [~~and decide~~] all ***administrative*** appeals from department decisions [~~relative to the functions and responsibilities of the department which relate to~~] ***made under RSA 482-A relative to*** wetlands [~~and protected shorelands~~], ***or under RSA 483-B relative to shoreland protection and shall decide all disputed issues of fact in such appeals***, in accordance with [~~rules adopted by the council~~] ***RSA 21-O:14***.

4 Water Council. Amend RSA 21-O:7, IV to read as follows:

IV. The water council shall hear [~~and decide~~] all ***administrative*** appeals from department decisions relative to the functions and responsibilities of ***within the expertise of*** the division of water other than department decisions made under RSA 482-A relative to wetlands[~~,~~] and RSA 483-B relative to shoreland protection, ***and shall decide all disputed issues of fact in such appeals,*** in accordance with RSA 21-O:14.

5 Waste Management Council. Amend RSA 21-O:9, V to read as follows:

V. The waste management council shall hear [~~and decide~~] all ***administrative*** appeals from department decisions relative to the functions and responsibilities of the division of waste management, ***and shall decide all disputed issues of fact in such appeals,*** in accordance with RSA 21-O:14.

6 Air Resources Council. Amend RSA 21-O:11, IV to read as follows:

IV. The air resources council shall hear [~~and decide~~] all ***administrative*** appeals from department decisions relative to the functions and responsibilities of the division of air resources ***and shall decide all disputed issues of fact in such appeals,*** in accordance with RSA 21-O:14.

7 Administrative Appeals. Amend RSA 21-O:14 to read as follows:

21-O:14 Administrative Appeals.

I. For purposes of this chapter, "department decision" means the final action on an application, petition, order or request taken by the commissioner or any department official who has statutory authority to make such final decision or to whom the commissioner has properly delegated the authority to take such final action. "Department decision" shall not mean rulemaking or an agency declaratory ruling as provided for in RSA 541-A, and shall not include any decisions of [~~the wetlands~~] ***any*** council.

II. Any person aggrieved by a department decision may, in addition to any other remedy provided by law, appeal to the council having jurisdiction over the subject matter of the appeal. On any such appeal, the council shall determine whether the department decision was unlawful or unreasonable by reviewing the administrative record together with any evidence and testimony the parties to the appeal may present.

[~~II.~~] ***III. Appeal*** hearings before [~~all~~] ***any*** [~~councils~~] ***council*** established by this chapter shall be conducted in accordance with the provisions of RSA 541-A governing adjudicative proceedings ***by an administrative hearing officer assigned by the department of justice, under RSA 21-M:3, VIII. All issues shall be determined as specified in RSA 21-M:3, IX.***

[~~III.~~] ***IV.*** Persons aggrieved by the disposition of administrative appeals before any council established by this chapter may appeal such results in accordance with RSA 541.

[~~IV.~~] ***V.*** The councils established under this chapter [~~may~~] ***shall*** adopt rules under RSA 541-A to govern the conduct of administrative appeals under this section. ***To the extent possible, the rules of the councils shall be consistent with each other.***

8 Reporting Required. No later than April 11, 2011, the attorney general shall report to the chairman of the house judiciary committee with any recommendations that the attorney general may deem appropriate for consideration as legislation in the 2011 legislative session to modify or otherwise alter current processes of appeals from administrative decisions issued by executive branch agencies.

9 Effective Date. This act shall take effect 60 days after its passage.

2010-1924h

Amendment to SB 483-FN-A

Proposed by the Majority of the Committee on Ways and Means - R

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

1 New Section; Special Rule for Exchanges of Like-Kind Property Under Internal Revenue Code Section 1031. Amend RSA 77-A by inserting after section 4-a the following new section:

77-A:4-b Special Rule for Exchanges of Like-Kind Property Under Internal Revenue Code Section 1031.

I. In the case of a qualified like-kind exchange under Internal Revenue Code section 1031, in which a business organization uses a single member limited liability company, revocable trust, or other entity disregarded for federal income tax purposes as the recipient of replacement property, the recipient entity shall take the basis of the relinquished property as held by the parent business organization, prior to the exchange, as computed for federal income tax purposes.

II. The recipient of the replacement property, for all other purposes, and in keeping with the requirements of separate entity taxation under this chapter, shall be a business organization, as defined in RSA 77-A:1, I and subject to the provisions of RSA 77-A.

2 Applicability. This act shall apply to any taxable period that began on or after January 1, 2004.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill recognizes Internal Revenue Code section 1031 like-kind exchanges which use federally disregarded entities as the recipient of replacement property, but emphasizes the character of such entities as separate entities for purposes of New Hampshire business profits tax.

2010-1907h

Amendment to SB 485-FN-A
Proposed by the Committee on Finance - R

Amend the title of the bill by replacing it with the following:

AN ACT relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch, and relative to state reimbursement of county sheriffs costs.

Amend the bill by replacing all after section 1 with the following:

2 Cost Items; Funding. For the biennium ending June 30, 2011, the judicial branch shall fund the cost items ratified in section 1 of this act within its existing appropriations.

3 Fees of Sheriffs and Deputy Sheriffs; State Reimbursement; Court Security. Amend RSA 104:31, X to read as follows:

X. The state shall reimburse the sheriff's office ***for court security***, within available funds appropriated by the legislature, [~~$65~~] ***$80*** for each full day and [~~$35~~] ***$40*** for each half day, plus traveling expenses to attend any official business, for any person employed as a bailiff by the sheriff's office. For the purpose of this paragraph, a half day shall be defined as a day in which a bailiff works 4 hours or less. The state shall reimburse the counties, within available funds appropriated by the legislature, for all costs associated with employing court bailiffs, if those costs are the result of job requirements imposed by federal and state governments.

4 New Paragraph; Fees of Sheriffs and Deputy Sheriffs; State Reimbursement; Prisoner Custody and Control. Amend RSA 104:31 by inserting after paragraph XI the following new paragraph:

XI. The state shall reimburse the sheriff's office for prisoner custody and control, within available funds appropriated by the legislature, $65 for each full day and $35 for each half day, plus traveling expenses to attend any official business, for any person employed as a sheriff for prisoner custody and control. For the purpose of this paragraph, a half day shall be defined as a day in which a sheriff works 4 hours or less. The state shall reimburse the counties, within available funds appropriated by the legislature, for all costs associated with employing sheriffs, if those costs are the result of job requirements imposed by federal and state governments.

5 Funding; State Reimbursement; County Sheriffs; Court Security. For the biennium ending June 30, 2011, the judicial branch shall fund the increase in state reimbursement rates for court bailiffs under RSA 104:31, X as amended by section 3 of this act within its existing appropriations.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill ratifies the cost items and terms and conditions of employment contained in a collective bargaining agreement affecting court security officers of the judicial branch. The bill also modifies the state reimbursement of county sheriffs employed in court security and prisoner custody and control.

2010-1452h

Amendment to SB 491
Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 21-I:11-b as inserted by section 1 of the bill by replacing it with the following:

21-I:11-b Identical Qualified Lowest Bids, Proposals, or Quotations.

I. The purpose of this section is to promote procurement practices and procedures which the general court believes will improve the state's procurement process while at the same time establishing a vendor selection procedure which, among other things, is specifically geared toward reducing unemployment and stimulating economic growth in this state.

II. To promote business in this state, when qualified lowest bids, proposals, or quotations are received by the division of plant and property management at the same price, the division's selection or recommendation for selection shall, if the process is not cancelled by the state, be made by drawing lots, provided, however, that if only one of the vendors offering that price has a

principal place of business in New Hampshire, that vendor shall, if the process is not cancelled by the state, be selected or recommended for selection. When qualified lowest bids, proposals, or quotations are received at the same price from more than one vendor which has a principal place of business in New Hampshire, selection or recommendation for selection shall, if the process is not cancelled by the state, be made by drawing lots from among the vendors with a principal place of business in New Hampshire.

III. This section shall not apply to bids, quotations, or proposals which may be issued, received, or reviewed by the department of transportation on behalf of the division of plant and property management, bureau of public works design and construction. In such cases, the procedures of the department of transportation shall apply.

Amend RSA 21-I:11-c, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) No individual or business entity shall make a bid, proposal, or quotation in response to a request for bid, proposal, or quotation issued by the division of plant and property management if that individual or entity, or any of its subsidiaries, affiliates, or principal officers:

(1) Has, within the past 2 years, been convicted of, or pleaded guilty to, a violation of RSA 356:2, RSA 356:4, or any state or federal law or county or municipal ordinance prohibiting specified bidding practices, or involving antitrust violations, which has not been annulled;

(2) Has been prohibited, either permanently or temporarily, from participating in any public works project pursuant to RSA 638:20;

(3) Has previously provided false, deceptive, or fraudulent information on a vendor code number application form, or any other document submitted to the state of New Hampshire, which information was not corrected as of the time of the filing a bid, proposal, or quotation;

(4) Is currently debarred from performing work on any project of the federal government or the government of any state;

(5) Has, within the past 2 years, failed to cure a default on any contract with the federal government or the government of any state;

(6) Is presently subject to any order of the department of labor, the department of employment security, or any other state department, agency, board, or commission, finding that the applicant is not in compliance with the requirements of the laws or rules that the department, agency, board, or commission is charged with implementing;

(7) Is presently subject to any sanction or penalty finally issued by the department of labor, the department of employment security, or any other state department, agency, board, or commission, which sanction or penalty has not been fully discharged or fulfilled;

(8) Is currently serving a sentence or is subject to a continuing or unfulfilled penalty for any crime or violation noted in this section;

(9) Has failed or neglected to advise the division of any conviction, plea of guilty, or finding relative to any crime or violation noted in this section, or of any debarment, within 30 days of such conviction, plea, finding, or debarment;

(10) Has been placed on the debarred parties list specified in paragraph II within the past year.

(b) All individuals or business entities submitting a bid, proposal, or quotation in response to a request for a bid, proposal, or quotation issued by the division of plant and property management shall, as part of their response, provide an affidavit signed under oath that all conditions listed in subparagraphs (a)(1)-(10) have been met. Failure to submit such an affidavit or, should the affidavit be false or signed by an unauthorized person, the bid, proposal, or quotation shall be automatically rejected and the resulting contract, if any, shall be deemed to be in breach.

Amend RSA 21-I:11-c as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. This section shall not apply to bids, quotations, or proposals which may be issued, received, or reviewed by the department of transportation on behalf of the division of plant and

property management, bureau of public works design and construction. In such cases, the procedures of the department of transportation shall apply.
Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

2010-1817h

Amendment to SB 495-FN
Proposed by the Majority of the Committee on Executive Departments and Administration - R

Amend the title of the bill by replacing it with the following:
AN ACT establishing a task force on state procurement policies and procedures, and authorizing pilot projects using best value procurement.
Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; State Procurement Policies and Procedures; Task Force; Pilot Program.

STATE PROCUREMENT POLICIES AND PROCEDURES

21-S:1 Task Force Established.

I. There is established a task force on state procurement policies and procedures, which shall study procurement preference systems, best value contracting, and existing state procurement procedures, intending to enhance the state's ability to obtain optimal value for taxpayer dollars.

II. The task force shall consist of the following 11 members:

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

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

(c) The attorney general, or designee.

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

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

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

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

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

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

III. Members of the task force shall serve without compensation; except that legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

IV. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. Six members of the task force shall constitute a quorum. The task force shall establish subcommittees to focus on different types of procurements. Subcommittee members shall be selected by the task force from among its members, with a minimum of 3 members for each subcommittee including at least one legislative member. Task force members can serve on more than one subcommittee.

21-S:2 Task Force; Duties. The task force shall:

I. Review all state procurement policies and procedures, seeking input from New Hampshire businesses and workers, and review recent performance audits of state procurement practices as well as the work of previous or concurrent studies of state procurement.

II. Review procurement preference systems in other states, with special emphasis on best value contracting, and solicit testimony from members of the public and others with information and expertise relevant to the task force's study.

III. Consider whether the state's current and prospective procurement procedures or policies present barriers that hinder New Hampshire-based businesses, particularly small businesses, from competing for state contracts and consider approaches to overcome any such barriers while fostering an atmosphere conducive to the start up of businesses in the state.

IV. Consider whether state procurement procedures should award preferences to New Hampshire-based businesses bidding on state contracts and assess any constitutional or legal limitations on such preferences.

V. Consider what factors other than bid price should be included in purchasing decisions, including but not limited to: vendors or contractors providing sustainable wages and health insurance or other benefits to their workers; vendor reliability and experience; life cycle costs; quality of products or services; warranties; product ease of maintenance, repair, or upgrade; commonality; support to New Hampshire workers and their families; and energy usage; as well as criteria for determining which factors should be included in which types of procurement.

VI. Identify up to 5 pilot projects contained in the capital budget or the operating budget adopted by the legislature in order to explore using best value procurement.

VII. Establish specific guidelines, standards, definitions, criteria, and weighting factors for each pilot project identified in paragraph VI as well as the proposed method for implementing those guidelines, standards, definitions, and criteria.

VIII. Establish standards to evaluate the use of best value procurement and apply these evaluation standards to each pilot project conducted under this section.

IX. Determine if any statutory amendments are necessary to permanently implement best value procurement in New Hampshire.

21-S:3 Pilot Projects; Best Value Procurement.

I. Notwithstanding RSA 21-I:80, or the provisions of any other law to the contrary, state agencies are authorized to solicit bids or proposals and issue or recommend awards of contracts on the basis of best value for the pilot projects identified by the task force under RSA 21-S:2, VI using guidelines, standards, definitions, criteria, and weighting of factors specified by the task force under RSA 21-S:2, VII. A request for bid or proposal under this provision shall stipulate that the award will be made on the basis of best value, shall state the criteria that will be used to determine best value, and shall state the manner in which each of the criteria, including price, will be weighted. Any award made under this section shall not be made on criteria that are unknown to the parties submitting bids or proposals. Nothing in this section shall preclude an agency from determining whether, in its judgment, a vendor meets qualification or prequalification criteria established by the agency, nor shall it preclude an agency from determining whether, in its judgment, a bid or proposal meets bid requirements or specifications.

II. In the case of any pilot projects where the department of administrative services solicits bids or proposals for projects on the basis of best value, if the bid or proposal is issued, received, or reviewed by the department of transportation on behalf of the department of administrative services, the department of transportation shall issue the award on the basis of best value in accordance with this section.

III. No person shall be subject to the criminal penalties of RSA 96:2, or any other law, for recommending to the governor and executive council the approval of any award to other than the lowest responsible bidder, for a pilot project under this section, if he or she recommends that the award be made on the basis of best value in accordance with this section.

IV. For purposes of this chapter "best-value" means a procurement process where price and other non-price factors are considered in the evaluation and selection process to enhance the long-term performance and value of the goods or services for which bids are solicited. Such factors may include: vendors or contractors providing sustainable wages, health insurance and other benefits to their workers; the extent of job creation for New Hampshire workers; registered apprenticeship participation or other provision of workforce training or skill upgrading; provision of safety training, and vendor's safety experience rating; vendor reliability and experience; life cycle costs; quality of products or services; warranties; product ease of maintenance, repair or upgrade; commonality; energy usage and the other items identified under RSA 21-S:2, V.

21-S:4 Task Force Reports.

I. The task force shall submit findings and recommendations regarding the identification of opportunities for the use of value-based practices in New Hampshire, and the parameters to be used as performance measures for the implementation of such practices, by December 1, 2010.

Such findings shall include any recommendations for further legislation, including legislation addressing pilot programs. In addition, the task force shall submit further findings and recommendations on or before November 1, 2011, December 1, 2012, and November 1, 2013. Reports shall be submitted to the senate president, the speaker of the house of representatives, the senate and house committees on executive departments and administration, the senate and house public works committees, the governor, and the state library.

II. In making its recommendations, the task force shall consider:

(a) The potential for increased costs incurred by the state as the result of giving a preference to New Hampshire-based companies or those offering sustainable wages and benefits.

(b) The potential for cost savings or other state benefits resulting from implementation of a procurement preference system.

(c) What impact such policies could have on New Hampshire-based businesses competing for contracts in other states with particular attention to small businesses and recently established businesses. The task force shall also consider what impact such policies might have upon New Hampshire workers, their families, and the New Hampshire economy.

(d) For which goods and services adoption of a procurement preference system or best value procurement would be appropriate and beneficial, and which types of preference should be included.

(e) Guidelines or criteria for determining what constitutes a New Hampshire-based business.

2 Application; Validity of Projects Undertaken Pursuant to RSA 21-S. Projects that are bid, awarded, or completed pursuant to the authorization for pilot projects under RSA 21-S:3 shall remain valid without regard to the repeal of RSA 21-S by section 3 of this act, and projects which are in the process of being bid, awarded, or completed under this act may proceed to completion according to the terms of the pilot project. Notwithstanding such repeal, RSA 21-S:3, II and III shall continue in force as they apply to those projects. Any modification, reconstruction, maintenance, or rebidding of projects awarded under the authorization for pilot projects under RSA 21-S:3 shall be conducted in accordance with the laws in effect at the time of the modification, reconstruction, maintenance, or rebidding.

3 Repeal. RSA 21-S relative to state procurement policies and procedures, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect on November 2, 2013.

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

AMENDED ANALYSIS

This bill establishes a task force on state procurement policies and procedures and authorizes pilot projects using best value procurement practices. These provisions of the bill are repealed November 2, 2013.

2010-1788h

Amendment to SB 495-FN
Proposed by the Minority of the Committee on Executive Departments and Administration - R

Amend the title of the bill by replacing it with the following:

AN ACT establishing a task force on state procurement policies and procedures.

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

1 New Subdivision; State Procurement Polices and Procedures; Task Force. Amend RSA 21-I by inserting after section 22-d the following new subdivision:

State Procurement Polices and Procedures

21-I:22-e Task Force on State Procurement Polices and Procedures.

I. There is established a task force on state procurement policies and procedures, which shall study procurement preference systems, best value contracting, and existing state procurement procedures, intending to enhance the state's ability to obtain optimal value for taxpayer dollars.

II. The task force shall consist of the following 11 members:

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

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

(c) The attorney general, or designee.

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

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

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

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

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

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

III. Members of the task force shall serve without compensation; except that legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

IV. The task force shall:

(a) Review all state procurement policies and procedures, seeking input from New Hampshire businesses and workers, and review recent performance audits of state procurement practices as well as the work of previous or concurrent studies of state procurement.

(b) Review procurement preference systems in other states, with special emphasis on best value contracting, and solicit testimony from members of the public and others with information and expertise relevant to the task force's study.

(c) Consider whether the state's current or prospective procurement procedures or policies present barriers that hinder New Hampshire-based businesses, particularly small businesses, in competing for state contracts and create approaches to overcome these barriers and foster start-up businesses.

(d) Consider whether state procurement procedures should award preferences to New Hampshire-based businesses bidding on state contracts and assess any constitutional or legal limitations on such preferences.

(e) Consider what factors other than bid price should be included in purchasing decisions, including but not limited to: vendors or contractors providing sustainable wages and health insurance or other benefits to their workers; improved opportunities for New Hampshire workers; support to New Hampshire families; vendor reliability and experience; life cycle costs; quality of products or services; warranties; product ease of maintenance, repair, or upgrade; commonality; and energy usage; as well as criteria for determining which factors should be included in which types of procurement.

(f) Consider whether a pilot program is appropriate to evaluate the use of preferences or best value contracting, and propose a pilot program where useful or necessary.

V. In making its recommendation, the task force shall consider:

(a) The potential for increased costs incurred by the state as the result of giving a preference to New Hampshire-based companies or those offering sustainable wages and benefits.

(b) The potential for cost savings or other state benefits resulting from implementation of a procurement preference system.

(c) What impact such policies could have on New Hampshire-based businesses competing for contracts in other states.

(d) What impact such policies could have on New Hampshire workers, families and the New Hampshire economy.

(e) For which goods and services adoption of a procurement preference system or best value procurement would be appropriate and beneficial, and which types of preference should be included.

(f) Guidelines or criteria for determining what constitutes a New Hampshire-based business.

(g) For a pilot program, the appropriate scope for a pilot program and the outcomes expected; any statutory amendments or other legislation necessary to implement the program; specific guidelines, standards, definitions, and criteria for use in a pilot program, as well as the proposed method for implementing those guidelines, standards, definitions, and criteria; and specific standards to measure the success of the pilot program.

VI. For purposes of this subdivision, "best-value" means a procurement process where price and other non-price factors are considered in the evaluation and selection process to enhance the long-term performance and value of the goods or services for which bids are solicited.

VII. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. Six members of the task force shall constitute a quorum. The task force shall establish subcommittees to focus on different types of procurements. Subcommittee members shall be selected by the task force from among its members, with a minimum of 3 members for each subcommittee including at least one legislative member. Task force members can serve on more than one subcommittee.

VIII. The task force shall submit findings and recommendations regarding the identification of opportunities for the use of value-based practices in New Hampshire, and parameters to be used as performance measures for the implementation of such practices, by December 1, 2010. Such findings shall include any recommendations for pilot programs or further legislation. In addition, the task force shall submit further findings and recommendations on or before November 1, 2011, and December 1, 2012, and the final report on or before November 1, 2013. Reports shall be submitted to the senate president, the speaker of the house of representatives, the governor, the house and senate executive departments and administration committees, the house public works and highways committee, the senate capital budget committee, and the state library.

2 Repeal. RSA 21-I:22-e, relative to the task force on state procurement policies and procedures, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect on November 2, 2013.

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

AMENDED ANALYSIS

This bill establishes a task force on state procurement policies and procedures. The task force is repealed November 2, 2013.

2010-1842h

Amendment to SB 497-FN-A

Proposed by the Majority of the Committee on Ways and Means - R

Amend the title of the bill by replacing it with the following:

AN ACT relative to the reasonable compensation deduction under the business profits tax.

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

1 Findings. The general court finds that amending RSA 77-A:4, III, as inserted by section 2 of this act, is necessary for the following reasons:

I. Good tax policy requires clear tax law that treats similarly situated business organizations equally, responds to changing business practices, provides taxpayers with clear and simple guidance, encourages compliance, and enhances the growth of jobs and income in our state.

II. Small business in particular is both a major part of our economy and the basis of our future prosperity.

III. The interest and dividends tax statute, RSA 77, was put in place in 1923 to tax unearned income, that is, income from investments of capital, excluding income earned from the provision of personal services by natural persons.

IV. The business profits tax statute, RSA 77-A, was put in place in 1970 to tax the profits of businesses, excluding income earned by their owners through the provision of personal

services, when natural persons. This exclusion, called reasonable compensation, has always been one of the expenses that a business can deduct when calculating its business profits tax.

V. There is a major body of federal law, as well as judicial and administrative decisions surrounding the definition of reasonable compensation, but this is not referenced in current state law, creating needless confusion among taxpayers.

VI. Requiring every small business owner to provide the specific records of their personal services to their business organization would place an intolerable burden on small businesses and on our economy.

VII. On the other hand, allowing every business owner to designate whatever they take from their business organization as either earned or investment income, without possibility of review or challenge by the department, would shift the burden of taxation to those who report honestly, laying the tax open to constitutional challenge.

VIII. A balance is struck by providing small business owners with a record-keeping safe harbor for taking the deduction, that is a simple test of reasonable compensation below which the commissioner shall not review or challenge the taxpayer's assertion, except to verify that some personal service was provided by the natural person named. If the business organization takes a deduction for personal compensation of an owner above the record-keeping safe harbor, it will be required to provide proof that the claimed deduction is indeed reasonable.

IX. This proof shall be based on the principles, standards, and factors applicable to the tax structure in the state of New Hampshire which emanate from Internal Revenue Code section 162(a)(1), as those standards have been interpreted by the decisions of the United States Tax Court and other courts, as well as United States Treasury regulations and rulings by the Internal Revenue Service.

X. The provision in current law, last updated in 1991, which provides a minimum deduction for compensation of $6,000 per partner or proprietor is unreasonably restrictive, and needs to be updated with a record-keeping safe harbor that reflects the realities of today's business environment.

XI. The enactment of a balanced approach with an updated safe harbor provision will simplify the business profits and interest and dividends tax rules for all businesses, eliminate costly and inefficient audits, and relieve small businesses in particular of unnecessary uncertainty and burdensome paperwork related to taking the deduction for personal compensation.

2 Reasonable Compensation. RSA 77-A:4, III is repealed and reenacted to read as follows:

III. In the case of any business organization filing a business profits tax return as a proprietorship or partnership, a deduction for an amount equal to a fair and reasonable compensation for the personal services of the proprietor, partners, or members who are natural persons actually devoting time and effort in the operation of the business organization; provided, however, that nothing contained in this section shall permit the deduction of amounts that are attributable to an owner's return on investment of capital in the business organization in determining taxable business profits. The business organization shall bear the burden of proof in demonstrating the reasonableness of any compensation deduction taken under this paragraph.

(a) The purpose of this paragraph is to permit a deduction from gross business profits of a business organization filing as a proprietorship or partnership, only of such amounts as are fairly attributable to the personal services of a proprietor, partner, or member and which such individual or individuals might reasonably earn in total compensation if performing like services as an employee or employee-owner of a corporation so that amounts attributable to the provision of personal services are determined in the same manner regardless of the form of entity through which the business activities are conducted.

(b) Reasonable compensation deductions may reduce a business organization's taxable business profits below zero for any taxable period only if such compensation has actually been paid.

(c) In determining the reasonableness of the compensation deduction claimed under this section, the business organization and the commissioner shall apply the principles,

standards, and factors that are applicable to the tax structure of the state of New Hampshire which emanate from Internal Revenue Code section 162(a)(1), and relevant Treasury regulations, rulings by the Internal Revenue Service, federal court decisions, and United States Tax Court decisions.

(d)(1) In this paragraph, "record-keeping safe harbor" means that amount of compensation for personal services claimed by a business organization which does not need to be substantiated by any evidence, records, or legal or regulatory authority, except as provided in subparagraph (g) of this section.

(2) Notwithstanding subparagraph III(d)(1), the record-keeping safe harbor shall not be relevant or admissible for any purpose in determining whether a compensation deduction claimed in an amount in excess of any such record-keeping safe harbor is fair and reasonable.

(e) In lieu of substantiating the value of the personal services of proprietors, partners, or members, a business organization or group of related business organizations may elect, as a record-keeping safe-harbor, to deduct up to $50,000 as total compensation for the tax year;

(f) The amount of any deduction claimed for reasonable compensation under this section may also include an amount not to exceed 15 percent of the gross selling price as commission on the sale of business assets.

(g) A business organization or group of related business organizations may elect the record-keeping safe-harbor option in subparagraph III(e) without a redetermination of the reasonableness of the deduction by the commissioner. Any such deduction claimed by the business organization or group of related business organizations shall not be subject to challenge; provided, that upon request, the business organization or group of related business organizations shall be required to substantiate that the proprietor or at least one partner or member performed personal services for the business organization or group of related business organizations.

(h) Related business organizations electing not to substantiate the extent of the personal services of their proprietors, partners, and members, shall be limited to the safe harbor deduction, less any owners' compensation taken on the federal tax returns of corporate members of the group, allocated among the related business organizations. For the purposes of RSA 77-A:4, III, "related business organizations" are unitary business organizations and business organizations that would qualify as unitary but for the fact that they conduct business only within the state.

(i) Each business organization claiming a compensation deduction under RSA 77-A:4, III shall provide on a schedule attached to its annual return setting forth the following information:

(1) The total reasonable compensation deduction claimed by the business organization for the tax year; and

(2) The amount of such deduction allocated to each proprietor, partner, or member actually devoting time and effort in the operation of the business organizations entitled to the deduction.

3 Applicability. Section 2 of this act shall apply for taxable periods beginning on or after January 1, 2010.

4 New Section; Committee to Study the Record-Keeping Safe Harbors for the Compensation Deduction. Amend RSA 77-A by inserting after section 4-a the following new section:

77-A:4-b Committee to Study Safe Harbors.

I. There is established a committee to study the record-keeping safe harbors for the compensation deduction. The committee shall consist of the following individuals:

(a) Three members from the house of representatives, 2 of whom shall be members of the ways and means committee, appointed by the speaker of the house of representatives.

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

II. The committee shall:

(a) Study whether the burden of proof for safe harbors should be revised.

(b) Consider the provision of additional safe harbors based on the percentage of the gross selling price on the sale of business assets other than inventory, or the percentage of gross

revenues, or the percentage of gross business profits using the independent investor return test, or any other issue related to the reasonable compensation deduction.

(c) Consider any other issue which the committee deems relevant to the study of safe harbors.

III. The committee may solicit testimony from any individual or organization with information or expertise which the committee deems relevant to its objective.

IV. Three members of the committee shall constitute a quorum. The committee shall select a chairperson from among its members. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. No later than November 1, 2011 and annually thereafter, the committee shall submit a report of its findings and any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate standing committees with jurisdiction over business taxation.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes certain requirements for the reasonable compensation deduction under the business profits tax. The bill also establishes a committee to study safe harbors.

2010-1961h

Floor Amendment to SB 497-FN-A
Proposed by Reps. Sapareto, Major and Weyler

Amend the title of the bill by replacing it with the following:

AN ACT relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

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

1 Purpose. The legislature finds that:

I. Small businesses are the lifeblood of the New Hampshire economy and are the most important source of jobs for residents of New Hampshire.

II. Recent increases in audits of small businesses in which small business owners are not allowed to deduct the full and fair value of their services to their small business in determining the business profits tax liability of the business have undermined New Hampshire's ability to provide a sound and encouraging environment for small business growth.

III. Good tax policy requires tax rules that provide taxpayers with clear guidance, encourage compliance, and enhance the competitiveness of our economy.

IV. This act clarifies important business profits tax rules that apply to small businesses, eliminate costly and inefficient audits, and restore New Hampshire's ability to encourage small business growth and the good jobs these businesses create.

2 Clarification of Reasonable Compensation Deduction. RSA 77-A:4, III is repealed and reenacted as follows:

III.(a) In the case of a proprietorship, partnership, or limited liability company filing a business profits tax return as a proprietorship or a partnership, a deduction equal to a fair and reasonable compensation for the personal services of a natural person who is a proprietor, partner, or member provided to the business organization, provided, under this chapter however, that the amount of such deduction shall not reduce such business organization's tax to less than zero. The purpose of this paragraph is to permit a deduction from gross business profits of such a proprietorship, partnership, or limited liability company of all amounts that are fairly attributable to the personal services of the proprietor, partner, or member. Such amounts shall generally include all amounts reported as earned income on federal tax returns, but shall also include amounts attributable to personal services provided in connection with the operation and rental of real property, the sale of property and services, and other amounts due to services rendered.

(b) A taxpayer claiming a deduction under this paragraph shall bear the burden of proving that at least one or more proprietors, partners, or members provided actual services to the business organization at any time during the taxable period. Once a taxpayer has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the taxpayer is grossly excessive.

3 Applicability. Sections 1-2 of this act shall apply with respect to taxable periods ending after June 30, 2010.

AMENDED ANALYSIS

The bill clarifies the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

2010-1962h

Floor Amendment to SB 497-FN-A
Proposed by Reps. Sapareto, Major and Weyler

Amend the bill by replacing sections 1-3 with the following:

1 Purpose. The legislature finds that:

I. Small businesses are the lifeblood of the New Hampshire economy and are the most important source of jobs for residents of New Hampshire.

II. Recent increases in audits of small businesses in which small business owners are not allowed to deduct the full and fair value of their services to their small business in determining the business profits tax liability of the business have undermined New Hampshire's ability to provide a sound and encouraging environment for small business growth.

III. Good tax policy requires tax rules that provide taxpayers with clear guidance, encourage compliance, and enhance the competitiveness of our economy.

IV. Section 2 of this act clarifies important business profits tax rules that apply to small businesses, eliminates costly and inefficient audits, and restores New Hampshire's ability to encourage small business growth and the good jobs these businesses create.

2 Clarify Reasonable Compensation Deduction. RSA 77-A:4, III is repealed and reenacted as follows:

III.(a) In the case of a proprietorship, partnership, or limited liability company filing a business profits tax return as a proprietorship or a partnership, a deduction equal to a fair and reasonable compensation for the personal services of a natural person who is a proprietor, partner, or member provided to the business organization, provided, however, that the amount of such deduction shall not exceed such business organization's gross business profits. The purpose of this paragraph is to permit a deduction from gross business profits of such a proprietorship, partnership, or limited liability company of all amounts that are fairly attributable to the personal services of the proprietor, partner, or member. Such amounts shall generally include all amounts reported as earned income on federal tax returns, but shall also include amounts attributable to personal services provided in connection with the operation and rental of real property, the sale of property and services, and other amounts due to services rendered.

(b) A taxpayer claiming a deduction under this paragraph shall bear the burden of proving that at least one or more proprietors, partners, or members provided actual services to the business organization at any time during the taxable period. Once a taxpayer has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the taxpayer is grossly excessive.

3 Applicability. Section 2 of this act shall apply with respect to taxable periods ending on or after June 30, 2010.

AMENDED ANALYSIS

The bill clarifies the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. The bill also establishes a committee to study safe harbors.

2010-1824h

Amendment to SB 503

Proposed by the Majority of the Committee on Education - R

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

1 Delivery of an Adequate Education. Amend RSA 193-E:3 to read as follows:

193-E:3 Delivery of an Adequate Education.

I. Annually, beginning with the 2002-2003 school year, each school district shall report data to the department of education at the school and district levels on the indicators set forth in this paragraph. The department of education shall develop a reasonable schedule to phase-in the reporting of new data required by federal law. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Indicators shall include the following areas:

(a) Attendance rates.

(b) Annual and cumulative drop-out rates of high school pupils and annual drop-out rates for pupils in grades 7 and 8.

(c) School environment indicators, such as safe-schools data.

(d) Number and percentage of graduating pupils going on to post-secondary education, military service, and advanced placement participation.

(e) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(f) Expulsion and suspension rates, including in-school and out-of-school suspensions, which shall be reported for each school year.

(g) Number and percentage of classes taught by highly qualified teachers.

(h) Teacher and administrative turnover rates at the school and district levels.

(i) Pupil course information.

II.***(a)*** The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

(b) The department of education shall enter into an agreement with the board of trustees of the university system of New Hampshire or the community college system of New Hampshire, or both, if necessary, to determine additional indicators applicable to postsecondary institutions within their respective jurisdictions which are not required under paragraph VI.

III.***(a)*** Not later than December 1, 2003, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles" and shall be made available at every school administrative unit for public review. It shall include demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for all data reported. Comparisons of each district and school to itself based on its own statewide improvement and assessment performance for the prior school year and its most recent 3-year rolling averages shall be provided. Statewide rankings of each district and school shall be provided, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement plan.

(b) Beginning with the annual report issued in 2013, the department of education shall include data provided by early childhood programs, districts, and postsecondary institutions.

IV. Data reported in paragraph I shall be disaggregated as required by federal law and shall include numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, economically disadvantaged pupils, and pupils of major ***ethnic,*** racial***,*** and multi-racial groups.

V. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in [~~paragraph~~] ***paragraphs*** I***, VI, and VII*** [~~and all enrollment and cost data related to determining the cost of an adequate education~~].

VI.(a) Annually, beginning with the 2011-2012 school year, each postsecondary institution as defined in RSA 193-E:4 shall submit a report, which shall not include any personally identifiable information such as, but not limited to, name, gender, or social security number, to the department of education containing information on indicators in the following areas:

(1) Remedial education courses.

(2) Entry, withdrawal, and transfers.

(3) Degrees and certificates granted.

(b) The department of education shall integrate all data collected into the data warehouse. The department of education shall have access to data solely to conduct studies, track and report annual and longitudinal pupil outcomes, and improve postsecondary readiness, retention, and articulation between educational institutions.

(c) The state board of education, in consultation with the university system of New Hampshire board of trustees and the community college system of New Hampshire board of trustees shall adopt rules, pursuant to RSA 541-A, for developing a form to be used for the report and to establish requirements for data maintenance.

VII.(a) Annually, beginning with the 2011-2012 school year, each early childhood program as defined in RSA 193-E:4 shall submit a report, which shall not include any personally identifiable information such as, but not limited to, name, gender, or social security number, to the department of education containing information on indicators in the following areas:

(1) Program participation.

(2) Entry, exit, and type of program.

(3) Participant demographics as identified in RSA 193-E:3, IV.

(b) The department of education shall integrate all data collected into the data warehouse. The department of education shall have access to data solely to conduct studies, track and report annual and longitudinal pupil outcomes, and improve education programs.

(c) The state board of education, in consultation with the department of health and human services, shall adopt rules, pursuant to RSA 541-A, for developing a form to be used for the report and to establish requirements for data maintenance.

2 Unique Pupil Identification; Definitions. RSA 193-E:4 is repealed and reenacted to read as follows:

193-E:4 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of education.

II. "Data warehouse" means the electronic system operated by the department of education that maintains the information about pupils as set forth in RSA 193-E:3, I, VI, and VII. The data warehouse shall not contain the name, address, telephone number, e-mail address, social security number, or any other personally identifiable information about any pupil.

III. "District" means a New Hampshire public school district.

IV. "District of origin" means the district in which the pupil resides at the point at which the pupil first enters the New Hampshire educational system, whether in an early childhood program, district, or postsecondary education level.

V. "Early childhood program" means a preschool or childcare program receiving Head Start or child care scholarship funds, whether licensed or exempt from licensing, or a preschool program operated by a district. Early childhood programs not operated by a district shall report data only for pupils for which Head Start or child care scholarship funds are received.

VI. "Postsecondary institution" means the university system of New Hampshire or the community college system of New Hampshire.

VII. "Random number generator" means the electronic system that creates unique pupil identification numbers and assigns a unique pupil identification number to a pupil when an early childhood program, a district, or a postsecondary institution enters a pupil's name, date of birth, town of birth, and gender. The system shall maintain that information and the name of the district of origin, and no other information. This system shall not retain the unique pupil identification number.

VIII. "Unique pupil identifier" means a randomly generated number assigned to an early childhood program pupil, a district pupil, or postsecondary institution pupil in order to gather pupil level data.

IX. "Unique pupil identification system" means an electronic system comprised of the data warehouse and the random number generator.

3 Unique Pupil Identification. Amend RSA 193-E:5 to read as follows:

193-E:5 Unique Pupil Identification.

I. The department of education shall, using federal funds only, implement and maintain a unique pupil identification system on a statewide basis that complies with the following requirements:

(a) No personally identifiable information about a pupil including [~~but not limited to~~] name[~~, date of birth, gender, or~~] ***and*** social security number, shall be collected or maintained by the state in such a manner as to allow such information to be connected with the unique pupil identifier. Under no circumstances shall the department of education [~~obtain or use~~] ***include*** a social security number [~~as an identifier for any pupil, or use unique pupil identifiers except in connection with the data warehouse and such use shall not be accessible to the public~~] ***in the data warehouse***.

(b) [~~The random number generator shall make available to each school district a unique pupil identifier for each pupil enrolled in a New Hampshire public school.~~] The unique pupil identifier itself shall not permit pupil identification within a sub-category including, but not limited to, ***early childhood program,*** [~~school~~] district, ***postsecondary institution,*** sex, age, grade, or county of residence.

(c) The unique pupil identifier shall be requested ***from the pupil or the random number generator*** and maintained by the ***early childhood program,*** [~~local school~~] district***, or postsecondary institution***. The unique pupil identifier shall remain in the pupil's file throughout his or her [~~elementary and secondary~~] academic career in New Hampshire.

(d) Access to the random number generator shall be limited to ***an early childhood program director,*** a ***district*** superintendent or designee, ***or a postsecondary institution registrar or designee,*** and only for pupils enrolled in that ***early childhood program,*** [~~school administrative unit~~]***, district, or postsecondary institution***. Any person who knowingly violates this provision is guilty of a class B felony and may be subject to involuntary termination of employment.

(e) The random number generator shall create and maintain a comprehensive audit trail for all users accessing the [~~system~~] ***random number generator***.

(f) The data warehouse shall create and maintain an audit trail for all users accessing secure information.

(g) No person, including an individual, business, government, or governmental entity, shall require an individual to provide a unique pupil identifier as a condition of doing business,

providing a service, or receiving a benefit of any kind***, except as provided in RSA 193-E:5, I(c)***. Any person or entity [~~violating~~] ***who knowingly violates*** the provisions of this [~~paragraph~~] ***subparagraph*** shall be liable for actual damages or $25,000, whichever is greater, for each violation. Each denial of services or benefits shall constitute a separate offense under this [~~paragraph~~] ***subparagraph***.

(h) If a pupil's records become part of an administrative action outside of the pupil's [~~school~~] ***early childhood program,*** district, ***or postsecondary institution,*** or a part of any judicial or quasi-judicial proceeding, the part of the record containing the pupil's unique pupil identifier shall be redacted by the [~~school~~] ***early childhood program,*** district***, or postsecondary institution*** prior to release.

(i) The information maintained in the data warehouse[~~, except for the unique pupil identifier,~~] shall be available to the department of education and to the public using the [~~same database~~] ***data*** maintained by the department of education. No personally identifiable information shall be required as a condition of access or usage under this subparagraph, nor shall such access or usage be tracked. Under no circumstances shall the unique pupil identifier be made available to [~~the department of education or to~~] the public.

(j) Information maintained in the random number generator shall be exempt from the provisions of RSA 91-A.

(k) Authorized personnel at the department of education shall administer and maintain the unique pupil identification system.

(l) ***The department of education shall provide*** no personally identifiable information ***collected pursuant to this chapter***, including but not limited to name, date of birth, ***or*** gender[~~, or social security number, shall be provided~~] to any person or entity***, other than an early childhood program, district, or postsecondary institution authorized to access this data,*** absent a court order[~~, and~~]**.** Under no circumstances shall personally identifiable information be provided to any person or entity outside of New Hampshire ***without permission from the pupil or the pupil's legal guardian***. Any person who knowingly violates this provision is guilty of a class B felony and may be subject to involuntary termination of employment.

(m) Early childhood programs not receiving Head Start or Child Care scholarship funds, private schools comprised of kindergarten through grade 12, and all private postsecondary institutions may participate in the data warehouse and random number generator. Participating early childhood programs may volunteer to include data for pupils for which Head Start or Child Care scholarship funds are not received. Permission of a parent or legal guardian of a pupil enrolled in an early childhood program shall be obtained before a pupil may participate in the data warehouse and random number generator. For the purposes of this section, such voluntary participating early childhood programs shall be included in the definition set forth in RSA 193-E:4.

(n) Notwithstanding subparagraphs (a)-(m), to enable the department of education to ensure the accuracy of the data, the commissioner of the department of education may, in writing, grant individuals access to the data warehouse, including but not limited to, access to the unique pupil identifier for the purpose of connecting information in the warehouse with the random number generator.

(o) At the request of the district, the department of education shall provide pupil data from the data warehouse to a district for pupils educated in that district. The department shall not provide any pupil-level data to a school district not directly involved with the pupil's education.

(p) At the request of the pupil, the department of education shall provide pupil data from the data warehouse to a postsecondary institution.

(q) At the request of the parent or legal guardian, the department of education shall provide pupil data from the data warehouse to an early childhood program.

(r) Nothing in this chapter shall prohibit institutions in the university system of New Hampshire and the community college system of New Hampshire from exchanging data between themselves without the consent or involvement of the department of education.

II. Notwithstanding RSA 193-E:3, II, the legislative oversight committee established in RSA 193-C:7 shall perform any revisions to this section through legislation filed for that purpose.

III. Any contracts or agreements necessary to implement the provisions of this section shall be approved by the governor with the consent of the executive council, and the fiscal committee established in RSA 14:30-a.

4 Effective Date. This act shall take effect 60 days after its passage.

2010-1942h

Amendment to SB 503

Proposed by the Minority of the Committee on Education - R

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

1 Delivery of an Adequate Education. Amend RSA 193-E:3 to read as follows:

193-E:3 Delivery of an Adequate Education.

I. Annually, beginning with the 2002-2003 school year, each school district shall report data to the department of education at the school and district levels on the indicators set forth in this paragraph. ***The report shall not contain personally identifiable information including but not limited to, name, date of birth, gender, or social security number.*** The department of education shall develop a reasonable schedule to phase-in the reporting of new data required by federal law. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Indicators shall include the following areas:

(a) Attendance rates.

(b) Annual and cumulative drop-out rates of high school pupils and annual drop-out rates for pupils in grades 7 and 8.

(c) School environment indicators, such as safe-schools data.

(d) Number and percentage of graduating pupils going on to post-secondary education, military service, and advanced placement participation.

(e) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(f) Expulsion and suspension rates, including in-school and out-of-school suspensions, which shall be reported for each school year.

(g) Number and percentage of classes taught by highly qualified teachers.

(h) Teacher and administrative turnover rates at the school and district levels.

(i) Pupil course information.

II.***(a)*** The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

(b) The department of education shall obtain prior approval from the board of trustees of the university system of New Hampshire or the community college system of New Hampshire, or both, if necessary, to determine additional indicators applicable to postsecondary institutions within their respective jurisdictions which are not required under paragraph VI.

III.***(a)*** Not later than December 1, 2003, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles" and shall be made available at every school administrative unit for public review. It shall include demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for all data reported. Comparisons of each district and school to itself based on its

own statewide improvement and assessment performance for the prior school year and its most recent 3-year rolling averages shall be provided. Statewide rankings of each district and school shall be provided, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement plan.

(b) Beginning with the annual report issued in 2013, the department of education shall include data provided by early childhood programs, districts, and postsecondary institutions.

IV. Data reported in paragraph I shall be disaggregated as required by federal law and shall include numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, economically disadvantaged pupils, and pupils of major ***ethnic,*** racial***,*** and multi-racial groups.

V. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in [~~paragraph~~] ***paragraphs*** I***, VI, and VII*** [~~and all enrollment and cost data related to determining the cost of an adequate education~~].

VI.(a) Annually, beginning with the 2011-2012 school year, each postsecondary institution as defined in RSA 193-E:4 shall submit a report, which shall include no personally identifiable information including, but not limited to, name, date of birth, gender, or social security number, to the department of education containing information on indicators in the following areas:

(1) Remedial education courses.

(2) Entry, withdrawal, and transfers.

(3) Degrees and certificates granted.

(b) The department of education shall integrate all data collected into the data warehouse. The department of education shall have access to data solely to conduct studies, track and report annual and longitudinal pupil outcomes, and improve postsecondary readiness, retention, and articulation between educational institutions.

(c) The state board of education, in consultation with the university system of New Hampshire board of trustees and the community college system of New Hampshire board of trustees shall adopt rules, pursuant to RSA 541-A, for developing a form to be used for the report and to establish requirements for data maintenance.

VII.(a) Annually, beginning with the 2011-2012 school year, each early childhood program as defined in RSA 193-E:4 shall submit a report, which shall include no personally identifiable information including, but not limited to, name, date of birth, gender, or social security number, to the department of education containing information on indicators in the following areas:

(1) Program participation.

(2) Entry, exit, and type of program.

(3) Participant demographics as identified in RSA 193-E:3, IV.

(b) The department of education shall integrate all data collected into the data warehouse. The department of education shall have access to data solely to conduct studies, track and report annual and longitudinal pupil outcomes, and improve education programs.

(c) The state board of education, in consultation with the department of health and human services, shall adopt rules, pursuant to RSA 541-A, for developing a form to be used for the report and to establish requirements for data maintenance.

2 Unique Pupil Identification; Definitions. RSA 193-E:4 is repealed and reenacted to read as follows:

193-E:4 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of education.

II. "Data warehouse" means any electronic system operated by the department of education that maintains the information about public school pupils as set forth in RSA 193-E:3, I, VI, and VII. The data warehouse shall not contain the name, address, telephone number, e-mail address, social security number, or any other personally identifiable information about any pupil.

III. "District" means a New Hampshire public school district.

IV. "District of origin" means the district in which the pupil resides at the point at which the pupil first enters the New Hampshire educational system, whether in an early childhood program, district, or postsecondary education level.

V. "Early childhood program" means a preschool or childcare program receiving Head Start or child care scholarship funds, whether licensed or exempt from licensing, or a preschool program operated by a district.

VI. "Postsecondary institution" means the university system of New Hampshire or the community college system of New Hampshire.

VII. "Random number generator" means the electronic system that creates unique public school pupil identification numbers and assigns a unique public school pupil identification number to a pupil when an early childhood program, a district, or a postsecondary institution enters a public school pupil's name, date of birth, town of birth, and gender. The system shall maintain that information and the name of the district of origin, and no other information. This system shall not retain the unique pupil identification number.

VIII. "Unique pupil identifier" means a randomly generated number assigned to an early childhood program pupil, a district pupil, or postsecondary institution pupil in order to gather pupil level data.

IX. "Unique pupil identification system" means an electronic system comprised of the data warehouse and the random number generator.

3 Unique Pupil Identification. Amend RSA 193-E:5 to read as follows:

193-E:5 Unique Pupil Identification.

I. The department of education shall, using federal funds only, implement and maintain a unique ***public school*** pupil identification system on a statewide basis that complies with the following requirements:

(a) No personally identifiable information about a pupil including but not limited to name, date of birth, gender, or social security number, shall be collected or maintained by the state [~~in such a manner as to allow such information to be connected with the unique pupil identifier~~]. Under no circumstances shall the department of education [~~obtain or use~~] ***include*** a social security number [~~as an identifier for any pupil, or use unique pupil identifiers except in connection with the data warehouse and such use shall not be accessible to the public~~] ***in the data warehouse***.

(b) The random number generator shall make available to each ***early childhood program,*** [~~school~~] district***, or postsecondary institution*** a unique pupil identifier for [~~each~~] ***any*** pupil enrolled in a New Hampshire ***early childhood program,*** [~~public school~~]***, district, or postsecondary institution***. The unique pupil identifier itself shall not permit pupil identification within a sub-category including, but not limited to, ***early childhood program,*** [~~school~~] district, ***postsecondary institution,*** sex, age, grade, or county of residence.

(c) The unique pupil identifier shall be requested and maintained by the ***early childhood program,*** [~~local school~~] district***, or postsecondary institution***. The unique pupil identifier shall ***be requested when the pupil enrolls and shall*** remain in the pupil's file throughout his or her [~~elementary and secondary~~] academic career in New Hampshire. ***A postsecondary institution shall not obtain a unique pupil identifier for any pupil for whom such identifier does not already exist.***

(d) Access to the random number generator shall be limited to ***an early childhood program director,*** a ***district*** superintendent or designee, ***or a postsecondary institution registrar or designee,*** and only for pupils enrolled in that ***early childhood program,*** [~~school~~

~~administrative unit~~] ***district, or postsecondary institution***. Any person who knowingly violates this provision is guilty of a class B felony and may be subject to involuntary termination of employment.

(e) The random number generator shall create and maintain a comprehensive audit trail for all users accessing the system ***for the purpose of requesting unique pupil identifiers***.

(f) The data warehouse shall create and maintain an audit trail for all users accessing secure information.

(g) No person, including an individual, business, government, or governmental entity, shall require an individual to provide a unique pupil identifier as a condition of doing business, providing a service, or receiving a benefit of any kind. Any person or entity [~~violating~~] ***who knowingly violates*** the provisions of this [~~paragraph~~] ***subparagraph*** shall be liable for actual damages or $25,000, whichever is greater, for each violation. Each denial of services or benefits shall constitute a separate offense under this [~~paragraph~~] ***subparagraph***.

(h) If a pupil's records become part of an administrative action outside of the pupil's [~~school~~] ***early childhood program,*** district, ***or postsecondary institution,*** or a part of any judicial or quasi-judicial proceeding, the part of the record containing the pupil's unique pupil identifier shall be redacted by the [~~school~~] ***early childhood program,*** district***, or postsecondary institution*** prior to release.

(i) The information maintained in the data warehouse, except for the unique pupil identifier, shall be available to the department of education and to the public using the [~~same database~~] ***data*** maintained by the department of education. No personally identifiable information shall be required as a condition of access or usage under this subparagraph, nor shall such access or usage be tracked. Under no circumstances shall the unique pupil identifier be made available to the department of education or to the public.

(j) Information maintained in the random number generator shall be exempt from the provisions of RSA 91-A.

(k) Authorized personnel at the department of education shall administer and maintain the unique pupil identification system.

(l) ***The department of education shall provide*** no personally identifiable information ***collected pursuant to this chapter***, including but not limited to name, date of birth, gender, or social security number, [~~shall be provided~~] to any person or entity absent a court order[~~, and~~]**.** Under no circumstances shall ***such*** personally identifiable information be provided to any person or entity outside of New Hampshire. Any person who knowingly violates this provision is guilty of a class B felony and may be subject to involuntary termination of employment.

(m) Early childhood programs not receiving Head Start or Child Care scholarship funds, private schools comprised of kindergarten through grade 12, and all private postsecondary institutions may participate in the data warehouse and random number generator. Participating early childhood programs may volunteer to include data for pupils for which Head Start or Child Care scholarship funds are not received. For the purposes of this section, such voluntary participating early childhood programs shall be included in the definition set forth in RSA 193-E:4.

(n) Notwithstanding subparagraphs (d) and (i), to enable the department of education to conduct studies, track and report annual and longitudinal outcomes, the commissioner of the department of education may, in writing, grant department of education personnel access to the random number generator and data warehouse for the purpose of storing data from outside sources in pupil records in the data warehouse.

(o) At the request of the district, the department of education shall provide pupil data from the data warehouse to a district for pupils educated in that district. The department shall not provide any pupil-level data to a school district not directly involved with the pupil's education.

(p) At the request of the pupil, the department of education shall provide statistical but not individual pupil data from the data warehouse to a postsecondary institution for pupils educated in that institution.

(q) At the request of the parent or legal guardian, the department of education shall provide statistical but individual pupil data from the data warehouse to an early childhood program for pupils educated in that program.

(r) Nothing in this chapter shall prohibit institutions in the university system of New Hampshire and the community college system of New Hampshire from exchanging data between themselves without the consent or involvement of the department of education.

II. Notwithstanding RSA 193-E:3, II, the legislative oversight committee established in RSA 193-C:7 shall perform any revisions to this section through legislation filed for that purpose.

III. Any contracts or agreements necessary to implement the provisions of this section shall be approved by the governor with the consent of the executive council, and the fiscal committee established in RSA 14:30-a.

4 Effective Date. This act shall take effect 60 days after its passage.

2010-1572h

Amendment to SB 504

Proposed by Majority of the Committee on Executive Departments and Administration - R

Amend the bill by replacing section 1 with the following:

1 Retirement System; Effective Date; Employer Assessments. Amend 2008, 300:35, VII, as amended by 2009, 4:1, to read as follows:

VII. Sections 33 and 34 of this act shall take effect July 1, [~~2010~~] ***2011***.

2010-1774h

Amendment to SB 518

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend the title of the bill by replacing it with the following:

AN ACT relative to the participation of youth a adjunct members of task forces of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

Amend the bill by replacing section 1 with the following:

1 Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Youth Participation. Amend RSA 12-J:2, II(c) to read as follows:

(c) Based upon recommendations from each task force, the commission chairperson may appoint as many as 8 individuals to serve as adjunct members of each task force for a term of one year. ***In appointing adjunct members, the chairperson shall ensure that youth have the opportunity to participate directly in the work of appropriate task forces.***

AMENDED ANALYSIS

This bill requires the chairperson of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment to ensure that youth have an opportunity to participate in the work of appropriate task forces.

2010-1365h

Amendment to SB 520-FN-LOCAL

Proposed by the Committee on Education - C

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

1 School Attendance. Amend the section heading in RSA 193:3 to read as follows:

193:3 Change of School or Assignment[~~; Manifest Educational Hardship or Best Interest; Excusing Attendance~~].

2 New Paragraph; School Attendance. Amend RSA 193:3 by inserting after paragraph III the following new paragraph:

IV.(a) Any person having custody of a child may apply to enroll that child in a public school or public academy outside the school district in which the person and child reside. If the non-resident school district or public academy agrees to enroll the child it may charge tuition to the parent or may enter into an agreement for payment of tuition with the school district in which the child resides.

(b) When a child is enrolled pursuant to subparagraph (a), the district in which the child is enrolled shall immediately notify the district in which the child resides of the name, date of birth, address, and grade assignment of the child. This same notification shall be made at the beginning of each school year for which the child is enrolled.

(c) When a child is enrolled pursuant to subparagraph (a), the district in which the child resides shall retain all responsibility for the provision of special education and related services pursuant to RSA 186-C.

(d) The decision by a school district or a public academy to deny enrollment of a non-resident pupil shall not be based, in whole or in part, on whether such pupil is a child with a disability as defined in RSA 186-C:2, I, or a child that requires an accommodation under the Rehabilitation Act of 1973, as amended.

(e) The decision of a parent to enroll a child in a charter school shall not be subject to the provisions of this section.

(f) Disputes related to the provision of special education services under this paragraph shall be governed by RSA 186-C.

3 New Paragraph; Special Education; Liability for Expenses. Amend RSA 186-C:13 by inserting after paragraph III the following new paragraph:

IV. When a child is enrolled pursuant to 193:3, IV, the district in which the child resides shall retain the liability for expenses as set forth in this section.

4 Effective Date. This act shall take effect 60 days after its passage.