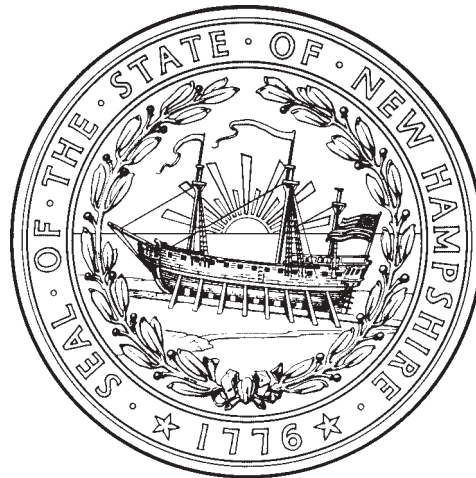


June 3, 2005  
No. 23

# STATE OF NEW HAMPSHIRE

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Legislative

## SENATE CALENDAR

**REPORTS, AMENDMENTS, HEARINGS AND  
EXECUTIVE SESSIONS, MEETINGS AND NOTICES**

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**THE SENATE WILL MEET IN SESSION ON  
THURSDAY, JUNE 9, 2005 AT 9:00 A.M.**

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**LAI D ON THE TABLE**

**HB 56**, relative to food safety in restaurants. **4/28/05, pending motion ITL, Health and Human Services, SJ 15, pg. 306**

**HB 84**, (New Title) relative to compensation of county convention members for county business. **4/21/05, pending motion Floor Disposition Motion, Public and Municipal Affairs, SJ 14, pg. 298**

**HB 126**, (New Title) relative to a public employee right of free speech. **6/02/05, pending motion committee amendment (1620s), Public and Municipal Affairs, SJ 20, pg. TBA**

**HB 220**, establishing a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood. **5/12/05, pending motion committee amendment (1328s), Health and Human Services, SJ 17, pg. 337**

**HB 294**, (New Title) relative to annulment of arrest records. **6/02/05, pending motion ITL, Judiciary, SJ 20, pg. TBA**

**HB 301-L**, relative to parent advisory councils for pupils with educational disabilities. **5/19/05, pending motion ITL, Education, SJ 18, pg. 348**

**HB 339**, relative to electioneering at polling places. **4/21/05, pending motion committee amendment (1150s), Internal Affairs, SJ 14, 293**

**HB 381-FN**, relative to special elections, voter lists, and conduct of elections. **5/26/05, pending motion floor amendment (1651), Internal Affairs, SJ 19, 381**

**HB 383**, relative to vital records administration. **6/02/05, pending motion OTP, Executive Departments and Administratin, SJ 20, pg. TBA**

**HB 443**, relative to the statute of limitations for fire code violations. **6/02/05, pending motion OTP, Judiciary, SJ 20, pg. TBA**

**HB 498**, establishing a study committee relative to the sale of fire-safe cigarettes. **5/05/05, pending motion committee amendment (1273s), Public and Municipal Affairs, SJ, 16, pg. 327**

**HB 561**, relative to reasonable accommodation by employers under the state law against discrimination. **5/19/05, pending motion ITL, Banks and Insurance, SJ 18, pg. 346**

**HB 574-FN**, requiring the reporting of burn injuries. **5/26/05, pending motion Floor Disposition Motion, Judiciary, SJ 19, pg. 386**

**HB 585**, relative to grounds for termination of parental rights. **6/02/05, pending motion committee amendment (1604s), Health and Human Services, SJ 20, pg. TBA**

**HB 604-FN**, (New Title) discontinuing the use of tokens. **5/26/05, pending motion floor amendment (1663), Transportation and Interstate Cooperation, SJ 19, pg. 406**

**HB 702-FN**, (New Title) relative to the screening and mediation of medical malpractice claims. **4/21/05, pending motion ITL, Judiciary, SJ 14, 293**

**HCR 8**, urging the Congress of the United States to place a moratorium on new free trade agreements, to investigate and review current free trade agreements and policies of the United States, to investigate and review participation of the United States with international trade organizations and to ensure that such agreements, policies, and participation are in the best interests of the citizens of the state of New Hampshire and the United States. **6/02/05, pending motion ITL, Internal Affairs, SJ 20, pg. TBA**

**SB 29**, relative to processing absentee ballots. **2/17/05, pending motion floor amendment (0227s), Internal Affairs, SJ 6, pg. 70**

**SB 34-FN**, relative to reimbursement rates for child care. **4/7/05, pending motion ITL, Finance, SJ 12, pg. 239**

**SB 71**, relative to amending warrant articles in towns that have adopted the official ballot form of town meeting. **3/10/05, pending motion ITL, Internal Affairs, SJ 8, pg. 104**

**SB 109-FN**, relative to catastrophic special education funding. **2/24/05, pending motion ITL, Finance, SJ 7, pg. 80**

**SB 116**, relative to payment procedures for the utility property tax. **3/17/05, pending motion floor amendment (0720s), Ways and Means, SJ 9, pg. 133**

**SB 133-FN**, relative to mooring permits. **3/24/05, pending motion ITL, Environment and Wildlife, SJ 10, pg. 168**

**SB 134**, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders. **4/7/05, pending motion committee amendment (0970s), Judiciary, SJ 12, pg. 265**

**SB 162-FN-A**, increasing the appropriation to the firemen's relief fund. **2/24/05, pending motion ITL, Finance, SJ 7, pg. 80**

**SB 197-FN**, relative to captive insurance companies and reciprocal insurers. **3/10/05, pending motion OTP, Banks and Insurance, SJ 8, pg. 98**

## **SPECIAL ORDER**

### **BANKS AND INSURANCE**

**HB 170**, relative to unemployment compensation.  
Inexpedient to Legislate, Vote 3-2  
Senator Odell for the committee

**HB 350**, (New Title) relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.  
Ought to pass with amendment, Vote 5-1  
Senator Foster for the committee.

**HB 490**, relative to law enforcement access to financial records under the New Hampshire right to privacy act.  
Ought to pass with amendment, Vote 6-0  
Senator Foster for the committee.

**HB 542**, making technical corrections to the uniform trust code.  
Ought to pass with amendment, Vote 4-0  
Senator Gottesman for the committee.

### **INTERNAL AFFAIRS**

**HB 404**, (New Title) permitting employees to request a wage deduction for contributions to a political action committee.  
Inexpedient to Legislate, Vote 4-0  
Senator Boyce for the committee.

## **REPORTS**

### **EDUCATION**

**HB 406**, revising certain provisions of the home education statutes.  
Ought to pass with amendment, Vote 6-0  
Senator Bragdon for the committee.

### **ENERGY AND ECONOMIC DEVELOPMENT**

**HB 185**, (New Title) establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.  
Ought to pass with amendment, Vote 5-0  
Senator Bragdon for the committee.

**HB 279**, relative to the classification of Spofford Lake in Chesterfield, New Hampshire.  
Ought to pass with amendment, Vote 5-0  
Senator Burling for the committee.

**HB 371**, relative to mercury reduction.  
Inexpedient to Legislate, Vote 3-2  
Senator Boyce for the committee.

**HB 517**, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste.  
Ought to Pass, Vote 4-1  
Senator Letourneau for the committee.

**HB 582**, relative to the policy for records management.  
Re-refer to committee, Vote 4-0  
Senator Odell for the committee

### **ENVIRONMENT AND WILDLIFE**

**SCR 5**, recognizing the increasing problem of exotic aquatic weeds and species.  
Ought to Pass, Vote 5-0  
Senator Johnson for the committee.

### **FINANCE**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007.  
Ought to pass with amendment, Vote 6-1  
Senator Morse for the committee.

**HB 2-FN-A**, relative to state fees, funds, revenue and expenditures.  
Ought to pass with amendment, Vote 6-1  
Senator Morse for the committee.

**HB 47**, regulating the use of computer spyware.  
Ought to Pass, Vote 6-0  
Senator Boyce for the committee.

**HB 102-FN-A**, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor.  
Ought to Pass, Vote 4-2  
Senator Clegg for the committee.

**HB 114**, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board.  
Ought to Pass, Vote 6-0  
Senator Larsen for the committee.

**HB 215-FN**, relative to water management.  
Ought to pass with amendment, Vote 7-0  
Senator Odell for the committee

**HB 433-FN-A**, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.  
Ought to pass with amendment, Vote 6-1  
Senator Clegg for the committee.

**HB 448-FN**, relative to the collection of certain fees by the postsecondary education commission.  
Ought to Pass, Vote 6-0  
Senator D'Allesandro for the committee.

**HB 450-FN-A**, extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor.  
Ought to pass with amendment, Vote 6-0  
Senator Larsen for the committee.

**HB 460-FN**, relative to the reimbursement to certain providers by the bureau of emergency communications.  
Ought to pass with amendment, Vote 6-1  
Senator Odell for the committee

**HB 477-FN**, increasing registration fees for pesticides and commercial feeds.  
Ought to Pass, Vote 4-3  
Senator D'Allesandro for the committee.

**HB 539-FN-A-L**, relative to land and community heritage investment program administration.  
Ought to pass with amendment, Vote 7-0  
Senator Larsen for the committee.

**HB 611-FN**, relative to small group insurers.  
Inexpedient to Legislate, Vote 5-1  
Senator D'Allesandro for the committee.

**HB 616-FN-L**, (New Title) relative to the education property tax and the education equity index.  
Ought to pass with amendment, Vote 4-3  
Senator Morse for the committee.

**HB 637-FN**, relative to licensure of alcohol and drug abuse professionals.  
Ought to Pass, Vote 5-2  
Senator Larsen for the committee.

**HB 644-FN**, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.  
Ought to pass with amendment, Vote 7-0  
Senator D'Allesandro for the committee.

**HB 647-FN**, relative to restructuring the department of revenue administration.  
Ought to Pass, Vote 6-0  
Senator Clegg for the committee.

**HB 651-FN-L**, relative to federal lien registration.  
Ought to Pass, Vote 5-1  
Senator Odell for the committee

**HB 681-FN**, relative to training, quality assurance, and licensing of assisted living facilities.  
Ought to Pass, Vote 6-0  
Senator Odell for the committee

**HB 692-FN-L**, relative to the county department of corrections.  
Ought to Pass, Vote 6-0  
Senator Clegg for the committee.

### **HEALTH AND HUMAN SERVICES**

**HB 173**, relative to food service and distribution.  
Ought to pass with amendment, Vote 5-0  
Senator Martel for the committee.

### **JUDICIARY**

**HB 439**, relative to registration requirements for criminal offenders.  
Ought to Pass, Vote 4-0  
Senator Letourneau for the committee.

**HB 510**, relative to financial affidavits in domestic relations cases.  
Ought to Pass, Vote 4-0  
Senator Gottesman for the committee.

**HB 511**, relative to the confidentiality of records pertaining to the support of dependent children.  
Ought to Pass, Vote 4-0  
Senator Gottesman for the committee.

**HB 558**, relative to the circumstances constituting sexual assault.  
Ought to pass with amendment, Vote 4-0  
Senator Foster for the committee.

**HB 567**, relative to mediation in family law cases involving children.  
Inexpedient to Legislate, Vote 4-0  
Senator Roberge for the committee.

### **TRANSPORTATION AND INTERSTATE COOPERATION**

**HB 326**, (New Title) relative to motorcycle noise levels and mufflers.  
Ought to pass with amendment, Vote 5-0  
Senator Martel for the committee.

## **AMENDMENTS**

**Senate Finance**  
**June 2, 2005**  
**2005-1782s**  
**03/10**

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

The Senate Amendment to HB 1-A is contained in a separate document labeled as Senate Calendar 23 Supplement, Dated June 3, 2005.

**Senate Finance**  
**June 2, 2005**  
**2005-1794s**  
**09/01**

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

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

1 Transfers Among Accounts; Office of Information Technology. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary, the office of information technology may, subject to the approval of the fiscal committee, transfer funds within and among all PAU's within said office as necessary for the efficient management of the office.

2 Lease Agreements. Notwithstanding RSA 6:35, for the biennium ending June 30, 2007, the department of fish and game, the department of transportation, and the department of regional community-technical colleges may enter into lease agreements for vehicles and equipment at the discretion of the agency head. In this section, "lease" includes a lease-purchase, sale and lease back, installment sale, or other similar agreement.

3 Collection of Highway Fund Revenue; Reporting Requirement. Amend RSA 9:9-a to read as follows:

9:9-a Collection of Highway Fund Revenue; Reporting Requirement. Pursuant to part II, article 6-a of the New Hampshire constitution, any costs associated with the collection and administration of highway funds by the department of safety shall be deducted by the department before such funds are credited to the highway fund. On or before January 1, the department shall provide an annual accounting of such administration and collection costs to the president of the senate and the speaker of the house of representatives. ***No current fiscal year collection or administration costs shall be expended until the previous year's collection cost report has been received.***

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

I. For the biennium ending June 30, 2007, the department of health and human services shall not authorize, without prior approval of the fiscal committee of the general court and governor and council, any change to program eligibility standards or benefit levels that might be expected to increase enrollment in the program or increase expenditures from any source of funds; provided, however, that no such prior approval shall be required if a change to a federal program in which the state is participating as of the effective date of this section is required by federal law.



II. Notwithstanding any provision of the law to the contrary, for the biennium ending June 30, 2007, the fiscal committee of the general court and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues in excess of \$50,000, that are in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following programs and services: provider payments, provider rate increases, and any other program or service that requires deficit reduction or for which revenue has been specifically obtained to improve program operations; provided, that such improvements do not increase eligibility standards or benefit levels.

III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2007 the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all PAUs 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.

5 Liquor Commission; Revenue. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2007, all gross revenue derived by the liquor commission from the sale of liquor, or from license fees, shall be deposited into the general funds of the state.

6 Tobacco Use Prevention Funds Deposited in the Education Trust Fund. Notwithstanding RSA 126-K:15, RSA 198:39 or Chapter 212 of the Laws of 2000, in each year of the biennium ending June 30, 2007, all tobacco settlement funds received by the state of New Hampshire shall be deposited in the education trust fund. In addition, notwithstanding any other provision of law, the balance of the tobacco use prevention fund as of June 30, 2005, shall lapse to the general fund.

7 Mental Health Low Utilizers and Prior Authorization; Bureau of Behavioral Health, Department of Health and Human Services. For the biennium ending June 30, 2007, the department of health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults with low service utilization of community mental health services, as identified in He-M 401.07; provided, that the department also shall establish, by rule under RSA 541-A, a procedure for such persons or community mental health providers to request a waiver of the \$4,000 limit based on legitimate treatment considerations. The commissioner of the department of health and human services shall notify the commissioner of the department of administrative services, in writing, as to precisely which line item appropriations and in what specific amounts reductions are to be made in order to effect the reduction amounts. Upon request by the commissioner of the department of health and human services the fiscal committee of the general court may authorize a higher per person per year limit.

8 County Payments of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend RSA 167:18-b, IV to read as follows:

IV. The total billings by all counties made pursuant to this section for persons who have been determined eligible to receive nursing facility services shall not exceed 50 percent of the non-federal share of the combined long-term care medicaid spending for which the counties are obligated and in no instance shall the billings for the 12-month period of the state fiscal year, dated between July 1, 2004 and June 30, [2005] **2007** exceed:

(a) State fiscal year 2004 - \$60,000,000.

(b) State fiscal year 2005 - \$64,000,000.

**(c) State fiscal year 2006 - \$68,000,000.**

**(d) State fiscal year 2007 - \$70,000,000.**

9 County Payments of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments; Medicare Prescription Drug Benefit Included. Amend RSA 167:18-b, VI to read as follows:

VI. For purposes of this section all expenditures shall include all bills for which the county is liable for medicaid services, including but not limited to, payments for skilled nursing, hospital, physician and pharmaceutical services. **Pharmaceutical services shall include the Medicare Part D drug benefit, authorized by the Medicare Prescription Drug Improvement and Modernization Act of 2003, Public Law 108-173.**

10 Effective Date of Repeal Changed; Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend 1998, 388:17, II, as amended by 2003, 223:8 and 2004, 260:8, to read as follows:

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, ~~[2005]~~**2007**.

11 New Paragraph; Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$50,000 From Any Non-State Source. Amend RSA 14:30-a by inserting after paragraph V the following new paragraph:

VI. Any non-state funds in excess of \$50,000, whether public or private, including refunds of expenditures, federal aid, local funds, gifts, bequests, grants, and funds from any other non-state source, which under state law require the approval of governor and council for acceptance and expenditure, may be accepted and expended by the proper persons or agencies in the state government only with the prior approval of the fiscal committee.

12 Fiscal Committee Approval Required for Expenditure of Federal Aid. Amend RSA 124:4 to read as follows:

124:4 Application for[;] and Administration of ***Federal Aid***. Notwithstanding any other provision of law, the governor and council are hereby authorized to designate from time to time, as they may deem in the best interest of the state, the proper persons or agencies in the state government to take all necessary action to apply for, receive, and administer any federal benefits, facilities, grants-in-aid, or other federal appropriations or services made available to assist state activities, for which the state is, or may become eligible. ***All such moneys in excess of \$50,000 made available, after designation by the governor and council, may be expended by the proper persons or agencies in the state government only with the prior approval of the joint legislative fiscal committee.*** In addition to such other instruments, documents, and agreements as may be executed ~~[hereunder]~~ ***under the authority of this section***, such persons or agencies may ~~[- whenever the same shall be required as a condition to the receipt of such federal assistance, with the approval of the governor and council]~~ execute indemnification agreements, ***with the approval of governor and council***, in the name of the state with and for the benefit of the United States ***whenever such execution is required as a condition of receipt of such federal assistance.***

13 Health and Human Services; Local Medical Assistance; County Contribution. RSA 167:18-f is repealed and reenacted to read as follows:

167:18-f Local Medical Assistance Contribution. In addition to any other reimbursement required by law, each county shall, within 60 days from notice thereof, reimburse the public assistance fund at the rate of \$27 per month for each recipient of old age assistance and \$52 per month for each recipient of aid to the permanently and totally disabled for whom the county would be liable under the provisions of RSA 166, except that no reimbursement shall be required for any recipient for whom the county has an obligation under RSA 167:18-b.

14 New Chapter: Judicial Branch Family Division. Amend RSA by inserting after chapter 490-C the following new chapter:

#### CHAPTER 490-D JUDICIAL BRANCH FAMILY DIVISION

490-D:1 Judicial Branch Family Division Established. The general court hereby organizes, constitutes, and establishes the judicial branch family division. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division court that is geographically accessible to the family.

490-D:2 Jurisdiction. Notwithstanding any law to the contrary and except for the limited need to allow an existing case to proceed with the same judge who had presided over it before the implementation of the judicial branch family division, following implementation of the division at a division site in accordance with RSA 490-D:5, jurisdiction over the following matters shall be exclusively exercised through the judicial branch family division as procedurally jurisdiction was previously exercised in the superior, district, and probate courts:



I. Petitions for divorce, nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children except for concurrent jurisdiction with the district court to enter temporary detention orders under RSA 169-B:11, III and 169-B:12, IV(b).

IV. Actions under RSA 169-C, relating to abused and neglected children except for concurrent jurisdiction with the district court to enter orders under RSA 169-C:6, VI and RSA 169-C:6-a.

V. Actions under RSA 169-D, relating to children in need of services except for concurrent jurisdiction with the district court to enter orders under RSA 169-D:8, I, RSA 169-D:9-a, and RSA 169-D:10.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district courts to enter temporary protective orders under RSA 173-B:4.

VII. The adoption of children in abuse and neglect cases pursuant to RSA 169-C, termination of parental rights cases pursuant to RSA 170-C, and guardianships of the person of minors pursuant to paragraph VIII. Jurisdiction over private, agency, and international adoptions shall remain with the probate court.

VIII. The guardianship of the person of minors. In cases involving the guardianship of both the person of a minor and the estate of the same minor, jurisdiction shall remain with the probate court.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490-D:3 Equity Jurisdiction. Notwithstanding any law to the contrary, the judicial branch family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the judicial branch family division. Suits in equity where subject matter jurisdiction lies with the judicial branch family division including, but not limited to, petitions for divorce, nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the judicial branch family division at any time, but nothing contained in this section shall be construed as limiting the power of the judicial branch family division to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

490-D:4 Sites. The judicial branch family division shall operate at the following sites and such other sites as the supreme court, from time to time, determines, covering the following districts as delineated in RSA 502-A:1, except as otherwise indicated:

#### Grafton County

I. The courthouses in Grafton county which will house the judicial branch family division shall be the court facility in North Haverhill, the Plymouth District Court, the Littleton District Court, and the Lebanon District Court.

II.(a) Matters arising in municipalities located within the Haverhill district shall be heard in the court facility in North Haverhill.

(b) Matters arising in municipalities located within the Plymouth-Lincoln district shall be heard in the Plymouth District Court.

(c) Matters arising in municipalities located within the Littleton district shall be heard in the Littleton District Court.

(d) Matters arising in municipalities located within the Lebanon-Hanover district shall be heard in the Lebanon District Court.

#### Rockingham County

III. The courthouses in Rockingham county which will house the judicial branch family division shall be the court facility in Brentwood, the Portsmouth District Court, the Salem District Court, and the Derry District Court.

IV.(a) Matters arising in municipalities located within the Portsmouth district, the Hampton district, and the towns of Newfields, Newmarket, and Stratham shall be heard in the Portsmouth District Court.

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem District Court.

(c) Matters arising in municipalities located within the Auburn district (except for the towns of Deerfield, Northwood, Nottingham, and Raymond) and the Derry district shall be heard in the Derry District Court.

(d) Matters arising in municipalities located within the Exeter district (except for the towns of Newfields, Newmarket, and Stratham), the Plaistow district, and the towns of Deerfield, Northwood, Nottingham, and Raymond shall be heard in the court facility in Brentwood.

#### Coos County

V. The courthouses in Coos county which will house the judicial branch family division shall be the Colebrook District Court, the Berlin District Court, and the court facility in Lancaster.

VI.(a) Matters arising in municipalities located within the Colebrook district shall be heard in the Colebrook District Court.

(b) Matters arising in municipalities located within the Berlin-Gorham district shall be heard in the Berlin District Court.

(c) Matters arising in municipalities located within the Lancaster district shall be heard in the court facility in Lancaster.

#### Carroll County

VII. The courthouses in Carroll county which will house the judicial branch family division shall be the court facility in Ossipee and the District Court for northern Carroll County.

VIII.(a) Matters arising in municipalities located within the district for southern Carroll county shall be heard in the court facility in Ossipee.

(b) Matters arising in municipalities located within the district for northern Carroll county shall be heard in the District Court for northern Carroll County.

#### Sullivan County

IX. The courthouses in Sullivan county which will house the judicial branch family division shall be the Newport District Court and the Claremont District Court.

X.(a) Matters arising in municipalities located within the Newport district and the New London district in Merrimack county shall be heard in the Newport District Court.

(b) Matters arising in municipalities located within the Claremont district shall be heard in the Claremont District Court.

#### Strafford County

XI. The courthouses in Strafford county which will house the judicial branch family division shall be the Dover District Court and the Strafford county court facility in Dover.

XII.(a) Matters arising in municipalities located within the Dover-Somersworth-Durham district shall be heard in the Dover District Court.

(b) Matters arising in municipalities located within the Rochester district shall be heard in the Strafford county court facility in Dover.

#### Belknap County

XIII. The courthouse in Belknap county which will house the judicial branch family division shall be a facility located in Laconia, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XIV.(a) Matters arising in municipalities located within the Laconia district shall be heard in the judicial branch family division facility in Laconia.

(b) Matters arising in the towns of Sanbornton and Tilton shall be heard in the Franklin District Court in Merrimack county.

#### Hillsborough County

XV. The courthouses in Hillsborough county which will house the judicial branch family division shall be the Hillsborough County Superior Court for the northern judicial district, the Goffstown District Court, the Hillsborough County Superior Court for the southern judicial district, the Milford District Court, and the Merrimack District Court.

XVI.(a) Matters arising in municipalities located within the Manchester district shall be heard in the Hillsborough County Superior Court for the northern judicial district.

(b) Matters arising in municipalities located within the Goffstown district shall be heard in the Goffstown District Court.

(c) Matters arising in municipalities located within the Nashua district shall be heard in the Hillsborough County Superior Court for the southern judicial district.

(d) Matters arising in municipalities located within the Milford district shall be heard in the Milford District Court.

(e) Matters arising in municipalities located within the Merrimack district shall be heard in the Merrimack District Court.

(f) Matters arising in Hillsborough county municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court in Cheshire county.

(g) Matters arising in municipalities located within the Hillsborough district shall be heard in the Concord District Court in Merrimack county.

#### Merrimack County

XVII. The courthouses in Merrimack county which will house the judicial branch family division shall be the Franklin District Court, the Hooksett District Court, and a facility located in Concord, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XVIII.(a) Matters arising in municipalities located within the Franklin district shall be heard in the Franklin District Court.

(b) Matters arising in municipalities located within the Hooksett district shall be heard in the Hooksett District Court.

(c) Matters arising in municipalities located within the Concord district, the Henniker district, and the Hillsborough district shall be heard in the judicial branch family division facility in Concord.

(d) Matters arising in municipalities located within the New London district shall be heard in the Newport District Court in Sullivan county.

#### Cheshire County

XIX. The courthouses in Cheshire county which will house the judicial branch family division shall be the Jaffrey-Peterborough District Court and a facility located in Keene, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XX.(a) Matters arising in municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court

(b) Matters arising in municipalities located within the Keene district shall be heard in the judicial branch family division facility in Keene.

490-D:5 Implementation Plan. On the effective date of this chapter, the judicial branch family division shall be operational in Grafton and Rockingham counties. For the remaining counties, the judicial branch family division shall be made operational by order of the supreme court, generally in the order listed in RSA 490-D:4.

490-D:6 Judges and Marital Masters. The supreme court shall select and designate certain district and probate court judges as judicial branch family division judges and certain superior court marital masters as

judicial branch family division marital masters. The designation of judges shall be based upon the judge's knowledge of, commitment to, and expertise in family law matters. The number of judicial branch family division judges and marital masters shall be based upon a review of anticipated caseload, population, judicial time and efficiency, available judicial resources, and other relevant criteria, including information from the weighted caseload system. When the judicial branch family division is fully implemented, all superior court marital masters shall be designated as judicial branch family division marital masters.

#### 490-D:7 Nominations and Appointments of Marital Masters.

I. The administrative judge of the judicial branch family division shall recommend persons to the governor and council for initial appointment as marital masters. In recommending candidates for initial appointment as marital masters under this chapter, the division shall utilize the procedures and standards described in superior court rules in effect as of July 1, 2004, except as otherwise provided in this chapter.

II. For appointments of new marital masters, the administrative judge of the judicial branch family division shall submit to the governor the name of a nominee. The governor may accept the candidate nominated by the administrative judge and submit the candidate to the council for confirmation or may reject the candidate submitted by the administrative judge, and request a new nominee. If the council rejects a candidate for confirmation, the governor shall request a new nominee.

III. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall be made in accordance with judicial branch family division rules. During appointment terms, the authority and responsibility to conduct annual performance reviews, and termination, if necessary, shall be with the administrative judge of the judicial branch family division.

#### 490-D:8 Qualifications of Marital Masters.

I. Marital masters shall possess the following qualifications:

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. Each marital master shall complete a course in court process and procedures and mediation and negotiation.

490-D:9 Recommendations of Marital Masters. All recommendations of marital masters shall be signed by a judge.

490-D:10 Referee. The judicial branch family division, with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein the parties are not, as matter of right, entitled to a trial by jury; and with the consent of the parties shall so commit any other cause or the determination of any other question of fact.

490-D:11 Staff. The supreme court shall identify a mechanism by which to assign and transfer such existing staff in the superior, district, and probate courts as is necessary to operate the judicial branch family division. Where possible, staff performing functions related to the jurisdiction of the judicial branch family division shall be transferred into similar positions in the division. The number of judicial branch family division staff shall be based upon a review of anticipated caseload, population, available staff resources, and other relevant criteria, including information from any weighted caseload system.

490-D:12 Judicial Branch Family Division Clerks. The administrative judge of the judicial branch family division shall appoint a clerk with responsibility for each judicial branch family division site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more judicial branch family division sites. Judicial branch family division clerks shall have the same duties as clerks of the superior and district courts and as registers of probate with respect to the judicial branch family division jurisdiction which was previously within the superior, district, and probate courts. Judicial branch family division clerks shall hold office during the pleasure of the administrative judge of the judicial branch family division.

490-D:13 Alternative Dispute Resolution. In implementing the judicial branch family division, the supreme court shall utilize alternative dispute resolution to reduce the adversarial nature of proceedings involving families. RSA 458:15-a shall be applicable to cases in the judicial branch family division.

490-D:14 Statutory References. During the implementation of the judicial branch family division, references in statutes involving the jurisdiction of the division to the superior, district, or probate courts shall be deemed to include the judicial branch family division. Following the full implementation of the division, those references shall be deemed to be to the judicial branch family division where it has exclusive jurisdiction of a subject matter and to the superior, district, or probate court and the judicial branch family division where the judicial branch family division has concurrent jurisdiction with one or more of those courts.

15 Designation of Part-time District Court Justice as Full-time District Court Justice. Amend RSA 491-A:3, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, *the needs of the judicial branch family division*, and other relevant criteria may request the governor and council to designate a sitting part-time justice as a full-time justice. The court may recommend certain justices; however, the governor and council shall not be bound by that recommendation. Upon designation, that justice shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time district court justice.

16 Designation of Part-time Probate Court Judge as Full-time Judge. RSA 491-A:4, IV is repealed and reenacted to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria, may request the governor and council to designate a sitting part-time probate judge as a full-time judge. The court may recommend certain judges; however, the governor and council shall not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time probate judge.

17 New Paragraph; Venue; Notice; Optional Manner of Service of Petitions. Amend RSA 458:9 by inserting after paragraph II the following new paragraph:

II-a. In lieu of service as described in paragraph II, the court may, after issuing orders of notice, send notice to the respondent indicating that the petition has been filed and that the respondent or the respondent's attorney may accept service at the court within 10 days. If neither the respondent nor the attorney for the respondent accepts service at the court within 10 days as specified in the correspondence, the petition shall be forwarded to the petitioner for service in accordance with paragraph II.

18 Repeal. The following are repealed:

- I. RSA 490:33 – 490:35, relative to the family division.
- II. RSA 491:20-a – 491:20-c, relative to marital masters.

19 Federal Assistance Grant; Appropriation. Any sum received in the fiscal years ending June 30, 2006 or June 30, 2007 from the Federal Emergency Management Agency or Federal Highway Administration's Emergency Relief Program or any other federal program providing emergency assistance to the department of transportation to reimburse appropriate costs incurred for emergency response, including but not limited to equipment rental, snow plowing, sanding, salting, flood damage response, and personnel overtime during any emergency declared shall be collected by the appropriate agency and appropriated to the department of transportation, to be distributed to the bureaus that expended funds on the emergency, and shall be allocated 40 percent to class 20 expenditures and 60 percent to class 22 expenditures. The commissioner of the department of transportation shall report any such sums received to the fiscal committee of the general court and to the house and senate finance committees.

20 New Paragraph; Family Mutual Support Organizations; Definition Added. Amend RSA 126-P:1 by inserting after paragraph II the following new paragraph:

II-a. "Family mutual support organization" means a nonprofit corporation that provides family mutual support services, as defined in paragraph III and further described in RSA 126-P:2, III and IV.



21 Department of Health and Human Services; Oversight Committee; Finance Members Added. Amend RSA 126-A:13, I to read as follows:

I. There shall be an oversight committee on health and human services consisting of 8 members as follows:

(a) 3 members of the senate, at least one of whom shall be a member of the senate [~~public institutions/~~health and human services committee **and one of whom shall be a member of the senate finance committee**, appointed by the president of the senate; and

(b) 5 members of the house [~~appointed by the speaker of the house~~] **of representatives, 4 of whom shall be** from the health, human services and elderly affairs committee, **and one of whom shall be from the house finance committee, appointed by the speaker of the house of representatives.**

22 Land and Community Heritage Investment Program Administrative Fund; Interest Income; Date Change. Amend RSA 227-M:7-a, I to read as follows:

I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, I-a. For the biennium ending June 30, [~~2005~~] **2007** there shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage investment program trust fund pursuant to RSA 227-M:7. The total revenues generated to the administrative fund from these 2 sources for each year of said biennium shall not exceed \$335,000.

23 Purpose. Sections 24-52 of this act are increases to current motor vehicle fines contained in the uniform fine schedule which, pursuant to RSA 502-A:19-b, V, may be changed only by statute. For the purposes of the increases in fines provided in this act, no penalty assessment shall be added to the increase in the fine if the statute containing the fine states that the penalty assessment is in addition to the specified fine amount.

24 Passenger Restraints; Fines. Amend RSA 265:107-a, III(a) and (b) to read as follows:

(a) [~~\$25~~] **\$50** for a first offense.

(b) [~~\$50~~] **\$100** for a second or subsequent offense.

25 New Paragraph; Coasting Fine Added. Amend RSA 265:99 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$100.

26 New Paragraph; Driving on Divided Ways; Fine Added. Amend RSA 265:26 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$150.

27 Approaching Vehicle; Fine Added. Amend RSA 265:17 to read as follows:

265:17 Approaching Vehicles.

**I.** Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least 1/2 of the main-traveled portion of the roadway as nearly as possible.

**II. The fine for a violation of this section shall be \$75.**

28 New Paragraph; One-Way Roadways and Roadways and Rotary Traffic Islands; Fine Added. Amend RSA 265:23 by inserting after paragraph III the following new paragraph:

IV. The fine for a violation of this section shall be \$100.

29 Obedience to Police Officers; Fine Added. Amend RSA 265:3 to read as follows:

265:3 Obedience to Police Officers.

**I.** No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

**II. The fine for a violation of this section shall be \$100.**

30 New Section; Failure to Stop at Railroad Crossings; Fine. Amend RSA 265 by inserting after section 50 the following new section:



265:50-a Failure to Stop at Railroad Crossings; Fine. The fine for a violation of the provisions of RSA 265:49 or RSA 265:50 shall be \$100.

31 New Paragraph; Following Too Closely; Fine Added. Amend RSA 265:25 by inserting after paragraph III the following new paragraph:

IV. The fine for a violation of this section shall be \$100.

32 Limitations on Backing; Fine Added. Amend RSA 265:94 to read as follows:

265:94 Limitations on Backing.

*I.* The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled access way.

***II. The fine for a violation of this section shall be \$150.***

33 New Paragraph; Driving of School Buses; Fine for Improper Operation. Amend RSA 265:57 by inserting after paragraph IV the following new paragraph:

V. The fine for a violation of this section shall be \$250.

34 Improper Use of Evidence of Registration or Title; Fine Added. Amend RSA 261:61 to read as follows:

261:61 Improper Use of Evidence of Registration or Title.

*I.* No person shall lend to another any certificate of title, registration certificate, number plate, temporary permit or other permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration certificate, number plate, or permit assigned by the director or authority of any other jurisdiction not issued to such vehicle or otherwise lawfully used under this chapter, or knowingly obscure or permit to be obscured the figures or letters on any number plate attached to any motor vehicle.

***II. The fine for a violation of this section shall be \$150.***

35 New Paragraph; Interference With Traffic Devices, Signs, or Signals; Fine Added. Amend RSA 265:15 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$150.

36 Misuse or Failure to Display Plates; Fine Added. Amend RSA 261:176 to read as follows:

261:176 Misuse or Failure to Display Plates.

*I.* Any person who knowingly attaches or permits to be attached to a vehicle a number plate assigned by the department, or authority of any other jurisdiction, to another vehicle or who knowingly obscures or permits to be obscured the figures or letters on any number plate attached to any vehicle or who knowingly and deliberately fails to display on a vehicle the number plates and the registration number duly issued therefor shall be guilty of a violation.

***II. The fine for a violation of this section shall be \$150.***

37 New Paragraph; Riding Upon Motorcycles; Fine Added. Amend RSA 265:120 by inserting after paragraph IV the following new paragraph:

V. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine of \$75.

38 New Paragraph; Obstruction to Driver's View or Riding Mechanism; Fine Added. Amend RSA 265:95 by inserting after paragraph III the following new paragraph:

IV. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine of \$75.

39 Transporting Alcoholic Beverages; Fine Added. Amend RSA 265:81, IV to read as follows:

IV. A person who violates this section shall be guilty of a violation ***and shall be subject to a fine of \$150.*** In addition, a person who violates paragraph II of this section may have his ***or her*** drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

40 Motorcycle License; Operating Motorcycle Without; Fine. Amend RSA 263:30 to read as follows:

263:30 Motorcycle License.

*I.* No person to whom a driver's license of any class or category has been issued may drive any registered motorcycle unless he holds a special motorcycle license or endorsement or a motorcycle learner's permit. A person who holds a special motorcycle license or endorsement or a motorcycle learner's permit may drive any registered motorcycle without holding any other class of driver's license.

***II. The fine for a violation of this section shall be \$100.***

41 Classifications, Endorsements and Restrictions; Fine for Operating Without Correct Class of License Added. Amend RSA 263:92 to read as follows:

263:92 Classifications, Endorsements and Restrictions.

*I.* Notwithstanding any other provisions of this title, the commissioner may adopt rules under RSA 541-A to establish a commercial driver license classification system, including such endorsements and restrictions as are necessary, that incorporates the requirements of the federal government and of state law.

***II. Any driver who operates a motor vehicle in violation of the provisions of the commercial driver license classification system shall be subject to a fine of \$100.***

42 New Paragraphs; Basic Rule and Maximum Limits; Fines Added. Amend RSA 265:60 by inserting after paragraph IV the following new paragraphs:

V. The fines for violation of subparagraphs II(a)-(d) shall be as follows:

Miles per hour above the limit specified:

1-10	\$50
11-15	75
16-20	100
21-25	200
26+	Must appear (Minimum \$350)

VI. The fines for violations of subparagraph II(e) shall be as follows:

Miles above the 65 mph limit:

1-5	\$65
6-10	100
11-15	150
16-20	250
21-25	350
26+	Must appear

43 New Paragraph; Stop Signs; Yield Signs; Fines Added. Amend RSA 265:31 by inserting after paragraph III the following new paragraph:

IV. The fine for violation of this section shall be \$100.

44 Uninspected Motor Vehicle; Fines Added. Amend RSA 266:5 to read as follows:

266:5 Penalty for Failing to Obey Inspection Requirements. The driver or owner of any motor vehicle failing to comply with the requirements of the director relative to inspection shall be guilty of a violation, and the director may refuse to register, or may suspend or revoke the registration of, any motor vehicle, trailer or semi-trailer which has not been inspected as required or which is unsafe or unfit to be driven; provided, however, no person shall be charged with a violation of this section until a period of 10 days has elapsed from the date the inspection was due. This section shall not apply to those vehicles required to be inspected under the provisions of RSA 266:1, IV. ***The fine for a violation of this section shall be \$60.***

45 Registration Required; Fines Added. Amend RSA 261:40 to read as follows:

261:40 Registration Required. Except as otherwise provided, it is a violation for any person to drive or any owner or custodian to knowingly permit or cause to be driven on the ways of this state any vehicle of a type required to be registered hereunder, unless the same has been registered and the appropriate fee paid in accordance with the provisions of this chapter. ***The fine for a violation of this section shall be \$100.***

46 Fines Added. Amend RSA 265:22 to read as follows:

265:22 Highway Markings.

**I.** The commissioner of transportation and, subject to his approval, selectmen of any town or board of mayor and aldermen or group having similar powers in any city, having control of any highway may order such marking of ways, by painted lines, as is deemed necessary to the safe and efficient use of any such way. In ordering or approving such marking the commissioner of transportation insofar as is practicable shall conform to nationally accepted standards and any marking of the way by painted lines shall prima facie be deemed to be approved or ordered by the commissioner of transportation. When the single center line highway marking method is used, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way by order of or with the approval of the said commissioner, except as herein otherwise provided and when the barrier line highway marking system is employed, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way in such driver's lane by order of or with the approval of said commissioner except:

~~[I.]~~ **(a)** In an emergency; or

~~[II.]~~ **(b)** To permit ingress or egress to side roads or property adjacent to the highway; or

~~[III.]~~ **(c)** In case such driver has an unobstructed view and can see the end of the said unbroken painted line.

**II. The fine for a violation of this section shall be \$100.**

47 Unlawful Possession and Intoxication; Fines Increased. Amend RSA 179:10, I to read as follows:

**I.** Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who is intoxicated by consumption of an alcoholic beverage, shall be guilty of a violation and shall be fined a minimum of ~~[\$250]~~ **\$300**. Any second and subsequent offense shall be fined at least ~~[\$500]~~ **\$600**. For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie evidence of intoxication. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.

48 Driving After Revocation or Suspension; Fines Established. Amend RSA 263:64, VII to read as follows:

**VII.** Except as provided in paragraphs IV, V-a, and VI, any person who violates the provisions of this section shall be guilty of a violation, ***and shall be fined a minimum of \$250 for a first offense and \$500 for a second or subsequent offense.***

49 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or causes a vehicle to be driven recklessly, as defined in RSA 626:2, II(c), or so that the lives or safety of the public shall be endangered, or upon a bet, wager, or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, guilty of a violation and fined not less than ~~[\$250]~~ **\$500 for the first offense and \$750 for the second offense** nor more than \$1,000 and his or her license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

50 Aggravated DWI; Fine Increased. Amend RSA 265:82-b, I(b)(2) to read as follows:

(2) Fined not less than ~~[\$500]~~ **\$750**;

51 DWI Second Offense; Fine Increased. Amend RSA 265:82-b, II(a)(2) to read as follows:

(2) The person shall be fined not less than ~~[\$500]~~ **\$750**.

52 New Paragraph; Controlled Drug Act; Penalties; Minimum Fines. Amend RSA 318-B:26 by inserting after paragraph XII the following new paragraph:

XIII. Any person who violates any provision of this chapter shall be fined a minimum of \$350 for a first offense and \$500 for a second or subsequent offense.

53 Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, any budget surplus for the close of the fiscal biennium ending June 30, 2005 shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.

54 Regional Electronic Toll Collection System; Implementation.

I. The commissioner of the department of transportation shall implement use of the regional electronic toll collection system authorized by RSA 237:16-b on September 1, 2005.

II. The commissioner shall make the transponders necessary for use of the system available at the department's cost to purchase them.

III. The commissioner shall cease selling tokens on all of the turnpikes in the New Hampshire turnpike system on September 1, 2005 and shall cease collecting all tokens as of January 1, 2006.

55 Toll Criteria; Regional Electronic Toll Collection System. Amend RSA 237:11, V to read as follows:

V. In establishing tolls or charges pursuant to RSA 237:9, RSA 237:24, or RSA 237:40, the governor and council may discount or reduce the established tolls on any of the turnpikes in the system. In determining which vehicles shall receive a discount and the amount of the discount, the governor and council may consider criteria including, but not limited to:

~~[(a)] Use of tokens.~~

~~[(b)]~~ **(a)** Use of the regional electronic toll collection system.

~~[(c)]~~ **(b)** Time of day.

~~[(d)]~~ **(c)** Use of certain entrance or exit ramps.

~~[(e)]~~ **(d)** Commercial or non-commercial registration.

~~[(f)]~~ **(e)** Public transit use.

~~[(g)]~~ **(f)** In-state or out-of-state account status for participants in the regional electronic toll collection system.

~~[(h)]~~ **(g)** Congestion management.

***VI. Notwithstanding paragraph V, for vehicles using the regional electronic toll collection system, the governor and council shall discount the established tolls on all of the turnpikes in the system by 30 percent for passenger vehicles, including motorcycles, and 10 percent for commercial vehicles.***

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

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[52 cents]~~ **\$ .80** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

57 Applicability. Section 56 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products 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 act. The tax rate effective July 1, 2005 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

### 58 Rehiring of Laid Off State Employees.

I. For purposes of this section, "laid off" means any person who receives written notice of the state's intent to lay him or her off or who has been laid off between July 1, 2005 and July 1, 2007, as a result of reorganization or downsizing of state government.

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.

III. Within 10 days of the effective date of this section, the head of each department or agency shall submit to the director of the division of personnel a list by name and classification of individuals laid off from July 1, 2005 as of the effective date of this section. Any additional layoffs or reductions shall be reported to the director of personnel as they occur.

IV. Any full-time state employee who was laid off as defined in this section, who before the layoff was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer-paid medical or health care coverage under the plan of any other employer, or as the spouse of a person covered under the plan of any other employer, or under the state plan as the spouse of a state employee, shall continue to receive such state-paid benefits, as if continuing in active employment, for a period not to exceed 6 months after the date of termination of state employment. For the first 3 months of this 6-month period, the state shall pay the full costs of continuing medical and health care coverage. For the latter 3 months of the 6-month period, the state shall pay ½ the cost and the laid-off state employee shall pay ½ the cost of continuing medical and health care coverage. This 6-month period shall be included in the calculation of the entitlements required under the Consolidated Omnibus Budget Reconciliation Act of 1986 and any amendments thereto.

59 Lottery Commission Funds; Distribution Expenses. Amend RSA 284:21-jj to read as follows:

284:21-jj Lottery Commission Funds.

*I. Notwithstanding any provision of law to the contrary, in order to allow the lottery commission to efficiently handle its funds, the commission is authorized to have service fees paid to banks and sales outlets deducted from lottery receipts and, with the approval of governor and council, to have prizes paid by sales outlets from lottery receipts so long as full accountability is assured. The commission is authorized to enter into agreements with banks as to the charges for services rendered. Lottery funds shall be deposited in commercial banks throughout the state. These funds shall be transferred on a weekly basis to the state treasurer.*

***II. Notwithstanding any provision of law to the contrary, in order to allow the lottery commission to efficiently distribute instant tickets, the commission may have instant ticket delivery fees deducted from lottery receipts. The commission is authorized to enter into agreements or contracts with third parties for instant ticket delivery service. Such agreements or contracts shall have the prior approval of governor and council.***

60 Department of Transportation; Finance Director; Position Established. Amend RSA 21-L by inserting after section 5 the following new section:

21-L:5-a Finance Director. There is established within the department the position of finance director. The commissioner shall nominate, subject to approval by the board of trustees, the finance director who shall be confirmed by the governor and council and shall serve at the pleasure of the commissioner. The finance director shall be qualified by education and experience and shall perform such duties as are assigned by the commissioner. The salary of the finance director shall be established by RSA 94:1-a.

61 Compensation of Certain State Officers; Finance Director Added. Amend RSA 94:1-a, I(b) by inserting in Group HH the following:

HH	Department of transportation	finance director
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62 Pilot Program; Department of Transportation and Land and Community Heritage Investment Program.

I. The general court hereby establishes a 2-year pilot program to ensure the most cost effective investment of state highway mitigation funds for purposes of natural, cultural, and historical resource conservation, consistent with the land and community investment program under RSA 227-M.



II. A committee is established to advise on the establishment of a partnership between the department of transportation and the land and community heritage investment program board for the administration of the pilot program. The committee shall consist of the commissioner of transportation, the executive director of the land and community heritage investment authority, 2 senators appointed by the senate president, and 2 house members, appointed by the speaker of the house of representatives.

III. Duties of the committee shall include, but not be limited to, the following:

(a) Recommending a process by which funding decisions shall be made jointly by the commissioner of transportation and the land and community heritage investment program board.

(b) Making recommendations on the establishment of a permanent program for the investment of state mitigation funds using a joint partnership between the department of transportation and the land and community heritage investment program board.

IV. The first meeting of the committee shall be convened within 45 days of the effective date of this act. The first meeting shall be called by the executive director of the land and community investment program board.

V. The committee shall report its recommendations to the president of the senate, the speaker of the house of representatives, and the governor on or before November 1, 2006.

VI. The commissioner of transportation and the land and community heritage investment program board shall, for the biennium ending June 30, 2007, use \$3,500,000 of funds currently available to the department of transportation for purposes of this pilot program, consistent with federal regulations.

63 State Employees Group Health Insurance; Restrictions on Self-Insured Plans; Required Reserve Reduced. Amend RSA 21-I:30-b, I(a) to read as follows:

(a) An amount estimated to be necessary to pay claims and administrative costs for the assumed risk for [~~3 months~~] **one month**; and

64 New Subdivision; Indirect Cost Recovery Program. Amend RSA 21-I by inserting after section 72 the following new subdivision:

#### Indirect Cost Recovery Program

21-I:73 Definitions. In this subdivision:

I. "Agency" means any agency under RSA 21-G:5, III that receives or provides central support services.

II. "Agency indirect costs" mean all support costs within any agency that cannot be directly charged to any agency program.

III. "Statewide indirect costs" mean all allocated general fund central services costs incurred by any state agency for central support services to any other state agency.

21-I:74 Allocation of Statewide Central Services Costs; Allocation of Statewide Indirect Costs. The commissioner shall allocate statewide indirect costs in a manner consistent with the federally-approved statewide central services cost allocation plan and shall recover such costs from those agencies that benefit from central service support. Agencies shall allocate general fund central services costs incurred by the agency to the appropriate agency funding source for reimbursement to the general fund. Agencies for which internal support costs are appropriated from the general fund shall recover such costs.

21-I:75 Agency Indirect Cost Recovery Plan.

I. An agency that receives outside funding from any source shall prepare and submit to the commissioner for review and approval an indirect cost recovery plan. The plan shall include proposals to recover agency indirect costs, the portion of statewide central service costs (statewide indirect costs) allocated to the agency under the statewide central services cost allocation plan, and any computation of indirect costs under RSA 124:11. By October 1 of each year, and prior to submission to the approving federal agency, if any, the agency shall submit the completed indirect cost rate proposal and supporting documentation to the commissioner for review and approval.

II. Notwithstanding paragraph I, the commissioner may waive the requirement that the agency file an indirect cost recovery plan if the commissioner determines that the cost of preparing and submitting the plan exceeds the benefit to the state of receiving such a plan.



21-I:76 General Fund Reimbursement. Agencies shall reimburse the general fund no later than 30 days after each quarter for all statewide central services costs and that portion of agency indirect costs attributable to recoveries of general fund expenditures. Agencies shall provide such indirect cost information and documentation as may be required by the commissioner to implement this section.

21-I:77 Exemption. The commissioner may waive any requirement under this subdivision if the commissioner determines that it is in conflict with, or contrary to, state objectives.

65 Federal Aid; Computation of Indirect Costs Required; Role of Administrative Services. Amend RSA 124:11 to read as follows:

124:11 Computation of Indirect Costs Required.

*I.* Each state agency receiving a federal grant or grants shall compute an agency indirect cost rate for each grant as provided by federal regulation and shall apply the same to each grant it receives. Any state agency making grants of federal funds to any other state agency, either directly or as a pass-through, shall fund the indirect costs for each such grant in the amount of the indirect costs of the state agency to which it has granted the funds in accordance with the indirect cost rate computed as provided by federal regulations by the receiving state agency. All such indirect costs received shall accrue to the state general fund and shall not be available for expenditure by the agency, except that in the case of the departments of transportation and fish and game that proportion of any indirect cost recovery which represents costs of either of said departments as opposed to the state-wide overhead cost portion of the rate shall accrue to the highway fund or the fish and game fund as applicable.

*II. The state agency shall include the indirect cost rate for each federal grant in any cost recovery plan filed with the commissioner of administrative services under RSA 21-I:75 and shall notify the department of administrative services of any negotiation with the federal agency relative to the agency's indirect cost rate proposal. The commissioner of the department of administrative services or the commissioner's designee may participate in such negotiations and shall approve the final agreement relative to the agency's indirect cost rate.*

66 New Section; Federal Proposals; Indirect Costs. Amend RSA 124 by inserting after section 11 the following new section:

124:11-a Federal Proposals; Indirect Costs. Any agency that submits an application for federal funds shall include in such application provisions for reimbursement of the allocated statewide central services cost and any agency indirect costs. If no federal funds are approved for indirect costs, the agency shall provide written notice of that determination to the department of administrative services.

67 Personnel Classifications; Agency Appeals. Amend RSA 21-I:42, III to read as follows:

*III. Allocating the position of every employee in the classified service to one of the classifications in the classification plan. A decision of the director of personnel relating to pay or classification of employees may be appealed to the commissioner of administrative services by the commissioner of the affected department, or if an agency has no commissioner, by the equivalent agency head.*

68 Law Enforcement Salaries; January 6, 2006. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; Law Enforcement Employees. The salary ranges for law enforcement employees commencing January 6, 2006, shall be established as follows:

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	20,042.62	20,640.62	21,240.70	21,889.92	22,563.58	23,285.86	23,910.64	24,608.74
02	20,640.62	21,240.70	21,889.92	22,563.58	23,285.86	23,910.64	24,608.74	25,333.36
03	21,240.70	21,889.92	22,563.58	23,285.86	23,910.64	24,608.74	25,333.36	26,131.30
04	21,889.92	22,563.58	23,285.86	23,910.64	24,608.74	25,333.36	26,131.30	28,003.04
05	22,563.58	23,285.86	23,910.64	24,608.74	25,333.36	26,131.30	28,003.04	29,076.84
06	23,285.86	23,910.64	24,608.74	25,333.36	26,131.30	28,003.04	29,076.84	30,226.04
07	23,910.64	24,833.12	25,882.48	26,905.06	28,003.04	29,076.84	30,226.04	31,524.48
08	24,833.12	25,882.48	26,905.06	28,003.04	29,076.84	30,226.04	31,524.48	32,747.00

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
09	25,882.48	26,905.06	28,003.04	29,076.84	30,226.04	31,524.48	32,747.00	34,069.62
10	26,905.06	28,003.04	29,076.84	30,226.04	31,524.48	32,747.00	34,069.62	35,441.38
11	28,003.04	29,076.84	30,226.04	31,524.48	32,747.00	34,069.62	35,441.38	36,915.06
12	29,076.84	30,226.04	31,524.48	32,747.00	34,069.62	35,441.38	36,915.06	38,611.30
13	30,226.04	31,524.48	32,747.00	34,069.62	35,441.38	36,915.06	38,611.30	40,258.66
14	31,524.48	32,747.00	34,069.62	35,441.38	36,915.06	38,611.30	40,258.66	42,032.38
15	32,747.00	34,169.72	35,592.44	37,088.48	38,611.30	40,258.66	42,032.38	43,779.84
16	34,169.72	35,592.44	37,088.48	38,611.30	40,258.66	42,032.38	43,779.84	45,724.90
17	35,592.44	37,088.48	38,611.30	40,258.66	42,032.38	43,779.84	45,724.90	47,647.86
18	37,088.48	38,611.30	40,258.66	42,032.38	43,779.84	45,724.90	47,647.86	49,695.10
19	38,611.30	40,258.66	42,032.38	43,779.84	45,724.90	47,647.86	49,695.10	51,815.92
20	40,258.66	42,032.38	43,779.84	45,724.90	47,647.86	49,695.10	51,815.92	54,536.82
21	42,032.38	43,779.84	45,724.90	47,647.86	49,695.10	51,815.92	54,536.82	56,957.68
22	43,779.84	45,724.90	47,647.86	49,695.10	51,815.92	54,536.82	56,957.68	59,527.52
23	45,724.90	47,747.70	49,919.74	52,189.28	54,536.82	56,957.68	59,527.52	62,223.98
24	47,747.70	49,919.74	52,189.28	54,536.82	56,957.68	59,527.52	62,223.98	65,020.54
25	49,919.74	52,189.28	54,536.82	56,957.68	59,527.52	62,223.98	65,020.54	67,966.08
26	52,189.28	54,536.82	56,957.68	59,527.52	62,223.98	65,020.54	67,966.08	70,984.94
27	54,536.82	56,957.68	59,527.52	62,223.98	65,020.54	67,966.08	70,984.94	74,230.52
28	56,957.68	59,527.52	62,223.98	65,020.54	67,966.08	70,984.94	74,230.52	78,274.04
29	59,527.52	62,223.98	65,020.54	67,966.08	70,984.94	74,230.52	78,274.04	82,017.52
30	62,223.98	65,020.54	67,966.08	70,984.94	74,230.52	78,274.04	82,017.52	85,861.10
31	65,020.54	68,115.06	71,409.52	74,679.54	78,274.04	82,017.52	85,861.10	89,980.28
32	68,115.06	71,409.52	74,679.54	78,274.04	82,017.52	85,861.10	89,980.28	94,072.94
33	71,409.52	74,679.54	78,274.04	82,017.52	85,861.10	89,980.28	94,072.94	98,192.12
34	74,679.54	78,274.04	82,017.52	85,861.10	89,980.28	94,072.94	98,192.12	102,309.22
35	78,274.04	82,017.52	85,861.10	89,980.28	94,072.94	98,192.12	102,309.22	106,403.96

69 Law Enforcement Salaries; July 7, 2006. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; Law Enforcement Employees. The salary ranges for law enforcement employees commencing July 7, 2006, shall be established as follows:

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	20,840.56	21,465.34	22,087.78	22,761.18	23,461.62	24,210.68	24,859.90	25,582.18
02	21,465.34	22,087.78	22,761.18	23,461.62	24,210.68	24,859.90	25,582.18	26,355.94
03	22,087.78	22,761.18	23,461.62	24,210.68	24,859.90	25,582.18	26,355.94	27,180.66
04	22,761.18	23,461.62	24,210.68	24,859.90	25,582.18	26,355.94	27,180.66	29,128.06
05	23,461.62	24,210.68	24,859.90	25,582.18	26,355.94	27,180.66	29,128.06	30,250.48
06	24,210.68	24,859.90	25,582.18	26,355.94	27,180.66	29,128.06	30,250.48	31,424.38
07	24,859.90	25,833.60	26,905.06	27,978.60	29,128.06	30,250.48	31,424.38	32,795.88

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
08	25,833.60	26,905.06	27,978.60	29,128.06	30,250.48	31,424.38	32,795.88	34,045.18
09	26,905.06	27,978.60	29,128.06	30,250.48	31,424.38	32,795.88	34,045.18	35,441.38
10	27,978.60	29,128.06	30,250.48	31,424.38	32,795.88	34,045.18	35,441.38	36,864.10
11	29,128.06	30,250.48	31,424.38	32,795.88	34,045.18	35,441.38	36,864.10	38,386.66
12	30,250.48	31,424.38	32,795.88	34,045.18	35,441.38	36,864.10	38,386.66	40,158.56
13	31,424.38	32,795.88	34,045.18	35,441.38	36,864.10	38,386.66	40,158.56	41,881.32
14	32,795.88	34,045.18	35,441.38	36,864.10	38,386.66	40,158.56	41,881.32	43,704.18
15	34,045.18	35,541.22	37,015.16	38,562.42	40,158.56	41,881.32	43,704.18	45,524.70
16	35,541.22	37,015.16	38,562.42	40,158.56	41,881.32	43,704.18	45,524.70	47,547.76
17	37,015.16	38,562.42	40,158.56	41,881.32	43,704.18	45,524.70	47,547.76	49,544.04
18	38,562.42	40,158.56	41,881.32	43,704.18	45,524.70	47,547.76	49,544.04	51,691.38
19	40,158.56	41,881.32	43,704.18	45,524.70	47,547.76	49,544.04	51,691.38	53,887.86
20	41,881.32	43,704.18	45,524.70	47,547.76	49,544.04	51,691.38	53,887.86	56,708.86
21	43,704.18	45,524.70	47,547.76	49,544.04	51,691.38	53,887.86	56,708.86	59,229.56
22	45,524.70	47,547.76	49,544.04	51,691.38	53,887.86	56,708.86	59,229.56	61,899.50
23	47,547.76	49,668.58	51,916.02	54,288.00	56,708.86	59,229.56	61,899.50	64,720.50
24	49,668.58	51,916.02	54,288.00	56,708.86	59,229.56	61,899.50	64,720.50	67,614.82
25	51,916.02	54,288.00	56,708.86	59,229.56	61,899.50	64,720.50	67,614.82	70,684.64
26	54,288.00	56,708.86	59,229.56	61,899.50	64,720.50	67,614.82	70,684.64	73,830.38
27	56,708.86	59,229.56	61,899.50	64,720.50	67,614.82	70,684.64	73,830.38	77,200.24
28	59,229.56	61,899.50	64,720.50	67,614.82	70,684.64	73,830.38	77,200.24	81,393.00
29	61,899.50	64,720.50	67,614.82	70,684.64	73,830.38	77,200.24	81,393.00	85,287.54
30	64,720.50	67,614.82	70,684.64	73,830.38	77,200.24	81,393.00	85,287.54	89,306.88
31	67,614.82	70,835.96	74,254.96	77,673.96	81,393.00	85,287.54	89,306.88	93,575.04
32	70,835.96	74,254.96	77,673.96	81,393.00	85,287.54	89,306.88	93,575.04	97,843.20
33	74,254.96	77,673.96	81,393.00	85,287.54	89,306.88	93,575.04	97,843.20	102,111.36
34	77,673.96	81,393.00	85,287.54	89,306.88	93,575.04	97,843.20	102,111.36	106,403.96
35	81,393.00	85,287.54	89,306.88	93,575.04	97,843.20	102,111.36	106,403.96	110,672.12

70 New Section; Longevity Payments for Law Enforcement Employees. Amend RSA 99 by inserting after section 5 the following new section:

99:5-a Longevity Payments for Law Enforcement Employees. Any law enforcement employee who has completed 10 years of continuous service for the state shall be paid, in addition to the salary to which he or she is entitled by the classification plan, the sum of \$300 annually and an additional \$300 for each additional 5 years of continuous law enforcement service. The additional compensation provided by the provisions of this section shall not affect the maximums set by the classification plan and the receipt of said long service payments shall not prohibit the recipient from receiving the yearly increments to which he or she may be otherwise entitled within his or her classification ranges. Any law enforcement employee who transfers, without a break in service, to a position in the unclassified system may transfer all time served for purposes of longevity pay.

71 Single Payment Salary Adjustment; Law Enforcement Employees. A single salary adjustment payment of \$500 shall be made to each full-time law enforcement employee on or before July 1, 2005.

72 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 68-71 of this act for the fiscal years ending June 30, 2006 and June 30, 2007:

FY 2006						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$765,518	\$ 27,167	\$0	\$738,351	\$0	\$0	\$0

FY 2007						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$1,462,895	\$ 52,861	\$0	\$1,410,034	\$0	\$0	\$0

73 Salary Wages for Councilors and Commissioners; July 8, 2005. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing July 8, 2005:

	Minimum	Maximum
Governor's councilors		\$12,397
Pari-mutuel commissioners		\$9,400
Sweepstakes commission, chairman		\$14,106
Sweepstakes commission, members		\$7,523

74 Salary Wages for Councilors and Commissioners; January 6, 2006. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing January 6, 2006:

	Minimum	Maximum
Governor's councilors	\$12,645	
Pari-mutuel commissioners		\$9,588
Sweepstakes commission, chairman		\$14,388
Sweepstakes commission, members		\$7,673

75 Salary Wages for Councilors and Commissioners; July 7, 2006. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing July 7, 2006:

	Minimum	Maximum
Governor's councilors		\$12,898
Pari-mutuel commissioners		\$9,780
Sweepstakes commission, chairman		\$14,676
Sweepstakes commission, members		\$7,826

76 Judicial Salaries; July 8, 2005. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$132,382
Associate justices, supreme court	\$128,368
Chief justice, superior court	\$128,368
Associate justices, superior court	\$120,346
District court justices prohibited from practice pursuant to RSA 502-A:21	\$120,346
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$120,346

77 Judicial Salaries; January 6, 2006. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$135,029
Associate justices, supreme court	\$130,935
Chief justice, superior court	\$130,935
Associate justices, superior court	\$122,753
District court justices prohibited from practice pursuant to RSA 502-A:21	\$122,753
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$122,753

78 Judicial Salaries; July 7, 2006. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$137,730
Associate justices, supreme court	\$133,554
Chief justice, superior court	\$133,554
Associate justices, superior court	\$125,208
District court justices prohibited from practice pursuant to RSA 502-A:21	\$125,208
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$125,208

79 Judicial Employees; July 8, 2005. All judicial employees shall receive 2 percent salary increases on July 8, 2005.

80 Judicial Employees; January 6, 2006. All judicial employees shall receive 2 percent salary increases on January 6, 2006.

81 Judicial Employees; July 7, 2006. All judicial employees shall receive 2 percent salary increases on July 7, 2006.

82 Legislative Employees; July 8, 2005. Legislative employees shall receive 2 percent salary increases effective July 8, 2005, if such increases are approved by the appointing authority.

83 Legislative Employees; January 6, 2006. Legislative employees shall receive 2 percent salary increases effective January 6, 2006, if such increases are approved by the appointing authority.

84 Legislative Employees; July 7, 2006. Legislative employees shall receive 2 percent salary increases effective July 7, 2006, if such increases are approved by the appointing authority.

85 Compensation for Certain State Officers; Unclassified State Employees; July 8, 2005. RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GROUP	MINIMUM	1	2	3	4	MAXIMUM
AA	41,938	44,735	47,532	50,329	53,126	55,922
BB	43,645	46,554	49,463	52,372	55,281	58,190
CC	45,715	48,764	51,812	54,860	57,908	60,957
DD	48,181	51,391	54,602	57,813	61,024	64,235
EE	51,084	54,490	57,896	61,302	64,708	68,115
FF	54,683	58,329	61,975	65,621	69,267	72,912

GROUP	MINIMUM	1	2	3	4	MAXIMUM
GG	59,105	63,044	66,983	70,922	74,861	78,800
HH	64,443	68,737	73,032	77,327	81,622	85,917
II	68,188	72,733	77,278	81,823	86,368	90,911
JJ	71,933	76,728	81,522	86,316	91,110	95,904
KK	73,796	78,715	83,634	88,553	93,472	98,390
LL	-	-	-	-	-	101,303
MM	-	-	-	-	-	104,758
NN	-	-	-	-	-	108,816
OO	-	-	-	-	-	113,560
PP	-	-	-	-	-	119,230
QQ	-	-	-	-	-	126,055

86 Compensation for Certain State Officers; Unclassified State Employees; January 6, 2006. RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GROUP	MINIMUM	1	2	3	4	MAXIMUM
AA	42,777	45,629	48,482	51,335	54,188	57,040
BB	44,518	47,485	50,452	53,419	56,386	59,354
CC	46,629	49,739	52,848	55,957	59,066	62,176
DD	49,145	52,420	55,695	58,970	62,245	65,520
EE	52,106	55,580	59,054	62,528	66,002	69,477
FF	55,777	59,495	63,214	66,933	70,652	74,370
GG	60,287	64,305	68,323	72,341	76,359	80,376
HH	65,732	70,113	74,494	78,875	83,256	87,635
II	69,552	74,187	78,822	83,457	88,092	92,729
JJ	73,372	78,262	83,152	88,042	92,932	97,822
KK	75,272	80,289	85,306	90,323	95,340	100,358
LL	-	-	-	-	-	103,329
MM	-	-	-	-	-	106,853
NN	-	-	-	-	-	110,992
OO	-	-	-	-	-	115,831
PP	-	-	-	-	-	121,615
QQ	-	-	-	-	-	128,576

87 Compensation of State Officers; Unclassified State Employees; July 7, 2006; RSA 94:1-a, I(a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GROUP	MINIMUM	1	2	3	4	MAXIMUM
AA	43,633	46,542	49,452	52,362	55,272	58,181
BB	45,408	48,435	51,462	54,489	57,516	60,541
CC	47,562	50,733	53,905	57,077	60,249	63,420
DD	50,128	53,468	56,809	60,150	63,491	66,830
EE	53,148	56,692	60,236	63,780	67,324	70,867



GROUP	MINIMUM	1	2	3	4	MAXIMUM
FF	56,893	60,686	64,479	68,272	72,065	75,857
GG	61,493	65,591	69,689	73,787	77,885	81,984
HH	67,047	71,515	75,983	80,451	84,919	89,388
II	70,943	75,671	80,399	85,127	89,855	94,584
JJ	74,839	79,827	84,815	89,803	94,791	99,778
KK	76,777	81,895	87,013	92,131	97,249	102,365
LL	-	-	-	-	-	105,396
MM	-	-	-	-	-	108,990
NN	-	-	-	-	-	113,212
OO	-	-	-	-	-	118,148
PP	-	-	-	-	-	124,047
QQ	-	-	-	-	-	131,148

88 Department of Justice; Attorney Salaries; July 8, 2005. RSA 94:1-a, I(c) is repealed and reenacted to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on July 8, 2005:

	Minimum	Market anchor	Maximum
	\$38,760		\$93,840
Attorney		\$46,920	
Assistant attorney general		\$64,260	
Senior assistant attorney general		\$79,560	
Associate attorney general		\$87,720	

89 Department of Justice; Attorney Salaries; January 6, 2006. RSA 94:1-a, I(c) is repealed and reenacted to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on January 6, 2006:

	Minimum	Market anchor	Maximum
	\$39,535		\$95,717
Attorney		\$47,858	
Assistant attorney general		\$65,545	
Senior assistant attorney general		\$81,151	
Associate attorney general		\$89,474	

90 Department of Justice; Attorney Salaries; July 7, 2006. RSA 94:1-a, I(c) is repealed and reenacted to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on July 7, 2006:

	Minimum	Market anchor	Maximum
	\$40,326		\$97,631
Attorney		\$48,816	
Assistant attorney general		\$66,856	
Senior assistant attorney general		\$82,774	
Associate attorney general		\$91,264	

91 Increases in Salary; Other Non-Classified or Unclassified Employees. All other nonclassified or unclassified employees not covered by the provisions for salary increases in this act shall be granted a salary increase of 2 percent effective July 8, 2005, an additional salary increase of 2 percent effective January 6, 2006, and an additional salary increase of 2 percent effective July 7, 2006.

92 Longevity Payments for State Officials; July 8, 2005. RSA 94:4 is repealed and reenacted to read as follows:

94:4 Longevity Pay. Any state official who has completed 10 years of service for the state shall be paid, in addition to his or her statutory salary the sum of \$300 annually and an additional \$300 for each additional 5 years of state service. Any state official who transfers, without a break in service, to a position in the classified system may transfer all time served for purposes of longevity pay.

93 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 73-92 of this act for the fiscal years ending June 30, 2006 and June 30, 2007:

FY 2006						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$2,159,652	\$ 1,776,955	\$89,495	\$187,513	\$17,047	\$9,376	\$79,267
FY 2007						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$4,422,207	\$3,643,493	\$182,105	\$381,552	\$34,687	\$19,078	\$161,293

94 Acquisition of Property by Regional Community-Technical College System.

I. The department of regional community-technical colleges shall acquire the building located on the premises at 320 Corporate Drive, Portsmouth, New Hampshire, from the Pease development authority for fair market appraised value, not to exceed \$3,800,000. Prior to acquisition by the department of regional community-technical colleges, the Pease development authority shall obtain required federal approval for the sale proceeds to be used to reduce the Pease development authority's outstanding debt to the state.

II. Prior to acquisition by the department of regional community-technical colleges, and notwithstanding any other provision of law, the department of regional community-technical colleges and the Pease development authority shall negotiate and execute a ground lease, for a term of not less than 20 years at fair market value, not to exceed \$13,000 per acre at the start of the ground lease, for the approximately 13 acres on which the building known as 320 Corporate Drive is located. Such ground lease shall be subject to the approval of the governor and council.

III. If the department of regional community-technical colleges cannot acquire the building known as 320 Corporate Drive on or before July 1, 2005, the department of regional community-technical colleges and the Pease development authority shall enter into a lease agreement for the entirety of the building known as 320 Corporate Drive. In exchange, the state shall reduce by \$675,000 per year, starting with the commencement of the lease on July 1, 2005, the Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:33 through 12-G:35; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. The lease term shall be 2 years or until such time as the acquisition by the department of regional community-technical colleges is complete or until such time as the debt owed to the state relative to the authority's start-up funding costs has been exhausted. In the event the regional community-technical college acquires the building known as 320 Corporate Drive after July 1, 2005 but before June 30, 2006, the proceeds from sale by the Pease development authority to the department of regional community-technical colleges shall be prorated.

IV. Any acquisition or lease agreement executed under this section shall supersede any existing lease arrangement for the property between the department of regional community-technical colleges and the Pease development authority.

95 Judicial Salaries. Amend RSA 491-A:1 to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$ <del>128,488</del> <b>129,786</b>
Associate justices, supreme court	\$ <del>124,593</del> <b>125,851</b>
Chief justice, superior court	\$ <del>124,593</del> <b>125,851</b>
Associate justices, superior court	\$ <del>116,806</del> <b>117,986</b>
District court justices prohibited from practice pursuant to RSA 502-A:21,	\$ <del>116,806</del> <b>117,986</b>
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$ <del>116,806</del> <b>117,986</b>

96 Boiler Inspection Fees; Increase. Amend RSA 157-A:3-a to read as follows:

157-A:3-a Charge for Inspection. The commissioner shall charge [~~\$45~~] **\$100** per hour [~~with a minimum charge of \$45;~~] for inspections performed by employees of the department of labor.

97 Boiler Inspection Fees; Increase. Amend RSA 157-A:9-a, I to read as follows:

I. Subsequent to the inspection of a boiler or pressure vessel, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the inspected object is certifiable and shall communicate the results of such inspection to the owner or the owner's designee. When an object passes inspection, the commissioner shall furnish an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of [~~\$25~~] **\$50** shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.

98 Elevator Inspection Fees; Increase. Amend RSA 157-B:5, I to read as follows:

I. Subsequent to the inspection of an elevator or accessibility lift, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the elevator or accessibility lift is certifiable and shall provide a copy of the inspection report to the owner or the owner's designee. When an elevator or accessibility lift passes inspection, the commissioner shall furnish an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of [~~\$25~~] **\$50** shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.

99 Elevator Inspection Fees; Increase. Amend RSA 157-B:9 to read as follows:

157-B:9 Installation of New Elevators and New Accessibility Lifts; Fees. Detailed plans or specifications of each new or altered elevator or accessibility lift shall be submitted to and approved by the commissioner or the commissioner's authorized representative before the construction of the elevator or accessibility lift may be started. Fee for examination of the plans or specifications is [~~\$2~~] **\$4** per \$1,000 of the valuation of the elevator or accessibility lift as covered by the blueprints. The minimum fee is [~~\$100~~] **\$200**.

100 Labor Enforcement; Increased Civil Penalties. Amend RSA 273:11-a, I to read as follows:

I. In addition to any criminal penalty provided under this title, the commissioner may, after hearing, impose a civil penalty not to exceed [~~\$1,000~~] **\$2,500**, as determined by the commissioner, for any violation of any of the provisions of this title or of any rule adopted pursuant to this title. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

101 Insurance Department; Insurance Fraud Prosecutor. 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, [~~and~~] a legal counsel, [~~who~~] **and an insurance fraud attorney, each of whom** shall serve at the pleasure of the commissioner during good behavior. The health care policy analyst, health care statistician, [~~and~~] legal counsel, **and insurance fraud attorney** shall perform such duties and exercise such powers as the commissioner may authorize.

102 Insurance Department; Salaries. Amend RSA 94:1-a, I by inserting the following in group FF:

FF	Insurance department	insurance fraud prosecutor
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103 New Paragraph; Division of Fire Safety; Administration of the Modular Building Standards Program Added. Amend RSA 21-P:12 by inserting after paragraph III the following new paragraph:

III-a. Administration of the modular building standards program under RSA 205-C.

104 New Paragraph; State Fire Marshal; Bureau of Electrical Safety and Licensing. Amend RSA 21-P:12 by inserting after paragraph V the following new paragraph:

VI. Administration, supervision, and enforcement of RSA 319-C regulating electricians. There is hereby established within the division of fire safety a bureau of electrical safety and licensing under the supervision of the state fire marshal, which shall include the electricians' board and staff.

105 Bureau of Electrical Safety and Licensing. RSA 319-C:4, IV is repealed and reenacted to read as follows:

IV. The board shall be within the bureau of electrical safety and licensing, division of fire safety, department of safety, administered and enforced by the state fire marshal.

106 Inspectors. Amend RSA 319-C:5, I to read as follows:

I. The state fire marshal **and the board**, with the ~~[advice and consent of the board]~~ **approval of the commissioner of safety**, shall be empowered to appoint such inspectors as may be necessary to carry out the purposes of this chapter. Any person so employed shall be ~~[located in the office of the state fire marshal and]~~ under the administration and supervisory direction of the state fire marshal.

107 Rulemaking By the Board. Amend the introductory paragraph of RSA 319-C:6-a to read as follows:

The board, **with the approval of the commissioner of safety**, shall adopt rules, pursuant to RSA 541-A, relative to:

108 Electricians; Fees. Amend RSA 319-C:6-b to read as follows:

319-C:6-b Fees. The board, **with the approval of the commissioner of safety**, shall establish fees for examination of applicants, for licensure, for renewal, and for late renewal of licenses to practice under this chapter, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year. **Fees collected shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-P:12-d, and used for the purposes of operating expenses of the electricians' board. Fees collected in excess of actual operating expenses shall be deposited in the general fund as unrestricted revenue.**

109 Disposition of Funds. RSA 319-C:11 is repealed and reenacted to read as follows:

319-C:11 Disposition of Funds. The state fire marshal shall cause to be recorded all receipts and disbursements under this chapter. The state fire marshal or designee shall forward all funds received under this chapter to the state treasurer for deposit in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

110 Department of Health and Human Services; Psychiatric Research Center. Funding in PAU 05-01-09-04-01, class line 94, shall be restricted to research and related services or activities approved by the commissioner of the department of health and human services, or designee. Such research and related activities or services shall be jointly determined by the commissioner of the department of health and human services or designee and the psychiatric research center of Dartmouth college and shall be designed to develop an integrated mental health care system to serve the mission and goals of New Hampshire hospital. The commissioner shall report annually to the fiscal committee of the general court regarding the purpose and benefits of funds expended through the psychiatric research center of Dartmouth college.

111 Department of Health and Human Services; Local Access Program; Lapse Extension. The appropriation made to the department of health and human services in 2003, 318:1, PAU 05-04-07, class 90, for the local access program is extended to June 30, 2007, and may be used by the department for administrative costs associated with the medicaid radiology prior authorization program.

112 New Hampshire Vaccine Association; Cost of Vaccines. Amend RSA 126-Q:4, III to read as follows:

III. For any year in which the total ~~[non-federal program cost exceeds 50 percent of the estimated vaccine cost, then the amount to be raised by the association shall be determined by multiplying the ratio of the number of covered lives to the total number of non-elderly New Hampshire residents by 50 percent of the estimated vaccine cost]~~ **calculated cost to be received is less than the anticipated cost for vaccines, the association shall pay the amount of the increase to the state.**

113 Department of Health and Human Services; Reporting Requirement for Area Agencies and Community Mental Health Centers. For the biennium ending June 30, 2007, each area agency designated by the commissioner of health and human services pursuant to RSA 171-A:18, and each community mental health program approved by the director of community mental health programs pursuant to RSA 135-C:10, shall submit a report to the commissioner, no later than June 1 of each year, detailing the administrative cost containment measures taken by the agency or program and the specific savings resulting from those measures. The commissioner shall forward copies of all such reports to the governor, the president of the senate, and the speaker of the house of representatives.

114 New Paragraph; Public Assistance Recovery. Amend RSA 167:14-a by inserting after paragraph II the following new paragraph:

II-a. The commissioner may recover the amount of medical assistance furnished to a dependent child from the child's responsible parents to the extent authorized under Title XXI of the Social Security Act. In such cases, the amount of assistance furnished and subject to reimbursement shall include, but not be limited to, expenditures for medical care and health insurance premiums and other expenditures paid by the state for enrollment or other fees for participation in the program.

115 New Section; Children's Health Plan; Eligibility. Amend RSA 167 by inserting after section 67 the following new section:

167:67-a Eligibility; Resources.

I. Eligibility for assistance shall be based in part on the equity value of all countable resources available to the assistance group.

II. The department shall establish resource limits for applicant and participant assistance groups by rules adopted pursuant to RSA 541-A.

III. All resources owned by any member of the assistance group shall be considered as countable, unless specifically excluded by paragraph IV.

IV. The following resources shall be excluded when determining eligibility for assistance:

- (a) The primary residence of the household.
- (b) One vehicle per parent or caretaker relative.
- (c) Resources less than \$250,000 belonging to and used solely by a business.
- (d) All household possessions.
- (e) Any resource that is not legally available to the assistance group.

116 New Paragraph; Medicaid Hospital Outpatient Rates. Amend RSA 126-A:3 by inserting after paragraph VI the following new paragraph:

VII. Medicaid Hospital Outpatient Services; Designation in Operating Budget. Notwithstanding any other provision of law to the contrary, beginning with the biennium beginning July 1, 2005 and continuing thereafter, the department shall designate in its operating budget requests specific class lines for hospital outpatient services. The department shall not increase expenditures in approved budgets for such outpatient services without prior approval and additional appropriations from the general court. If expenditures for any quarter exceed 25 percent of the annual appropriation, the department shall reduce the rates paid to providers for the subsequent quarter to offset the amount of any such deficit.

117 Department of Health and Human Services; Home Health Services Rate Setting Requirement Suspended. Notwithstanding any provision of law or administrative rule to the contrary, for the biennium ending June 30, 2007, RSA 126-A:18-a, relative to rate setting for home health services, is suspended.

118 Department of Health and Human Services; Infrastructure Support. The department of health and human services shall apply for federal funding to develop an electronic health information infrastructure that enables performance measurement, care coordination, and case management in the delivery of state-funded, health insurance services. As part of the electronic health information infrastructure, the department may, in conformance with the Health Insurance Portability and Accountability Act (HIPAA) requirements, enter into collaborative agreements with the department of insurance, private health insurance plans, hospitals, clinics, physician's offices, and other health care providers relative to the use of information technology as a means of cost containment and quality improvement in the delivery of such services.



119 Department of Health and Human Services; Healthy Kids Silver Program; Cap. Notwithstanding any other provision of law, for the biennium beginning July 1, 2005 and continuing thereafter, the department of health and human services shall not increase expenditures in approved budgets for the Healthy Kids Silver Program without prior approval and additional appropriations from the general court.

120 Appropriation to Revenue Stabilization Reserve Account; Suspension of Payments to Federal Medicare Program.

I. The commissioner of the department of administrative services shall deposit the sum of \$13,470,651 on July 1, 2005 and the sum of \$30,148,637 on July 1, 2006 into the revenue stabilization reserve account established by RSA 9:13-e.

II. For the biennium ending June 30, 2007, no payments shall be made to the federal Medicare program, unless a court has determined that the provisions of Medicare Part D enacted in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, popularly known as "the clawback," are constitutional.

121 Department of Health and Human Services; Care Management Pilot Program.

I. The department of health and human services shall establish and implement a care management pilot program that supports the efficient and effective delivery of primary and specialty care services focused on prevention and each client having a medical home. The department shall accomplish this through 2 complementary, strategies: (a) centrally managing the care of medicaid clients through a care coordination vendor, and (b) working to implement a provider-based primary care case management program, that incorporates pay-for-performance and holds providers accountable for health and financial outcomes.

II. The department shall explore the cost effectiveness of entering into an administrative service contract to provide comprehensive care coordination services for medicaid clients. The scope of services shall bridge financial and clinical management, and include, but not be limited to, the following:

(a) Coordination of the various existing contracts for disease management, case management, and utilization management.

(b) High cost, high complexity case management using predictive modeling and an individualized intervention plan.

(c) Linking patients and providers to various department programs and services to maximize efficiency and reduce redundancy. These services include public health programs, maternal and child health programs, immunization, home visiting, transportation, translation, prevention services for the elderly, and substance abuse treatment.

(d) Coordination of the primary medical care and mental health care of medicaid recipients.

III. The department shall explore the cost effectiveness of entering into contracts to establish a primary care case management methodology for reimbursing providers that holds providers accountable for health and financial outcomes. Such contracts could be made directly with various provider organizations or sub-contracted with providers through an administrative services organization. Primary care case management shall include, but not be limited to:

(a) Establishment of a medical home for medicaid clients. To facilitate greater access to preventive care, and more appropriate utilization of specialty services, each enrollee shall choose or be assigned a primary care provider. Patient education programs, after hours nurse support and triage systems, and recipient incentives may be provided to support the implementation of a medical home.

(b) Increase the utilization of evidence-based medicine and preventive services.

(c) Explore the feasibility of implementing a pay-for-performance reimbursement methodology.

IV. Not later than December 31, 2007, the commissioner shall submit to the president of the senate, the speaker of the house of representatives, and the governor a report describing the results of the pilot project. The report shall include:

(a) Information regarding:

(1) recipient and provider satisfaction;

(2) recipient access to primary and specialty care services;

(3) recipient outcomes, including health status improvement; and



(4) the fiscal impact to political subdivisions of this state in the areas in which the pilot project is implemented, including any cost savings realized by those entities from the implementation.

(b) Recommendations on whether to implement the pilot project on a state-wide basis.

V. If before implementing any provision of this section the commissioner determines that a waiver or other authorization from a federal agency is necessary for implementation of that provision, the department shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted. The state shall enter into Medicaid waivers from the federal Centers for Medicare and Medicaid Services, subject in each case to a review by the oversight committee on health and human services, established in RSA 126-A:13, which shall make a report to the legislative fiscal committee which shall have final approval authority.

122 Department of Revenue Administration and Department of Health and Human Services; Memorandum of Understanding Relative to Information Exchange. The commissioner of the department of revenue administration shall enter into a memorandum of understanding with the commissioner of the department of health and human services for the purpose of defining and implementing an information exchange to facilitate the eligibility determination and recovery of public assistance. The memorandum of understanding shall include staff training procedures, security and privacy criteria, requirements for employees who work with the information, and the conditions and methods upon which information shall be provided to the department of health and human services.

123 Department of Health and Human Services; Medical Education Payments. For the biennium ending June 30, 2007, the department of health and human services shall suspend payments for indirect medical education in PAU 05-01-02-01-05, class 90 and PAU 05-01-08-04-01, class 98.

124 Department of Health and Human Services; Residential Services; Rate Setting Requirement Suspended. Notwithstanding any provision of law or administrative rule to the contrary, for the biennium ending June 30, 2007, He-C 6422, relative to the residential child care facilities rate setting, is suspended.

125 Department of Health and Human Services; Integration of Medical and Mental Health Care of Medicaid Recipients.

I. The department of health and human services shall explore strategies to integrate the medical care and mental health care of its Medicaid recipients including the following:

(a) Location of a mental health provider within a primary care setting to provide on-site assessment and treatment, or location of a primary care provider within a mental health setting.

(b) Disease management for individuals with severe mental illness including identification of those with severe mental illness and chronic diseases such as diabetes and heart and lung disease, the provision of nurse case management within community mental health centers to coordinate and monitor health care, and the provision of patient education and skills training in illness self-management.

(c) Enhanced collaboration between community mental health centers and community health centers.

II. The department of health and human services shall seek appropriate federal waivers or authority from the Centers for Medicare and Medicaid Services and the Health Resources and Services Administration, United States Department of Health and Human Services. The department of health and human services shall additionally establish a system to track claims data from primary care and mental health venues to measure cost offset and total cost.

126 New Chapter; Pharmaceutical Marketing Disclosure. Amend RSA by inserting after chapter 5-C the following new chapter:

CHAPTER 5-D  
PHARMACEUTICAL MARKETING DISCLOSURE

5-D:1 Definitions. In this chapter:

I. "Clinical trial" means an approved clinical trial conducted in connection with a research study designed to answer specific questions about vaccines, new therapies, or new ways of using known treatments.

II. "Pharmaceutical marketer" means a person who, while employed by or under contract to represent a pharmaceutical manufacturing company, engages in pharmaceutical detailing, promotional activities, or other marketing of prescription drugs in this state to any physician, hospital, nursing home, pharmacist,

health benefit plan administrator, or any other person authorized to prescribe, dispense, or purchase prescription drugs. The term shall not include a wholesale drug distributor or the distributor's representative who promotes or otherwise markets the services of the wholesale drug distributor in connection with a prescription drug.

III. "Pharmaceutical manufacturing company" means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drugs, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or any entity engaged in the packaging, re-packaging, labeling, relabeling, or distribution of prescription drugs. The term shall not include a wholesale drug distributor or pharmacist licensed under this chapter.

IV. "Trade secret information" includes but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it.

#### 5-D:2 Pharmaceutical Marketers.

I.(a) Annually on or before January 1 of each year, every pharmaceutical manufacturing company shall disclose to the secretary of state the value, nature, and purpose of any gift, fee, payment, subsidy, or other economic benefit provided in connection with detailing, promotional, or other marketing activities by the company, directly or through its pharmaceutical marketers, to any physician, hospital, nursing home, pharmacist, health benefit plan administrator, or any other person in this state authorized to prescribe, dispense, or purchase prescription drugs. Disclosure shall be made on a form and in a manner prescribed by the secretary of state. The secretary of state shall provide to the office of the attorney general complete access to the information required to be disclosed under this subparagraph. The secretary of state shall report annually on the disclosures made under this section to the general court and the governor on or before March 1.

(b) Each company subject to the provisions of this section shall also disclose to the secretary of state, on or before January 1, 2006 and annually thereafter, the name and address of the individual responsible for the company's compliance with the provisions of this section.

(c) The secretary of state shall keep confidential all trade secret information. The disclosure form prescribed by the secretary of state shall permit the company to identify any information that is a trade secret.

(d) The following shall be exempt from disclosure:

- (1) Free samples of prescription drugs intended to be distributed to patients.
- (2) The payment of reasonable compensation and reimbursement of expenses in connection with bona fide clinical trials.
- (3) Any gift, fee, payment, subsidy, or other economic benefit the value of which is less than \$25.
- (4) Scholarship or other support for medical students, residents, and fellows to attend a significant educational, scientific, or policy-making conference of a national, regional, or specialty medical or other professional association if the recipient of the scholarship or other support is selected by the association.

II. The attorney general may bring an action in superior court for injunctive relief, costs, and attorneys fees, and to impose on a pharmaceutical manufacturing company that fails to disclose as required under this section a civil penalty of no more than \$10,000 per violation. Each unlawful failure to disclose shall constitute a separate violation.

127 New Section; Department of Revenue Administration; Sham Transactions May Be Disregarded. Amend RSA 21-J by inserting after section 38 the following new section:

#### 21-J:38-a Sham Transactions May Be Disregarded.

I. The commissioner may disregard any sham transaction in ascertaining any taxpayer's tax liability. With respect to transactions between members of a controlled group, the taxpayer shall bear the burden of establishing by a preponderance of the evidence that a transaction or a series of transactions between the taxpayer and one or more members of the controlled group was not a sham transaction. For all other taxpayers, the commissioner shall bear the burden of establishing by a preponderance of the evidence that a transaction or series of transactions was a sham transaction.

II. In administering any tax, the commissioner may apply the doctrines of economic reality, substance over form, and step transaction.

III. The commissioner may adopt rules under RSA 541-A that are necessary to administer this section, including rules establishing criteria for identifying sham transactions.

IV. In this section:

(a) "Controlled group" means 2 or more person related in such a way that one person directly or indirectly owns or controls the business operation of another member of the group.

(b) "Sham transaction" means a transaction or series of transactions without economic substance because there is no business purpose or expectation of profit other than obtaining tax benefits.

(c) "Tax" includes any tax administered by the commissioner.

(d) "Taxpayer" includes any person or entity subject to a tax.

128 Senior Prescription Drug Discount Program; Transfer of Certain Funds Authorized. The commissioner of the department of health and human services may transfer funds collected from the medicaid supplemental prescription rebate program beyond those currently projected not to exceed \$1,200,000 to offset the administrative, marketing, and contract costs of implementing the New Hampshire Rx program, if such program is enacted by the general court. Such authorization shall continue until such time as the New Hampshire Rx plus program rebates funding is received. The New Hampshire Rx plus rebates shall first be used to repay funds transferred from the medicaid supplemental rebate program, and then according to the allowable expenses specified under the New Hampshire Rx plus program.

129 Tobacco Tax; Definition of Tobacco Products; Tax Imposed on Loose Tobacco and Tobacco Products Other Than Cigarettes.

I. Amend RSA 78:1, XIV to read as follows:

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

II. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on *Loose Tobacco and* Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on *loose tobacco and* tobacco products other than cigarettes at a rate of 19 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.

130 New Paragraph; County Nursing Facility Beds; Certificate of Need Requirement Eliminated. Amend RSA 151-C:6 by inserting after paragraph III the following new paragraph:

IV. Any county that surrenders the license for a bed at a county-owned nursing facility may at any time in the future reestablish and relicense that bed at the same facility without being subject to any requirement for a certificate of need pursuant to this chapter.

131 Tax Amnesty. Notwithstanding the provisions of any other law, with respect to real estate transfer taxes under RSA 78-B administered by the department of revenue administration, an amnesty from the assessment or payment of all penalties and interest greater than 10 percent per annum shall apply with respect to unpaid taxes reported and paid in full during the period from December 1, 2005, through and including February 15, 2006, regardless of whether previously assessed. This amnesty shall only apply to taxes due but unpaid on or before February 15, 2006.

132 Repeal. RSA 82-A:5, relative to the communications tax exemption for the first \$12 of a residential customer's telephone service charge, is repealed.

133 Effective Date.

I. Paragraph II of section 18 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Sections 6, 53, and 111 of this act shall take effect June 30, 2005.

III. Sections 73, 76, 79, 82, 85, 88, 91, and 92 of this act shall take effect July 8, 2005.

IV. Sections 68, 74, 77, 80, 83, 86, and 89 of this act shall take effect January 6, 2006.

V. Sections 69, 75, 78, 81, 84, 87 and 90 of this act shall take effect July 7, 2006.

VI. Section 126 of this act shall take effect January 1, 2006.

VII. The remainder of this act shall take effect July 1, 2005.

**2005-1794s**

AMENDED ANALYSIS

This bill:

I. Authorizes the office of information technology to transfer funds within and among all PAU's within the office, with the approval of the fiscal committee, for the biennium ending June 30, 2007.

II. For the biennium ending June 30, 2007, allows the department of fish and game, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

III. Prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

IV. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2007.

V. Provides that, for the biennium ending June 30, 2007, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

VI. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.

VII. Provides that, for the biennium ending June 30, 2007, revenue generated by the liquor commission shall be deposited in the general fund.

VIII. Provides that in each year of the biennium ending June 30, 2007, all tobacco settlement funds received by the state shall be deposited in the education trust fund, and the balance of the tobacco use prevention fund as of June 30, 2005 shall lapse to the general fund.

IX. Establishes a \$4,000 cap on community mental health services benefits available to persons identified as adults with low service utilization of such services, and requires the department to establish, by rule, a procedure to waive the financial cap.

X. Extends the current funding formula relative to county nursing homes and proportionate share payments to July 1, 2007, and provides that, in calculating such expenditures, pharmaceutical services include the Medicare prescription drug benefit.

XI. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$50,000 be approved by the joint legislative fiscal committee.

XII. Increases the local medical assistance contribution from counties.

XIII. Establishes the judicial branch family division.

XIV. Appropriates federal emergency assistance funds to the department of transportation.

XV. Defines a family mutual support organization as a nonprofit corporation that provides certain assistance to families and individuals with mental illness.

XVI. Requires that the oversight committee on health and human services include a member of the house finance committee and a member of the senate finance committee.

XVII. Provides that for the biennium ending June 30, 2007, interest income on appropriations to the land and community heritage investment program (LCHIP) fund shall be deposited in the LCHIP administrative fund.

XVIII Increases motor vehicle fines.

XIX. Provides that the budget surplus as of June 30, 2005 shall remain in the general fund.

XX. Requires the commissioner of the department of transportation to implement the regional electronic toll collection system on September 1, 2005.

XXI. Discontinues the sale of tokens on September 1, 2005 and the collection of tokens on January 1, 2006.

XXII. Establishes discounts for passenger and commercial vehicles using the regional electronic toll collection system.

XXIII. Increases the tobacco tax.

XXIV. Provides for the rehiring of laid off state employees for available state positions.

XXV. Allows the lottery commission to deduct instant ticket delivery fees deducted from lottery receipts.

XXVI. Establishes the position and salary of finance director for the department of transportation.

XXVII. Establishes a 2-year pilot program and a committee on investment of state highway mitigation funds for the purposes of natural, cultural, and historical resource conservation, consistent with the land and community heritage investment program.

XXVIII. Reduces the minimum reserve required for the state self-insured health insurance plan.

XXIX. Establishes an indirect cost recovery program under the department of administrative services.

XXX. Allows the commissioner of an agency that is affected by an employee classification decision made by the director of personnel to appeal such decision to the commissioner of administrative services.

XXXI. Establishes salaries for law enforcement employees.

XXXII. Establishes salaries for councilors and commissioners, judges, unclassified employees, and judicial and legislative employees.

XXXIII. Provides for the department of regional community-technical colleges to acquire or lease certain property from the Pease development authority. The bill also provides that proceeds from the sale or lease shall be used to reduce the authority's debt owed to the state.

XXXIV. Increases judicial salaries.

XXXV. Increases inspection fees for elevators and boilers, and increases civil penalties for violations of labor statutes.

XXXVI. Establishes the position and salary of the insurance fraud attorney in the insurance department.

XXXVII. Adds administration of the modular building standards program to the responsibilities of the state fire marshal.

XXXVIII. Establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state fire marshal.

XXXIX. Establishes restrictions on certain appropriations for community mental health services.

XL. Extends a prior appropriation to the department of health and human services for a local access program.

XLI. Requires the New Hampshire vaccine association to pay to the state the amount of the increase in any year in which the total calculated cost to be received is less than the anticipated cost for vaccines.

XLII. Requires the area agencies and community mental health programs to submit a cost containment report to the department of health and human services for each year of the biennium.

XLIII. Allows the commissioner of the department of health and human services to recover assistance costs furnished to children from the children's parents, and establishes eligibility criteria for the children's health plan.

XLIV. Requires the department of health and human services to designate in its operating budget specific class lines for medicaid hospital outpatient services.

XLV. Suspends existing law relative to rate setting for home health services.

XLVI. Authorizes the department of health and human services to apply for federal funding to establish an electronic health information infrastructure and to enter into collaborative agreements with other departments and entities relative to the expanded use of information technology.



XLVII. Prohibits the department of health and human services from increasing expenditures for the Healthy Kids Silver program without additional appropriations from the general court.

XLVIII. Requires the commissioner of administrative services to deposit certain sums in the revenue stabilization reserve account. The bill also suspends payments by the state to the federal Medicare program, unless a court determines that provisions of Medicare Part D, popularly known as “the clawback” are constitutional.

XLIX. Establishes a care management pilot program for medicaid clients in the department of health and human services.

L. Requires the department of health and human services and the department of revenue to enter into a memorandum of understanding relative to information exchanged between the 2 agencies for purposes of public assistance eligibility and recovery.

LI. Suspends certain payments for indirect medical education for the biennium ending June 30, 2007.

LII. Suspends administrative rules relative to residential child care facility rate setting.

LIII. Requires the department of health and human services to explore strategies to integrate the medical care and mental health care of its medicaid recipients.

LIV. Requires the disclosure of pharmaceutical marketing to the secretary of state, and provides a civil penalty for failing to disclose.

LV. Authorizes the commissioner of revenue administration to disregard sham transactions for purposes of assessing tax liability and shifts the burden of proof in determining whether a transaction is a sham based on the parties involved.

LVI. Authorizes the commissioner of the department of health and human services to transfer funds collected from the medicaid supplemental rebate program for the purposes of start-up costs for the New Hampshire Rx plus program, if such program is enacted by the general court.

LVII. Imposes the same tax on loose tobacco as is currently imposed on tobacco products other than cigarettes.

LVIII. Allows any county that surrenders the license for a bed at a county-owned nursing facility to reestablish and relicense that bed at the same facility without meeting certificate of need requirements.

LIX. Provides for an amnesty period on payment of penalties and interest on unpaid real estate transfer taxes owed to the state.

LX. Repeals the communications tax exemption for the first \$12 of a residential customer’s monthly telephone bill.

## **Health and Human Services**

**June 2, 2005**

**2005-1786s**

**01/10**

### **Amendment to HB 173**

Amend the bill by replacing sections 4 and 5 with the following:

4 Food Service Licensure; Definition. Amend RSA 143-A:3, V to read as follows:

V. “Occasional food service establishment” means any food service establishment ~~[operated by a private or public organization or institution, whether profit or nonprofit, which prepares food or drink for sale or for service, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge, no more than 96 hours at no fewer than 3 hours a day during a 30-day period]~~ **where food is served or provided for the public on the premises of the establishment, whether or not there is a charge for such food, no more than 4 days during a 30-day period. Any part of a day shall be considered one full day for the purposes of this definition.**

**V-a. “Occasional food service events” means events which are not regularly scheduled where food is provided to participants such as extracurricular school events, non-profit sporting events, and periodic events sponsored by religious or nonprofit organizations.**



5 Exemptions. Amend the introductory paragraph of RSA 143-A:5 to read as follows:

The following establishments ***and events*** shall be exempt from licensure under this chapter:

6 Exemptions. Amend RSA 143-A:5, III to read as follows:

III. Temporary food service establishments and occasional food service establishments ***and occasional food service events*** which are not under the jurisdiction of city or town health officers under RSA 147:1 and RSA 47:17.

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

**2005-1786s**

#### AMENDED ANALYSIS

This bill:

I. Amends the definition of “shellfish” to be in compliance with the U.S. Food and Drug Administration's model shellfish ordinance.

II. Corrects a reference which is no longer applicable to food safety classes.

III. Clarifies the definition of occasional food service establishment in the food service licensure statute.

IV. Adds an exemption from licensure for occasional food service events.

#### **Energy and Economic Development**

**June 1, 2005**

**2005-1758s**

**03/04**

#### **Amendment to HB 185**

Amend subparagraph I(b) of section 2 of the bill by replacing it with the following:

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

Amend the bill by replacing section 4 with the following:

4 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. Three members of the committee shall constitute a quorum.

#### **Senate Finance**

**May 27, 2005**

**2005-1681s**

**06/01**

#### **Amendment to HB 215-FN**

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

#### **Energy and Economic Development**

**May 31, 2005**

**2005-1741s**

**06/09**

#### **Amendment to HB 279**

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

AN ACT relative to the classification of Spofford Lake in Chesterfield, New Hampshire and exempting swimming rafts from regulation by the department of safety.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Rulemaking and Enforcement. Amend RSA 270:11 to read as follows:

270:11 Rulemaking and Enforcement.

*I.* The commissioner of safety, consistent with the policy of this chapter, shall adopt rules under RSA 541-A relative to the following:

[F:](a) Required equipment of all boats, including rafts and floats of whatever kind, operated or used on any public waters of the state.

(b) The operation of all boats, including rafts and floats of any kind, operated or used on any public waters of the state.

(c) The classification, examination, and certification of captains, masters, engineers, and pilots of all boats operated or used on any public waters of the state.

(d) A recommended uniform fine schedule for any boating violations, which shall be submitted to the supreme court for their use under RSA 502-A:19-b, V.

II. The commissioner shall enforce the provisions of this chapter and the rules adopted under this section.

III. In the enforcement of this chapter and the rules adopted under this section, the commissioner and [his] *the commissioner's* duly authorized representatives shall have the powers of a peace officer in any county of the state.

***IV. For purposes of paragraph I, "raft" shall not include a stationary raft which is moored to the bottom of a body of water and used primarily for activities related to swimming.***

**2005-1741s**

#### AMENDED ANALYSIS

This bill changes the classification of Spofford Lake and its tributaries in Chesterfield, New Hampshire to Class A. This bill also exempts swimming rafts from the rulemaking authority of the commissioner of safety.

#### **Transportation and Interstate Cooperation**

**June 2, 2005**

**2005-1785s**

**03/01**

#### **Amendment to HB 326**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Equipment of Vehicles; Prevention of Noise; Exhaust Modifications. Amend RSA 266:59 by inserting after paragraph III the following new paragraph:

IV. No person shall operate a motor vehicle with a straight pipe exhaust system; "straight pipe exhaust system" means any straight-through exhaust system that does not contain baffles or otherwise does not meet the definition of muffler in RSA 259:66. Any person who violates the provisions of this paragraph shall be guilty of a violation and shall be fined not less than \$100 for a first offense, not less than \$250 for a second offense in a calendar year, and not less than \$500 for a third or subsequent offense in a calendar year.

**2005-1785s**

#### AMENDED ANALYSIS

This bill clarifies that a person may not operate a motor vehicle with a straight pipe exhaust system. This bill also establishes fines for operating a motor vehicle with a straight pipe exhaust system and for exceeding permissible motorcycle noise levels.

#### **Banks and Insurance**

**May 24, 2005**

**2005-1571s**

**06/05**

#### **Amendment to HB 350**

Amend RSA 275:51,V as inserted by section 2 of the bill by replacing it with the following:

V. [~~If an employee elects to file a wage claim under this section, the wage claim must be filed with the department no later than 18]~~ ***A wage claim may be filed by an employee or by the department on its***

**own motion no later than 36** months from the date **the** wages were due. The commissioner shall notify the employer by serving upon the employer a copy of such claim and an order to file with the commissioner within 10 days from the receipt of such notice any objections to such claim specifying the grounds therefor. Service may be by certified mail with return receipt. If objection is not made within 10 days, the commissioner may order that payment be made in accordance with the claim. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross-examine opposing witnesses. Any party, at the party's own expense, may cause a record to be made of the hearing. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. If wages are found to be due, an order for payment shall issue. Any party aggrieved by the decision may appeal to the superior court not later than 20 days from the date thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by the superior court shall be limited to questions of law. After hearing and upon consideration of the record, the court may affirm, vacate or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings. In the absence of a seasonable appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at the request of the prevailing party, may be enforced as a judgment of the court, and shall be a lien upon the property of the employer situated in the state for a period of 3 years from the time of the decision. It is a requirement of this chapter for purposes of RSA 275:52 that a final order be immediately satisfied by the employer.

Amend the bill by replacing section 3 with the following:

3 New Subparagraphs; Withholding of Wages; Deductions Allowed. Amend RSA 275:48, I by inserting after subparagraph (d)(2) the following new subparagraphs:

(3) Voluntary installment payments of legitimate loans made by the employer to the employee as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(4) Voluntary payments for the recovery of accidental overpayment of wages when the following conditions are met:

(A) The recovery is agreed to in writing.

(B) The deduction for the overpayment begins one pay period following the date the parties execute the written agreement.

(C) The written agreement specifies:

(i) The date the recovery of the overpayment will begin and end.

(ii) The amount to be deducted, which shall be agreed upon by the employer and the employee but which shall, in no event, be more than 20 percent of the employee's gross pay in any pay period.

(iii) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(5) Voluntary payments for the recovery of tuition for non-required educational costs paid by the employer for the employee to an educational institution when the specific deduction is authorized in writing prior to the deduction as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 5 and 6, respectively:

4 New Subparagraph; Withholding of Wages; Deduction From Final Wages at Termination. Amend RSA 275:48, I by inserting after subparagraph (d) the following new subparagraph:

(e) The employer has a written request from the employee, made at the time of the original request without coercion or pressure, that authorizes the employer to deduct from the employee's final wages at the termination of employment any amount the employee may owe for voluntary payments for vacation pay, paid time off pay, earned time pay, personal time pay, annual pay, sick pay, sick dependent pay, and bereavement pay made pursuant to a written employment policy as required by RSA 275:49, III, when the payments have been requested and paid to the employee in advance of eligibility.

**Senate Education**

**May 31, 2005**

**2005-1723s**

**04/09**

**Amendment to HB 406**

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

AN ACT relative to procedural requirements for initiating and continuing home education programs.

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

1 Home Education; Procedural Requirements. Amend RSA 193-A:5, I-II to read as follows:

I. Any parent [~~commencing~~] ***initiating or continuing*** a home education program for a child, for a child who withdraws from a public school, or for a child who moves into a school district shall notify the commissioner of education, resident district superintendent, or principal of a nonpublic school of such [~~within~~] ***at least 30 days before the program start date and at least 30 days before the start of any following school year in which the program continues. Notification shall include a list of the names, addresses, and birth dates of all children participating in the home education program.*** Subject to the provisions of RSA 193-A:7, I, ***and, if applicable, paragraph II of this section,*** the commissioner of ***the department of*** education shall acknowledge in writing that the parent shall be permitted to initiate ***or continue*** a home education program for a child enrolled in a public or nonpublic school if the program meets the minimum definitional and educational requirements as provided in RSA 193-A:4, I and paragraph II of this section.

II. [~~Notification made by the parent pursuant to paragraph I shall include a list of the names, addresses, and birth dates of all children who are participating in the home education program and~~] ***For any parent who has not previously received permission from the commissioner of the department of education to initiate a home education program for any child, such permission shall be contingent upon the program meeting the minimum definitional and educational requirements provided in RSA 193-A:4, I. To assist in this determination, notification under paragraph I shall include a list and description*** of the subjects to be taught each child in accordance with RSA 193-A:4, I. A description of such subjects shall also be provided which shall include:

(a) The name of an established correspondence school used, if any;

(b) The name of an established commercial curriculum provider used, if any;

(c) A table of contents or other material which outlines the scope of and instructional sequence for each subject, or both; and

(d) A list of textbooks or other instructional materials used.

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

**2005-1723s**

**AMENDED ANALYSIS**

The bill also requires a parent initiating a home education program to submit a list of subjects to be taught, and requires a parent initiating or continuing a home education program to provide notice annually.

**Senate Finance**

**June 1, 2005**

**2005-1775s**

**06/01**

**Amendment to HB 433-FN-A**

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

AN ACT relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor and relative to the location of certain boat docks.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Excavating and Dredging Permit; Certain Exemptions; Docks. Amend RSA 482-A:3, XIII(c) to read as follows:

(c) Notwithstanding the provisions of subparagraph (a), boat docking facilities may be located closer than 20 feet from an abutter's property line in ***both tidal and*** non-tidal waters [~~and 20 feet in tidal waters~~], if the owner of the boat docking facility obtains the written consent of the abutting property owner. Such consent shall be signed by all parties, notarized and filed with the dock application with the department of environmental services. ***Upon request of the property owner seeking the boat docking facility, the commissioner may waive the requirement of the abutter's written consent after a finding of good cause. The request for waiver shall be made in writing to the commissioner and state the specific basis upon which the waiver is requested. The commissioner shall not waive the requirement of the abutter's written consent with respect to property developed for condominium ownership pursuant to RSA 356-B.***

**2005-1775s**

#### AMENDED ANALYSIS

This bill appropriates \$1 for 2 plans, one for public access and recreational use and the other for road management in the Connecticut Lakes headwaters working forest.

This bill also authorizes the commissioner of environmental services to allow the location of a boat dock within 20 feet of a property line without an abutter's consent if the commissioner finds good cause.

**Senate Finance**

**June 1, 2005**

**2005-1759s**

**05/04**

#### **Amendment to HB 450-FN-A**

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

AN ACT extending the commission to study child support and related child custody issues.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

**2005-1759s**

#### AMENDED ANALYSIS

This bill extends the commission to study child support and related child custody issues established in 2003, 277.

**Senate Finance**

**June 1, 2005**

**2005-1765s**

**03/09**

#### **Amendment to HB 460-FN**

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

1 Enhanced 911 System; Coordination by Provider of Telephone Service; Reimbursement. Amend RSA 106-H:8 to read as follows:

106-H:8 Coordination by Provider of Telephone Service.

***I.*** Every telephone utility authorized to do business in the state pursuant to RSA 374:22, I and every entity which provides commercial mobile radio service, as defined in 47 C.F.R. 20.3, and required by the Federal Communications Commission to provide 911 service, shall make available the universal emergency telephone number 911 for use by the public in seeking assistance from fire, police, and other related safety agencies through a single public safety answering point. Each telephone service provider shall assure that all requests for police, fire, medical, or other emergency services received by the provider or the provider's

operator services shall be transferred to the public safety answering point. Such transfer shall include the calling party's telephone number in American Standard Code for Information Interchange (ASCII) in a format recommended for data exchange by the National Emergency Number Association (NENA).

**II.** For purposes of implementing this chapter, any provider of commercial mobile radio service shall be entitled to reimbursement from the bureau of the reasonable expenses incurred ***prior to the effective date of this paragraph*** to accomplish the provision of enhanced 911 service to the extent authorized by the Federal Communications Commission and approved by the enhanced 911 commission. The bureau may utilize the services of any other state agency or a consultant to assist in reviewing the requested reimbursement to insure that it is reasonable and may seek recovery of the expense of that review from the provider.

2 Review of Claims. The enhanced 911 commission shall approve and the bureau, as defined in RSA 106-H:2, III, shall pay, in a timely fashion, all reimbursement claims filed under RSA 106-H:8, II by providers of commercial mobile radio service for reasonable expenses incurred prior to the effective date of RSA 106-H:8, II to which the providers are entitled.

3 Effective Date. This act shall take effect 30 days after its passage.

**2005-1765s**

#### AMENDED ANALYSIS

This bill limits the reimbursement to providers of commercial mobile radio service by the bureau of emergency communications to expenses incurred prior to the effective date of this act.

#### **Banks and Insurance**

**May 24, 2005**

**2005-1583s**

**01/09**

#### **Amendment to HB 490**

Amend RSA 359-C:5, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. This section is not intended to prevent a financial institution from disclosing to the county attorney or the attorney general, ***or either of their authorized designees***, the financial or credit records of a customer ***or any other person***, or the information contained therein when the director, officer, employee or agent of the financial institution has reasonable cause to believe the customer, ***or other person***, is utilizing the services of the institution to defraud the institution or any other person.

#### **Senate Finance**

**June 2, 2005**

**2005-1801s**

**09/05**

#### **Amendment to HB 539-FN-A-LOCAL**

Amend RSA 227-M:8, III as inserted by section 1 of the bill by replacing it with the following:

III. Financial assistance to eligible applicants shall be provided through grants and block grants (grants to another organization for re-granting) ***and loans. Up to 50 percent of financial assistance provided each year may be provided through loans. Principal and interest paid on such loans shall be deposited in the trust fund for the New Hampshire land and community heritage investment program established in RSA 227-M:7.*** Financial assistance may only be expended on eligible resources for the following purposes:

#### **Banks and Insurance**

**May 24, 2005**

**2005-1577s**

**09/04**

#### **Amendment to HB 542**

Amend the bill by replacing section 14 with the following:

14 Discretionary Trusts; Effect of Standard. Amend RSA 564-B:5-504(c)-(d) to read as follows:

(c) To the extent a trustee has not complied with a standard of distribution or has abused a discretion:



(1) a distribution may be ordered by the court to satisfy a judgment or court order against the beneficiary for support of the beneficiary's child or for alimony for the beneficiary's spouse[-] or former spouse; and

(2) the court shall direct the trustee to pay to the child, spouse, or former spouse such amount as is equitable under the circumstances but not more than the amount the trustee would have been required to distribute to or for the benefit of the beneficiary had the trustee complied with the standard or not abused the discretion[-] **and with respect to alimony, only for and to the extent that the judgment or court order expressly specifies the alimony amount attributable to the most basic food, shelter and medical needs of the spouse or former spouse.**

(d) [~~This section~~] **Subsection (b)** does not limit the right of a beneficiary to maintain a judicial proceeding against a trustee for an abuse of discretion or failure to comply with a standard [~~for~~] **of** distribution.

**(e) A creditor or assignee of a beneficiary may not compel a distribution to the beneficiary solely because the beneficiary is a trustee if the trustee's discretion is limited by an ascertainable standard related to the beneficiary's health, education, maintenance, or support or if the beneficiary-trustee's discretion is exercisable only with the consent of a cotrustee or another person holding an adverse interest. Under such circumstances, the creditor or assignee may compel a distribution only to the extent the creditor or assignee otherwise may compel a distribution were the beneficiary not acting as trustee or cotrustee.**

**Senate Judiciary  
May 31, 2005  
2005-1747s  
04/09**

#### **Amendment to HB 558**

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

1 Sexual Assault and Offenses; Sexual Assault. Amend RSA 632-A:4, I-II to read as follows:

I. A person is guilty of a class A misdemeanor under any of the following circumstances:

(a) When the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2.

**(b) When the actor subjects another person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age to sexual contact where the age difference between the actor and the other person is 5 years or more.**

[~~(b)~~] (c) In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 3 years or less.

II. A person found guilty under subparagraph [~~I(b)~~] **I(c)** of this section shall not be required to register as a sexual offender under RSA 651-B.

2 Registration of Criminal Offenders; Definition of "Sexual Offender." Amend RSA 651-B:1, III(a) to read as follows:

(a) RSA 632-A:2, 632-A:3, 632-A:4, I(a), **632-A:4, I(b) if the actor was 21 years of age or older at the time of the offense**, 645:1, II, or 645:1, III; or

3 Effective Date. This act shall take effect January 1, 2006.

**Senate Finance  
June 2, 2005  
2005-1796s  
04/09**

#### **Amendment to HB 616-FN-LOCAL**

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

AN ACT relative to education funding.

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

1 Commissioner's Warrant. Amend RSA 76:8 to read as follows:

### 76:8 Commissioner's Warrant.

I.(a) The commissioner shall annually determine a municipality's tax base for the statewide [enhanced] education tax by subtracting from the total equalized valuation of all property, as determined under RSA 21-J:3, XIII for the preceding year, property that was then taxable under RSA 82 and RSA 83-F. In determining the tax base, the value of any utility property that was not taxable under RSA 83-F in the preceding year but is taxable under RSA 83-F in the current year shall also be subtracted, provided the sum value represents at least 5 percent of the total equalized value of all property, except property taxable under RSA 82 or RSA 83-F in the preceding year.

(b) The commissioner shall calculate the portion of the statewide [enhanced] education tax to be raised by each municipality by multiplying the uniform education property tax rate by the municipality's tax base.

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

III. Municipalities are authorized to assess local property taxes necessary to fund school district appropriations not funded by the statewide [enhanced] education tax, by distributions from the education trust fund under RSA 198:39, or by other revenue sources.

2 Apportionment, Assessment, and Abatement of Taxes; Commissioner's Report. Amend RSA 76:9 to read as follows:

76:9 Commissioner's Report. The commissioner of revenue administration shall report to the governor, the speaker of the house of representatives, the president of the senate, and the commissioner of education each year on or before October 1, a statement of the statewide [enhanced] education tax warrants to be issued for the tax year commencing April 1 of the succeeding year.

3 School Money; Definitions. RSA 198:38, is repealed and reenacted to read as follows:

198:38 Definitions. In this subdivision:

I. "Average per pupil adequacy cost" means the amount as determined in accordance with RSA 198:40.

II. "Average daily membership in attendance" means average daily membership in attendance, as defined in RSA 189:1-d, III, as of September 30th of the second school year preceding the year in which the calculation is made.

III. "Average daily membership in residence" means the average daily membership in residence, as defined in RSA 189:1-d, IV, as of September 30th of the second school year preceding the year in which the calculation is made, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

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

V. "Educationally disabled child" means an educationally disabled child, as defined in RSA 186-C:2, I, as of September 30<sup>th</sup> of the second school year preceding the year in which the calculation is made.

VI. "Elementary school" means a school with any of the grades kindergarten through 8.

VII. "Municipality" means a city, town, or unincorporated place.

VIII. "School district" means school district as defined in RSA 194:1 or RSA 195:1.

IX. "Targeted aid" means the amount calculated for a municipality in accordance with RSA 198:41.

4 School Money; Average Per Pupil Adequacy Cost. Amend RSA 198:40, I(d) to read as follows:

(d) [~~For each biennium~~] **For the fiscal year** beginning July 1, 2005 [~~and every biennium thereafter~~], the average per pupil adequacy cost calculated for the previous biennium shall be multiplied by **the sum of one plus 2** times the average annual percentage rate of inflation, **expressed as a decimal**, for the immediately preceding 4 calendar years based on the northeast region consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor.

***(e) For the fiscal year beginning July 1, 2006, and every fiscal year thereafter; the average per pupil adequacy cost calculated for the previous fiscal year shall be multiplied by the sum of one plus the average annual percentage rate of inflation, expressed as a decimal, for the immediately preceding 4 calendar years based on the northeast region consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor.***

5 School Money; Targeted Aid. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Targeted Aid; Determination of Adequate Education Grants. In order to provide sufficient funding for each school district to furnish a constitutionally adequate education, in addition to funding from the statewide education tax, additional targeted aid shall be available to municipalities as follows:

I. A municipality with an equalized assessed valuation per pupil of less than 150 percent of the statewide average equalized assessed valuation per pupil shall receive aid for low income pupils which shall be calculated by multiplying the average per pupil adequacy cost, determined in RSA 198:40, I, by 0.9 and multiplying the result by the number of pupils in the municipality eligible to receive a free or reduced-price meal, as reported to the department of education.

II. A municipality with an equalized assessed valuation per pupil of less than 150 percent of the statewide average equalized assessed valuation shall receive aid for educationally disabled children which shall be calculated by multiplying the average per pupil adequacy cost, determined in RSA 198:40, I, by 0.9 and multiplying the result by the number of educationally disabled children in the municipality, as reported to the department of education.

III. Aid to a property poor municipality shall be available as follows:

(a)(1) Divide the total statewide equalized valuation of all municipalities as determined by the department of revenue administration, including property subject to taxation under RSA 82 and RSA 83-F, from the second year preceding the year in which the calculation is made, by the total statewide average daily membership in residence. The result shall be the statewide average equalized valuation per pupil.

(2) Divide the equalized valuation of all property in a municipality as determined by the department of revenue administration, including property subject to taxation under RSA 82 and RSA 82-F, from the second school year preceding the year in which the calculation is made, by the municipality's average daily membership in residence. The result shall be the municipality's equalized valuation per pupil.

(b) In any fiscal year, if a municipality's equalized valuation per pupil is less than 80 percent of the statewide average equalized valuation per pupil:

(1) Multiply the statewide average equalized valuation per pupil by 1.1 and subtract the municipality's equalized valuation per pupil. Multiply the result by the municipality's average daily membership in residence, then multiply this product by 1.1 to obtain the municipality's adjusted equalized valuation per pupil.

(2) Divide the municipality's adjusted equalized valuation per pupil by the sum total of adjusted equalized valuations per pupil statewide. Multiply the result by the statewide amount of property poor aid in a fiscal year to obtain the municipality's property poor aid.

(c) In any fiscal year, if a municipality's equalized valuation per pupil is less than 90 percent of the statewide average equalized valuation per pupil:

(1) Multiply the statewide average equalized valuation per pupil by 1.1 and subtract the municipality's equalized valuation per pupil from the statewide average equalized valuation per pupil. Multiply the result by the municipality's average daily membership in residence to obtain the municipality's adjusted equalized valuation per pupil.

(2) Divide the municipality's adjusted equalized valuation per pupil by the sum total of adjusted equalized valuations per pupil statewide. Multiply the result by the statewide amount of property poor aid in a fiscal year to obtain the municipality's property poor aid.

(d) In any fiscal year, if a municipality's equalized valuation per pupil is less than 100 percent of the statewide average equalized valuation per pupil:

(1) Multiply the statewide average equalized valuation per pupil by 1.1 and subtract the municipality's equalized valuation per pupil. Multiply the result by the municipality's average daily membership in residence, then multiply this product by 0.9, to obtain the municipality's adjusted equalized valuation per pupil.

(2) Divide the municipality's adjusted equalized valuation per pupil by the sum total of adjusted equalized valuations per pupil statewide. Multiply the result by the statewide amount of property poor aid in a fiscal year to obtain the municipality's property poor aid.

(e) In any fiscal year, if a municipality's equalized valuation per pupil is less than 110 percent of the statewide average equalized valuation per pupil:

(1) Multiply the statewide average equalized valuation per pupil by 1.1 and subtract the municipality's equalized valuation per pupil. Multiply the result by the municipality's average daily membership in residence, then multiply this product by 0.8, to obtain the municipality's adjusted equalized valuation per pupil.

(2) Divide the municipality's adjusted equalized valuation per pupil by the sum total of adjusted equalized valuations per pupil statewide. Multiply the result by the statewide amount of property poor aid in a fiscal year to obtain the municipality's property poor aid.

(f) For the 2006 fiscal year, \$265,000,000 shall be available to needy communities as property poor aid.

(g) For the 2007 fiscal year, and every fiscal year thereafter, the statewide amount of property poor aid available in the preceding fiscal year shall be multiplied by the sum of one plus the average annual percentage rate of inflation, expressed as a decimal, for the immediately preceding 4 calendar years based on the northeast region consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor.

IV. In any fiscal year, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department shall add the targeted aid to which a municipality is entitled under paragraphs I-III. In addition to the funding from the statewide education tax, a municipality shall receive the targeted aid amount available under paragraphs I-III. If the total amount of targeted aid available to a municipality under paragraphs I-III is less than 90 percent of such municipality's fiscal year 2005 adequate education grant, the municipality shall receive a supplemental transition grant from the education trust fund established in RSA 198:39 in an amount sufficient to increase the amount available under this subparagraph to 90 percent of the municipality's 2005 adequate education grant.

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

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

(b) The total amount paid for items of current education expense as determined by the department of education.

VI. The department shall notify municipalities of the estimated amount of aid to which they are entitled for the following school year on November 15 or, if a weekend, on the first business day after November 15.

6 School Money; Targeted Aid; Version Effective July 1, 2009. RSA 198:41, IV is repealed and reenacted to read as follows:

IV. In any fiscal year, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department shall add the targeted aid to which a municipality is entitled under paragraphs I-III and this amount shall be the targeted aid available to a municipality.

7 Excess Education Property Tax Payment. Amend RSA 198:46, I to read as follows:

I. **(a)** Municipalities for which the education property tax [~~exceeds the amount necessary to fund an adequate education determined by~~] **is greater than or equal to the sum of 2 times the average per pupil adequacy cost determined under RSA 198:40 multiplied by the municipality's average daily membership in residence** shall assess and remit such excess amount to the department of revenue administration on or before March 15 of the tax year in which the excess occurs.

**(b) Municipalities for which the education property tax is less than the amount determined under subparagraph (a) shall assess and retain such amount for the use of the municipality's school district or districts which in addition to targeted aid provided under RSA 198:41 shall be used to provide funding for a constitutionally adequate education.**

8 Cooperative School Districts; Certification of District Taxes. Amend RSA 195:14, I(c)-(d) to read as follows:

(c) The commissioner of revenue administration shall certify to the state department of education the total amount to be apportioned among the pre-existing school districts. Such total shall include the ~~[adequate education cost]~~ **targeted education aid** for the district under RSA ~~[198:38, VH]~~ **198:41**, and the amount above the ~~[cost of an adequate education]~~ **amount of state funding provided** to be assessed and collected as local educational taxes.

(d) The state department of education shall determine the proportional share of the costs above **state adequacy funding** to be assessed as local education taxes as follows:

(1) First, the department shall determine each pre-existing district's proportional share of the total amount to be apportioned based on the cooperative school district formula.

(2) Second, the department shall then deduct each pre-existing school district's ~~[adequate education cost]~~ **targeted education aid** under RSA ~~[198:38, VH]~~ **198:41**, from its proportional share of the total amount to be apportioned.

(3) Third, the department shall notify the commissioner of revenue administration of its determinations.

(4) If the amount determined in subparagraph (2) for any pre-existing district is less than zero, the department shall reduce the adequate education grant payable to the cooperative district under RSA 198:42 by the difference between the amount determined in subparagraph (1) and the pre-existing district's ~~[adequate education cost]~~ **targeted education aid** under RSA ~~[198:38, VH]~~ **198:41**.

9 Cooperative School Districts; State Aid. Amend RSA 195:15 to read as follows:

195:15 State Aid. The state aid to which a cooperative elementary and/or secondary district shall be entitled shall be the total of those shares of the aid to which the pupils attending the cooperative district would have entitled the pre-existing districts, had they remained in the pre-existing districts. For the purposes of crediting the cooperative district's ~~[adequate education cost]~~ **targeted education aid** to the pre-existing districts, each such pre-existing district shall have its adequate education cost under RSA ~~[198:38, VH]~~ **198:41** credited against its share of the cooperative school district budget. However, cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district for the purposes of this section.

10 Apportionment, Assessment, and Abatement of Taxes; Education Property Tax. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax.

*I. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall set the education property tax rate at a level sufficient to generate revenue equal to the statewide education property tax revenue generated in the previous fiscal year. Such rate shall be imposed on all persons and property taxable pursuant to RSA 76:8, except property subject to tax under RSA 82 and RSA 83-F. The education property tax rate shall be effective for the fiscal year in which the calculation is made.*

*II. Beginning July 1, 2006 and every fiscal year thereafter, the commissioner of the department of revenue administration shall set the education property tax rate at a level sufficient to generate revenue equal to the statewide education property tax revenue generated in the previous fiscal year reduced by a percentage equal to the average annual percentage rate of inflation for the immediately preceding 4 calendar years based on the northeast region consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor. Such rate shall be imposed on all persons and property taxable pursuant to RSA 76:8, except property subject to tax under RSA 82 and RSA 83-F. The education property tax rate shall be effective for the fiscal year in which the calculation is made.*

11 Nonseverability. If the New Hampshire supreme court declares any provision of sections 1-10 of this act to be unconstitutional under either the New Hampshire constitution or the United States Constitution, then sections 1-10 of this act are hereby repealed on the date such unconstitutionality is declared.

12 Repeal. RSA 2004, 200:27, relative to a contingent version of the statewide property tax, is repealed.



13 Effective Date.

I. Section 6 of this act shall take effect July 1, 2009.

II. The remainder of this act shall take effect July 1, 2005 at 12:02 a.m.

**2005-1796s**

#### AMENDED ANALYSIS

This bill establishes a new targeted aid formula based on a municipality's equalized property valuation per pupil and the number of educationally disabled children and children eligible for a free or reduced-price lunch in a municipality.

**Senate Finance**

**June 2, 2005**

**2005-1802s**

**09/05**

#### **Amendment to HB 644-FN**

Amend paragraphs I-III of section 1 of the bill by replacing them with the following:

I. As of July 1, 2005 there shall be established within the department of administrative services, division of plant and property management, a bureau of public works design and construction under the supervision of a classified public works project manager VII, who shall act as administrator of the bureau. The department of administrative services, division of plant and property management, bureau of public works design and construction, shall, through its officials, be responsible for all functions formerly performed by the department of transportation, its division of public works or its bureau of public works relating to the construction, reconstruction, alteration, or maintenance of any building, plant, fixture, or facility. The function of the construction, reconstruction, alteration, or maintenance of highways, bridges, or other items directly related to transportation, shall continue to be managed by, and shall be the responsibility of, the department of transportation.

II. As of July 1, 2005, all personnel in PAU 04-01-04-02 of the department of transportation, shall be transferred to the department of administrative services, division of plant and property management, bureau of public works design and construction, together with all of the books, papers, payroll, records, equipment, unexpended appropriations for personnel and public works functions herein transferred, or other available or budgeted funds in any account or subdivision of any account of the department of transportation related to public works projects transferred to the department of administrative services, whether funded through capital or operating budgets. With regard to personnel, this paragraph is intended to transfer the personnel of the department of transportation who perform the functions herein transferred to the department of administrative services, with the exception of the department of transportation's director of public works (PAU 04-01-04-01), subject to paragraph III regarding funding for the director's position.

III. As of July 1, 2005, all salaries, funds and unexpended appropriations for, or amounts budgeted for, the position of the director of public works, department of transportation (PAU 04-01-04-01) as of July 1, 2005 shall be transferred to the department of administrative services, division of plant and property management, bureau of public works design and construction and shall initially fund the position of public works project manager VII specified in paragraph I.

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

II. As of July 1, 2005, the bureau of court facilities shall be established as a bureau of the department of administrative services, division of plant and property management and shall be under the supervision of a classified administrator.

Amend paragraph III of section 3 of the bill by replacing it with the following:

III. As of July 1, 2005, the department of administrative services, division of plant and property management, through its officials, shall be responsible for the care and maintenance, except for the interior maintenance and grounds of certain buildings pursuant to RSA 21-I:11, X, of all state-owned buildings located on the campus of the New Hampshire hospital as described in RSA 4:39-a.

Amend paragraph V of section 3 of the bill by replacing it with the following:



V.(a) Except as provided in subparagraph (b), as of July 1, 2005, all personnel under the supervision of the department of health and human services whose function it is to care for and maintain state-owned buildings on the New Hampshire hospital campus as described in RSA 4:39-a shall be transferred to the department of administrative services, division of plant and property management, together with all of the books, papers, payroll, records, equipment, unexpended appropriations for personnel and all building and grounds maintenance functions relating to the New Hampshire hospital campus, or other available funds in any account or subdivision of any account of the department of health and human services related to building and property care and maintenance at the New Hampshire hospital campus.

(b) Personnel under the supervision of the department of health and human services who provide patient care functions and maintenance inside the following buildings and personnel responsible for maintenance of the grounds of the following buildings shall not be transferred to the department of administrative services:

- (1) The acute psychiatric services building.
- (2) The Anna Philbrook center.
- (3) All transitional housing buildings, including the Howard recreation building.

Amend the bill by inserting after section 3 the following and renumbering the original section 4-30 to read as 5-31, respectively:

4 Review of Compensation of Director of Plant and Property Management. In view of the changes made by this act, the commissioner of the department of administrative services shall consult with the outside consulting group noted in RSA 21-I:13, XIII to obtain a recommendation as to adjustments to the compensation of the director of the division of plant and property management. The commissioner shall, upon review and evaluation, present his or her recommendations for any adjustments to the fiscal committee of the general court and, if approved by the fiscal committee, submit those recommendations to the governor and council for review in accordance with RSA 94:3-b.

Amend the introductory paragraph of RSA 21-I:12, V as inserted by section 7 of the bill by replacing it with the following:

***V. A bureau of court facilities under the supervision of a classified administrator who shall be responsible for the following functions, in accordance with applicable laws:***

Amend the introductory paragraph of RSA 21-I:12, VI as inserted by section 7 of the bill by replacing it with the following:

***VI. A bureau of public works design and construction under the supervision of a classified public works project manager VII who shall act as administrator of the bureau and who shall be responsible for the following functions, in accordance with applicable law:***

Amend RSA 21-I:81 as inserted by section 9 of the bill by replacing it with the following:

21-I:81 Public Works Appeals. Appeals by persons aggrieved by decisions of the individual functioning as the administrator of the bureau of public works design and construction relative to public works design and construction shall be to the director of the division of plant and property management or his or her designee. Appeals by persons aggrieved by decisions of the director of the division of plant and property management or his or her designee relative to public works design and construction shall be to the commissioner or his or her designee. Appeals by persons aggrieved by decisions of the commissioner or his or her designee relative to public works design and construction shall be to the transportation appeals board established by RSA 21-L:14.

Amend RSA 4:39-a as inserted by section 22 of the bill by replacing it the following:

4:39-a New Hampshire Hospital Real Estate.

[E.] The area in the city of Concord bounded by Pleasant, Fruit, Clinton, and South Spring streets, excluding any privately owned land and buildings, and known as the main campus of the New Hampshire hospital shall remain in its entirety the property of the state of New Hampshire, except such land as determined necessary for use by the city of Concord for approved municipal services may be conveyed in accordance with RSA 10:4 unless RSA 227-C:6 applies. If RSA 227-C:6 applies, such land shall be conveyed in accordance with RSA 227-C:9. The commissioner of administrative services, with the approval of the long

range capital planning and utilization committee, shall designate the use of ***and be responsible for maintaining, with the exception of the interior maintenance and maintenance of grounds of certain properties pursuant to RSA 21-I:11, X, and leasing*** any buildings on the main campus of the New Hampshire hospital in accordance with the following priorities: (1) department of health and human services and its lessees, (2) state departments, and (3) other government or nonprofit organizations performing a state-related function.

~~[H. If any of the buildings of New Hampshire hospital which are under the jurisdiction of the department of health and human services are released to the department of administrative services after the effective date of this section, they shall not be occupied until they have been properly renovated for their new purposes, and such renovations have been approved by the commissioner of administrative services and the priority requirement established under paragraph I has been satisfied. The commissioner of administrative services may make an exception to this paragraph not to exceed a period of 2 years from the release date for occupancy of any such building. The commissioner shall adopt rules under RSA 541-A relative to the procedure to be followed for such exceptions.]~~

Amend RSA 135-C:4 as inserted by section 26 of the bill by replacing it with the following:

26 State Mental Health Facilities Other Than New Hampshire Hospital; Rules. Amend RSA 135-C:4 to read as follows:

135-C:4 State Facilities Other Than New Hampshire Hospital; Rules.

I. The commissioner shall have charge of the property and concerns of any facility owned by the state which provides, or which may be established to provide, care and treatment to persons who have mental illness or developmental disabilities, ***other than those subject to the exception set forth in paragraph I-a, with regard to the care and maintenance of the grounds and buildings located at the facility in Concord, known as New Hampshire hospital.*** Such facilities include, but are not limited to, facilities established at Glencliff known as Glencliff home for the elderly[;] ***and*** Laconia, known as Laconia developmental services[;] ~~and Concord, known as New Hampshire hospital].~~

***I-a. The commissioner shall have charge of the interior maintenance and grounds of the acute psychiatric services building, the Anna Philbrook center and all transitional buildings including the Howard recreation building, located on the campus of the New Hampshire hospital as described in RSA 4:39-a.***

II. The commissioner may enter into contracts relative to services to clients, management, and operation of the facilities as he ***or she*** deems appropriate, ***other than contracts regarding the care and maintenance of the grounds and buildings, or portions thereof, at the facility in Concord known as the New Hampshire hospital which have been assigned to the care of the department of administrative services,*** and may receive, appropriate, control, convey, hold in trust, or invest any funds or real or personal property given or devised to or owned by any facility in any manner as he ***or she*** deems expedient. [He] ***The commissioner*** may determine the name of, the services to be provided at, and the clients, whether under RSA 135-C or RSA 171-A, to be served by any facility.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to eligibility criteria and procedures for admission to state facilities.

## HEARINGS AND EXECUTIVE SESSIONS

Calendar schedules are subject to change. The most up-to-date information is available at [www.gencourt.state.nh.us/senate/](http://www.gencourt.state.nh.us/senate/). Click on Bill Search, enter the bill number, then click on the link to the bill docket.

***MONDAY, JUNE 6, 2005***

**CAPITAL BUDGET**, Room 105-A, SH

Sen. Clegg (C), Sen. D'Allesandro (VC), Sen. Boyce, Sen. Johnson, Sen. Morse

9:00 a.m.

Committee Work Session

## ***TUESDAY, JUNE 7, 2005***

### **RULES AND ENROLLED BILLS** Room 105-A, SH

Sen. Eaton (C), Sen. Flanders (VC), Sen. Clegg, Sen. D'Allesandro, Sen. Gottesman  
3:00 p.m. Regular Meeting

## **MEETINGS**

### ***MONDAY, JUNE 6, 2005***

#### **SENATORS' BRIEFING HB 1 & HB 2**

10:00 a.m. Room 100, SH

An overview of the budget will be presented by the Senate Finance Chairman to members of the Senate. Senators are encouraged to attend and are welcome to ask questions. This is not a public hearing.

## ***TUESDAY, JUNE 7, 2005***

### **IMPLEMENTING A RECOMMENDATION OF THE NH ESTUARIES PROJECT MANAGEMENT PLAN (SB 70, Chapter 236:1, Laws of 2003)**

8:30 a.m. Nowak Room Regular Meeting  
Exeter Town Office  
10 Front Street  
Exeter, NH

#### **STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2, VI)**

5:00 p.m. State Veterans Home Regular Meeting  
Tilton, NH

## ***THURSDAY, JUNE 9, 2005***

### **NEW HAMPSHIRE TASK FORCE ON DEAFNESS AND HEARING LOSS (HB 225, Chapter 117:2, Laws of 2003)**

10:00 a.m. Room 205, LOB Regular Meeting

## ***FRIDAY, JUNE 10, 2005***

### **PUBLIC HEALTH AND ENVIRONMENT RELATIONSHIP COMMISSION (HB 1390, Chapter 114:2, Laws of 2000)**

10:00 a.m. Room 205, LOB Infrastructure Subcommittee Meeting

## ***MONDAY, JUNE 13, 2005***

### **COMMISSION TO STUDY ALL ASPECTS OF SAME SEX CIVIL MARRIAGE AND THE LEGAL EQUIVALENTS THEREOF WHETHER REFERRED TO AS CIVIL UNIONS, DOMESTIC PARTNERSHIPS, OR OTHERWISE (SB 427, Chapter 100:2, Laws of 2004)**

12:00 p.m. Room 208, LOB Regular Meeting

#### **GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

1:00 p.m. Room 102, LOB Regular Meeting

## ***WEDNESDAY, JUNE 15, 2005***

### **FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)**

9:00 a.m. Rooms 210-211, LOB Regular Business

9:30 a.m.	Rooms 210-211, LOB	Audit: State of New Hampshire Department of Environmental Services Financial and compliance Audit Report For the Fiscal Year Ended June 30, 2004
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***FRIDAY, JUNE 17, 2005***

**EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c)**

9:00 a.m.	NH Department of Revenue Administration Community Services Division in the Training Room 57 Regional Dr. Concord, NH	Regular Meeting
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**CURRENT USE BOARD (RSA 79-A:3)**

9:30 a.m.	Training Room 45 Chenell Dr. Concord, NH	Regular Board Meeting
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**NH DEPARTMENT OF TRANSPORTATION (Long Range Plan)**

1:00 p.m.	Society for the Protection NH Forests Conservation Center 54 Portsmouth St. West Concord, NH	Advisory Committee Meeting
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***MONDAY, JUNE 20, 2005***

**OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

9:00 a.m.	Room 305, LOB	Regular Meeting
9:15 a.m.	Room 305, LOB	Rulemaking Hearing

**PUBLIC HEALTH AND ENVIRONMENT RELATIONSHIP COMMISSION (HB 1390, Chapter 114:2, Laws of 2000)**

9:30 a.m.	Room 205, LOB	Regular Meeting
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**NH CANADIAN TRADE COUNCIL (RSA 12-A:2-g)**

10:00 a.m.	Room 306, SH	Regular Meeting
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**BOARD OF MANUFACTURED HOUSING (RSA 205-A:25)**

1:00 p.m.	Room 201, LOB	Regular Meeting
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***WEDNESDAY, JUNE 22, 2005***

**NH DEPARTMENT OF TRANSPORTATION (Plaistow 13803 NH Route 125)**

7:00 p.m.	Pollard Elementary School Cafeteria 120 Main Street Plaistow, NH	Commission Hearing
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**PROPOSED NEW RULE**

49. Any Senate member may make a request of the office of the Legislative Budget Assistant, budget division, for technical staff assistance in the areas of finance, accounting and budgeting. The budget division may respond to that request when doing so will not interfere with the budget division's principle responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.

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# SENATE BILLS AMENDED BY THE HOUSE

(Updated as of June 2, 2005 session)

- SB 5** establishing a commission to study the state park system. **(Senate req CofC 6/2/05)**
- SB 19** (New Title) relative to qualifications to sell lottery, bingo and lucky 7 tickets.
- SB 21** relative to voluntary mediated agreements in adoptions.
- SB 23** relative to membership on the public water access advisory board. **(Senate concurred 6/2/05)**
- SB 28** relative to confidentiality and workers' compensation.
- SB 37** relative to disclosure of expert testimony. **(Senate req CofC 6/2/05)**
- SB 39** relative to disinterment of dead bodies. **(Senate concurred 5/26/05)**
- SB 43** relative to the administration of estates of persons presumed dead.
- SB 46** relative to the duties of law enforcement officials upon receiving reports of missing adults.
- SB 48-FN** (New Title) prohibiting unlawful peering into the dwelling place of another. **(Senate non-concurred 6/2/05)**
- SB 52** (New Title) establishing the state suggestion and extraordinary service award program.
- SB 53-FN** relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services.
- SB 57** establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties. **(Senate concurred 5/12/05)**
- SB 61** (New Title) relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.
- SB 62-FN** allowing court fees to be paid by credit card. **(Senate req CofC 6/2/05)**
- SB 66** (New Title) establishing a committee to study the creation of a northern New England purchasing alliance for small business health insurance. **(Senate concurred 6/2/05)**
- SB 70** (New Title) relative to the powers of special corporations.
- SB 73** relative to market conduct record retention and production.
- SB 74** making certain technical changes in the insurance laws.
- SB 75-FN** relative to the statute of limitations for a civil actions based upon a sexual assault case.
- SB 76** relative to the extension of restraining orders under the domestic violence protection act. **(Senate req CofC 6/2/05)**
- SB 77** relative to the review of proposed health care provider contracts. **(Senate concurred 6/2/05)**
- SB 78** relative to payment of health care providers by health carriers. **(Senate concurred 6/2/05)**
- SB 79** relative to the governance of the regional community-technical colleges.
- SB 83** (New Title) establishing a commission to study issues relative to the comprehensive shoreland protection act. **(Senate concurred 6/2/05)**
- SB 86** permitting on-site samples and retail sales by liquor manufacturer licensees.
- SB 88** relative to emergency medical transportation. **(Senate concurred 6/2/05)**
- SB 105** granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities. **(Senate concurred 6/2/05)**
- SB 108-FN** relative to newborn screening tests and fees for newborn screening tests.
- SB 111** relative to persons conducting securities broker-dealer and investment advisor businesses.
- SB 115-FN** relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services.
- SB 124** relative to the regulation of real estate brokers by the real estate commission.
- SB 127-FN** relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority.
- SB 132** relative to the board of marital mediator certification.



- SB 142** extending the reporting date of the commission to study issues relative to groundwater withdrawals. **(Senate req CofC 6/2/05)**
- SB 145-FN** establishing a medical/vision advisory board. **(Senate concurred 5/26/05)**
- SB 153-FN** relative to the administration of certain programs by the department of environmental services.
- SB 156-FN** relative to criminal trespass. **(Senate concurred 5/19/05)**
- SB 163-FN** establishing the New Hampshire pharmaceutical assistance program.
- SB 165-FN** relative to the collection of tax debts from out-of-state debtors. **(Senate concurred 6/2/05)**
- SB 168** relative to administration of estates.
- SB 179** requiring hunters to report the death or injury of domestic animals.
- SB 186** allowing probate court judges and district court justices to sit on probate or district court cases.
- SB 187** relative to allowing alternative certified hazardous waste coordinator programs. **(Senate concurred 6/2/05)**
- SB 188** (New Title) relative to the construction of buildings on properties without street frontage.
- SB 199** establishing exemptions from certain administrative requirements for the department of regional community-technical colleges.
- SB 201** making technical corrections to certain environmental laws and the small business technical assistance program.
- SB 203** relative to leases and contracts for buildings or lands owned by the fish and game department. **(Senate concurred 5/19/05)**
- SB 215-FN** (New Title) creating a committee to study banning the incineration of construction and demolition debris. **(Senate concurred 6/2/05)**
- SB 216** (New Title) establishing a commission to study area agencies.
- SB 222-FN** relative to cumulative trauma under workers' compensation. **(Senate concurred 5/26/05)**
- SB 223-FN** relative to licensing nondepository mortgage bankers and brokers.
- SB 224** relative to the committee on judicial conduct. **(Senate concurred 5/19/05)**
- SB 227** (New Title) naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, naming the White Mountains Attractions Building the Norman B. Fadden White Mountains Attractions Building, and naming a bridge in the town of Carroll the Kenneth B. Jordan Memorial Bridge. **(Senate concurred 5/12/05)**
- SCR 1** endorsing a farm viability task force.

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**THE FOLLOWING 2005 BILLS HAVE ENROLLED BILL AMENDMENTS. THESE ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE.**

**HOUSE BILLS COMPLETED: 226, 259, 299, 303, 394, 411, 420, 449, 465, 469**

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**FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2005 BILLS.**

**SENATE BILLS: 6, 21, 27, 33, 35, 38, 48, 52, 53, 58, 62, 63, 79, 86, 92, 93, 94, 101, 102, 106, 107, 108, 110, 112, 114, 117, 118, 125, 127, 128, 129, 131, 134, 135, 137, 140, 144, 146, 147, 151, 152, 153, 154, 157, 163, 164, 165, 170, 180, 182, 184, 194, 197, 200, 206, 208, 209, 210, 215, 219, 222, 223, 225**

**HOUSE BILLS: 25, 47, 59, 83, 114, 215, 272, 304, 339, 430, 431, 432, 433, 460, 513, 535, 594, 604, 611, 616, 617, 625, 644, 651, 665, 672, 687,**

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# NOTICES

## MONDAY, JUNE 6, 2005

Pursuant to RSA 326-B:10-a, the Joint Health Council will meet at the NH Board of Nursing office located at the Walker Building, 21 S. Fruit St., Concord, NH, on Monday, June 6, 2005 at 6:00 p.m.

Senator André A. Martel

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## MONDAY, JUNE 6, 2005

As a follow-up to the seminar on methamphetamine, recently hosted by Health, Human Services and Elderly Affairs Committee Chairman, Peter Batula: Reps. Joy Tilton, Deb Hogancamp and Bill Butynski are forming a **Legislative Caucus on Methamphetamine**. Interested Legislators are invited to participate in the first meeting of the Caucus on **Monday, June 6, 2005, from 1:00PM until 2:30PM at the Upham-Walker House**. Speakers will include: NH Attorney General Kelly Ayotte; Leo Ducey & Lisa Remick from the US Drug Enforcement Administration; Joe Harding from the NH Office of Alcohol & Drug Policy; & Richard Uncles from the NH Department of Agriculture, Markets & Food. Please join us.

Senator Lou D'Allesandro

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## THURSDAY, JUNE 9, 2005

The 2005-2006 Senate "Class Photograph" will be retaken on Thursday, June 9, at 8:45 a.m. in the Senate chamber.

Thomas R. Eaton, Senate President

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## MONDAY, JUNE 13, 2005

The Governor's Task Force on the Humane Treatment of Animals will meet in Room 100, SH, from 2:30 – 4:00 p.m. on Monday, June 13, 2005. All interested parties are invited to attend.

Senator Sheila Roberge

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## MONDAY, JUNE 13, 2005

The 32nd Annual Bill White Memorial Legislative Golf Tournament is scheduled for Monday, June 13, 2005 at Canterbury Woods Country Club, Canterbury, NH. The entry fee for this annual tournament is \$85.00 per person which includes greens fee, cart, barbecue dinner and prizes.

Registration is at 7:30 a.m. and the shotgun start is scheduled for 9:00 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.

*A maximum of 120 players will be allowed. Please note that payment must be made upon registration. There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a full fee refund.*

Return your entry and payment no later than May 20th to Sandra Anderson at the LOB Lobby Desk. Checks should be made payable to Sandra Anderson.

Thomas R. Eaton, President of the Senate

**32<sup>nd</sup> Annual Bill White Memorial Golf Tournament**  
 Canterbury Woods Country Club  
 Canterbury, NH

Name: 1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_

Telephone: \_\_\_\_\_ Amount Enclosed: \_\_\_\_\_

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## SENATE SCHEDULE

Thursday, June 9, 2005	Last day for Senate to act on all House bills in the first year session
Thursday, June 16, 2005	Last day to form a Committee of Conference in the first year session
Wednesday, June 22, 2005, 3:00 p.m.	Deadline for Committee of Conference report sign-offs
Wednesday, June 29, 2005	Deadline for Senate to act on Committee of Conference reports
Monday, July 4, 2005	Independence Day (State Holiday)

## ***VISITORS CENTER SCHEDULE - JUNE***

### State House Visitation Schedule 2005 School Year

Virginia Drew, Public Information Administrator  
 Kenneth Leidner, Director

<b><i>DATE</i></b>	<b><i>TIME</i></b>	<b><i>GROUP</i></b>	<b><i>Grade/Size</i></b>
M June 6	8:30 SH	Florence Rideout Elem School – Wilton	4/35
M June 6	10:00 & 11:00 SH & Lawn	Pelham Elem School	4/50
Tu June 7	10:00 & 11:00 SH & Lawn	Pelham Elem School	4/50
Tu June 7	12:30	Ed Fenn School – Gorham	4/35
Tu June 7	2:00	Concord Chamber of Commerce	30
W June 8	10:00 & 11:00 SH & Lawn	Pelham Elem School	4/50
W June 8	12:30	Nashua Christian Academy	4/16
Thr June 9	10:00 & 11:00 SH & Lawn	Pelham Elem School	4/50
F June 10	10:00	Jonathan Daniels School – Keene	4/35
F June 10	11:30	Kensington Elem School	4/34