

Amendment to HB 2-FN-A-LOCAL

1 1 Meals and Rooms Tax; Distribution to Cities and Towns. Notwithstanding any other provision
2 of law, for each fiscal year of the biennium ending June 30, 2013, the state treasurer shall fund the
3 distribution of revenue to cities and towns pursuant to the formula for determining the amount of
4 revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year
5 2011 distribution.

6 2 Suspension; Revenue Sharing. Notwithstanding any provision of law to the contrary,
7 RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium
8 ending June 30, 2013.

9 3 Reference to Revenue Sharing Removed. Amend RSA 31:94-d to read as follows:

10 31:94-d Debt During Transition Period. Towns, cities, and counties which have adopted the
11 provisions of RSA 31:94-a may incur debt under the provisions of RSA 33 in an amount not to exceed
12 1/3 of all taxes assessed on April 1 of the year following adoption of RSA 31:94-a, excluding payments
13 upon outstanding debts, said debt to be discharged in not more than 20 years. For the purposes of
14 this section, taxes assessed shall include all taxes reimbursed to the town, city or county ~~in~~
15 ~~accordance with the provisions of RSA 31-A].~~ Debt incurred pursuant to this section shall not be
16 included in the debt limit of the town, city or county, and the funds borrowed pursuant to this section
17 shall be used only to defray additional costs that result from the adoption of an 18 month
18 transitional accounting period.

19 4 Repeal. School Portion of Revenue Sharing; Education Trust Fund. RSA 198:39, I(j) relative
20 to inclusion of the school portion of any revenue sharing funds distributed pursuant to RSA 31-A:4, is
21 repealed.

22 5 Recording Surcharge. Notwithstanding the provisions of RSA 478:17-g, II(c), for the fiscal
23 year ending June 30, 2012 an amount of \$120,000, and for the fiscal year ending June 30, 2013 an
24 amount of \$120,000, received from the recording surcharge collected by registrars of deeds under
25 RSA 478:17-g, II(a) shall be deposited in the land and community heritage investment program
26 administrative fund under RSA 227-M:7-a, and the remainder of funds received for the surcharge
27 shall be credited to the general fund.

28 6 School Building Aid; Alternative School Building Aid.

29 I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA
30 198:15-w, and notwithstanding the school building aid funding provisions of 2009, 144:11, the

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1 commissioner of the department of education shall issue no school building aid or alternative school
2 building aid for any project approved on or after June 30, 2011 through June 30, 2013.

3 II.(a) The commissioner of the department of education, upon recommendation of the state
4 fire marshal, may grant a waiver to the suspension of school building aid under paragraph I if the
5 state fire marshal or designee determines, based on reasonable information and belief, that:

6 (1) The condition of such school building or portion thereof constitutes a clear and
7 imminent danger to the life or safety of occupants or other persons, and requires remediation prior to
8 July 1, 2013; or

9 (2) A structural deficiency in the function or operation of a school building or portion
10 thereof presents a substantial risk to the life or safety of the occupants or other persons, and is more
11 than a technical violation of the fire code, and requires remediation prior to July 1, 2013.

12 (b) Any school building aid provided under a waiver granted pursuant to this paragraph
13 shall be limited to the costs associated with the remediation of the conditions or structural
14 deficiencies set forth in this paragraph.

15 III. Paragraph I of this section shall not apply to the Unity School District for the project
16 approved by the town at a special meeting held on August 23, 2010.

17 7 Driver Training Fund. Amend RSA 263:52 to read as follows:

18 263:52 Driver Training Fund.

19 I. The proceeds from original license fees as provided in RSA 263:42 and the vanity plate
20 service fee collected in accordance with RSA 261:89, plus the fee for the renewal of the use of such
21 plates, after costs of such plates or designation of effective periods thereof and issuance of same have
22 been appropriated and deducted, shall be expended ~~[solely]~~ for ~~[courses of instruction and training~~
23 ~~in]~~ **course materials, licensing of schools, and certification of instructors in connection**
24 **with** safe motor vehicle driving conducted in or under the supervision of secondary schools. ~~[After~~
25 ~~all costs of administration of the program each year of the biennium have been reserved, the balance~~
26 ~~which is appropriated to the driver training program shall be paid to the state treasurer by June 30~~
27 ~~of each year.]~~ Such balance shall be kept in a separate fund. ~~[which shall be paid out on or before~~
28 ~~September 15 of each year to participating schools prorated on a per pupil basis for those who have~~
29 ~~completed the driver education program. Subject to final approval by the governor and council,]~~ The
30 commissioner of safety ~~[jointly with the commissioner of education]~~ shall adopt, pursuant to RSA
31 541-A, and publish, rules governing the courses of instruction and training ~~[and determining~~
32 ~~eligibility of secondary schools to receive moneys from the fund established by this section].~~

33 II. The \$40 vanity plate service fee and the fee for renewal of vanity number plates shall
34 automatically be credited to the driver training fund until all fees in such fund equal the amount of
35 money estimated by the general court as available for expenditure for ~~[the]~~ **course materials,**
36 **licensing of schools, and certification services in connection with** driver training ~~[program]~~
37 from that fund for that fiscal year~~[, which shall include \$150 for each pupil who has completed the~~

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1 ~~driver education program~~. Once the *driver training course materials, licensing of schools,*
2 *and certification services have been funded in accordance with the* legislative estimates
3 ~~[have been matched]~~ for the current fiscal year, *the next 1.5 million dollars shall be transferred*
4 *to the department of safety as restricted revenue, thereafter* the balance of all such fees shall
5 be transferred to the general fund and shall be available as unrestricted revenue.

6 8 Driver Training; Rulemaking Authority; Commissioner of Safety. Amend RSA 21-P:14, I to
7 read as follows:

8 I. The commissioner of safety shall ~~[act jointly with the commissioner of education to]~~
9 develop and adopt rules, under RSA 541-A, relating to driver education courses to be given in the
10 secondary schools of the state and motor vehicle drivers' schools licensed under the provisions of RSA
11 263:44, and relating to the licensing of the schools and of their teachers and instructors, which rules
12 shall cover the subjects of:

13 (a) Facilities and equipment.

14 (b) The educational background and other qualifications of teachers and instructors.

15 (c) Curriculum and hours during which instruction may be given.

16 (d) Amounts of insurance with respect to training vehicles and other facilities of the
17 school, which may be in addition to any other insurance coverage required by law.

18 (e) ~~[Payments to secondary schools or districts.~~

19 (f) Admission and advertising practices, together with terms of enrollment, of schools
20 licensed under the provisions of RSA 263:44.

21 ~~(g)~~ (f) Uniform classifications for certification of driver education instructors, including
22 the same types of certification levels and the same qualifications required for each level for both
23 private and public school instructors, and a system of fees for certification.

24 ~~(h)~~ (g) Any other subject which in the judgment of the ~~[commissioners]~~ **commissioner**
25 requires rulemaking to promote the effectiveness of driver education courses.

26 9 Repeal. RSA 21-N:6, VI, relative to administering department responsibilities for driver
27 education, is repealed.

28 10 Workers' Compensation; Administration Fund. Amend RSA 281-A:59, III to read as follows:

29 III. Each insurance carrier and self-insurer, including the state, shall make payments to the
30 fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The governor is
31 authorized to draw a warrant for any sum payable by the state under this paragraph out of any
32 money in the treasury not otherwise appropriated. The pro rata share shall be computed on the
33 basis which the total workers' compensation benefits, including medical benefits, paid by each
34 insurance carrier and self-insurer bore to the total workers' compensation benefits, including medical
35 benefits, paid by all insurance carriers and self-insurers in the fiscal year ending in the preceding
36 calendar year; provided, however, that no insurance carrier or self-insurer shall pay an assessment
37 of less than \$100. The commissioner shall assess each insurance carrier and self-insurer as soon as

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1 possible after July 1 of each year. Total assessments shall not exceed the amount appropriated for
2 ***the fund, which shall include*** the budget of the workers' compensation division of the department
3 of labor for the fiscal year in which the assessment is made ***and all other costs of administering***
4 ***this chapter***. The balance in the fund at the beginning of the new fiscal year shall proportionately
5 reduce the assessments under this section. The commissioner shall have the authority to adopt
6 rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

7 11 Department of Health and Human Services; Direct Graduate Medical Education; Suspension.
8 Notwithstanding 2010S, 1:40, the commissioner of the department of health and human services
9 shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and
10 Medicaid Services to suspend the provision of direct graduate medical education payments to
11 hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) effective July 1, 2011 through June
12 30, 2013. Upon approval of the state plan amendment, and as of the effective date of the state plan
13 amendment, any obligations for payment of direct graduate medical education shall be suspended for
14 the biennium ending June 30, 2013.

15 12 Department of Health and Human Services; Indirect Graduate Medical Education;
16 Suspension. Notwithstanding 2010S, 1:83, the commissioner of the department of health and
17 human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for
18 Medicare and Medicaid Services to suspend the provision of indirect graduate medical education
19 payments to hospitals effective July 1, 2011 through June 30, 2013. Upon approval of the state plan
20 amendment, and as of the effective date of the state plan amendment, any obligations for payment of
21 indirect graduate medical education shall be suspended for the biennium ending June 30, 2013.

22 13 Department of Health and Human Services; Authority to Fill Unfunded Positions.
23 Notwithstanding any provision of law, the commissioner of the department of health and human
24 services may fill unfunded positions during the biennium ending June 30, 2013, provided that the
25 total expenditure for such positions shall not exceed the amount appropriated for personal services,
26 permanent, and personal services, unclassified.

27 14 Repeal. The following are repealed:

28 I. RSA 137-G, relative to the catastrophic illness program.

29 II. RSA 6:12, I(b)(145), relative to application of receipts from the catastrophic illness fund.

30 15 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals.
31 Notwithstanding 2009, 144:160 and 2010S, 1:84, the commissioner of the department of health and
32 human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for
33 Medicare and Medicaid Services to suspend all catastrophic aid payments to hospitals effective
34 July 1, 2011 through June 30, 2013.

35 16 Department of Health and Human Services; Program Eligibility; Additional Revenues;
36 Transfer Among Accounts.

37 I. For the biennium ending June 30, 2013, the department of health and human services

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1 shall not authorize, without prior consultation with the house health and human services and elderly
2 affairs committee and the senate health and human services committee and the approval of the fiscal
3 committee of the general court and governor and council, any change to program eligibility standards
4 or benefit levels that might be expected to increase or decrease enrollment in the program or
5 increase expenditures from any source of funds; provided, however, that no such prior approval shall
6 be required if a change to a federal program in which the state is participating as of the effective
7 date of this section is required by federal law.

8 II. Notwithstanding any provision of the law to the contrary, for the biennium ending
9 June 30, 2013, the fiscal committee of the general court and the governor and council may authorize
10 the commissioner of the department of health and human services to accept and expend additional
11 revenues in excess of \$50,000, that are in addition to the budgeted amounts, from any source, which
12 become available to the department; provided, that such expenditures do not increase eligibility
13 standards or benefit levels.

14 III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the
15 contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court
16 and governor and council, for the biennium ending June 30, 2013, the commissioner of the
17 department of health and human services is hereby authorized to transfer funds within and among
18 all accounting units within the department, as the commissioner deems necessary and appropriate to
19 address present or projected budget deficits, or to respond to changes in federal laws, regulations, or
20 programs, and otherwise as necessary for the efficient management of the department, with the
21 exception of class 60 transfers.

22 17 Mental Health Services System; Definitions. Amend RSA 135-C:2, II-a to read as follows:

23 II-a. "Advanced practice registered nurse" or "APRN" means an advanced practice registered
24 nurse licensed by the board of nursing who is ***certified as*** a psychiatric mental health ***nurse***
25 ***practitioner by a board-recognized national certifying body.***

26 18 Mental Health Services System; State-Funded Clients. Amend RSA 135-C:5, II to read as
27 follows:

28 II. The commissioner or designees may conduct site visits and may otherwise audit and
29 monitor all aspects of the administration, fiscal operations, and services of the program providing the
30 service to determine compliance with the rules authorized under RSA 135-C:61. Auditing and
31 monitoring may include review of the individual records of ***persons with severe mental***
32 ***disabilities, persons who receive emergency services, and/or persons whose services are***
33 ***paid for, in whole or in part, by state funds or federal funds*** in the state mental health
34 services system, notwithstanding the provisions of RSA 329:26, RSA 330-A:32, or any other law.

35 19 Mental Health Services System; Community Mental Health Program Outcomes. Amend
36 RSA 135-C:7 to read as follows:

37 135-C:7 Community Mental Health Programs. Any city, county, town, or nonprofit corporation

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1 may establish and administer a community mental health program for the purpose of providing
2 mental health services to individuals and organizations in the area. Every program shall, at a
3 minimum, provide emergency, medical or psychiatric screening and evaluation, case management,
4 and psychotherapy services. The department may contract with a community mental health
5 program, pursuant to RSA 135-C:3, for the operation and administration of any services which are
6 part of the state mental health services system. In the event that the commissioner decides to enter
7 into a contract for the operation and administration of any services which are part of the state
8 mental health services system, the contract shall contain standards designed to measure the
9 performance of the contractor in achieving positive consumer outcomes, maintaining fiscal integrity,
10 and providing quality services.

11 20 Discrimination Prohibited; Eligibility for Services. Amend RSA 135-C:13 to read as follows:

12 135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled
13 person shall be eligible for admission to the state mental health services system, and no such person
14 shall be denied services because of race, color or religion, sex, or inability to pay. ***Admission to the***
15 ***state mental health services system and access to treatment and other services within the***
16 ***system shall be contingent upon the availability of appropriations. The community mental***
17 ***health program responsible for providing services shall conduct a clinical assessment of***
18 ***every applicant for services. The community mental health program shall prioritize***
19 ***delivery of services based on the severity of the individual's clinical needs. Emergency***
20 ***services shall be provided as needed. Services shall not be denied to persons who are***
21 ***conditionally discharged from a receiving facility under RSA 135-C:50, or who are ordered***
22 ***to submit to treatment at a community mental health program under RSA 135-C:45.***

23 Eligible persons shall include formerly severely mentally disabled persons who without continued
24 services would probably become severely mentally disabled again. Each client has a right to
25 adequate and humane treatment provided in accordance with generally accepted clinical and
26 professional standards. The treatment shall include such psychological, psychiatric, habilitative,
27 rehabilitative, vocational and case management services which are necessary and appropriate to
28 bring about an improvement, when possible, in the client's condition and which are available within
29 the state mental health services system. If necessary services are not available, [~~such service shall~~
30 ~~be documented through individual service plans. When services have been documented to be~~
31 ~~necessary but unavailable,~~] each agency responsible for provision of such services shall notify the
32 department of the need for them, and the department shall utilize such information for budgetary
33 planning purposes. The treatment may include housing and such other services as the department
34 may elect to provide to severely mentally disabled persons. Eligibility for services in the mental
35 health system for persons under 21 years of age shall be determined after consideration of the
36 services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The
37 commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely

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1 mentally disabled persons to receive state services and the service guarantees for clients in the state
2 system.

3 21 Discrimination Prohibited; Eligibility for Services. RSA 135-C:13 is repealed and reenacted
4 to read as follows:

5 135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled
6 person shall be eligible for admission to the state mental health services system, and no such person
7 shall be denied services because of race, color or religion, sex, or inability to pay. Eligible persons
8 shall include formerly severely mentally disabled persons who without continued services would
9 probably become severely mentally disabled again. Each client has a right to adequate and humane
10 treatment provided in accordance with generally accepted clinical and professional standards. The
11 treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and
12 case management services which are necessary and appropriate to bring about an improvement,
13 when possible, in the client's condition and which are available within the state mental health
14 services system. If necessary services are not available, each agency responsible for provision of such
15 services shall notify the department of the need for them, and the department shall utilize such
16 information for budgetary planning purposes. The treatment may include housing and such other
17 services as the department may elect to provide to severely mentally disabled persons. Eligibility for
18 services in the mental health system for persons under 21 years of age shall be determined after
19 consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any
20 other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of
21 severely mentally disabled persons to receive state services and the service guarantees for clients in
22 the state system.

23 22 Department of Health and Human Services, Division of Community-Based Care Services,
24 Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the
25 biennium ending June 30, 2013, the department of health and human services shall maintain a limit
26 on benefits of \$4,000 per person per year for adults with low service utilization of community mental
27 health services, as identified in He-M 401.07; provided, that the department shall also establish, by
28 rule under RSA 541-A, a procedure for such persons or community health providers to request a
29 waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the
30 commissioner of the department of health and human services, the fiscal committee of the general
31 court may authorize a higher per person per year limit.

32 23 County Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation
33 on County Payments. RSA 167:18-a, II is repealed and reenacted to read as follows:

34 II.(a) The total billings to all counties made pursuant to this section shall not exceed the
35 amounts set forth below for state fiscal years 2011-2014:

- 36 (1) State fiscal year 2011, \$105,000,000.
37 (2) State fiscal year 2012, \$105,000,000.

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1 (3) State fiscal year 2013, \$107,000,000.

2 (4) State fiscal year 2014, \$109,000,000.

3 (b) The caps on total billings for fiscal years after fiscal year 2014 shall be established by
4 the legislature at least on a biennial basis.

5 24 New Subparagraph; County Payment of Funds for Persons Eligible to Receive Nursing Home
6 Services; Additional Credit. Amend RSA 167:18-a, III by inserting after subparagraph (b) the
7 following new subparagraph:

8 (c) For the biennium ending June 30, 2013, the counties shall have an additional credit
9 against the amounts due for long term care expenditures under RSA 167:18-a. The credit in the
10 amount of \$2,498,000 for the fiscal year ending June 30, 2012 and \$2,547,000 for the fiscal year
11 ending June 30, 2013 shall be in addition to the \$5,000,000 annual credit set forth in subparagraph
12 (a). The additional credit shall be allocated among the counties based on the percentage of total
13 payments each county had for the preceding fiscal year from the nursing facility trust fund under
14 RSA 151-E:15 and shall be made available to the counties as soon as possible after the start of the
15 fiscal year. The total aggregate obligation of the counties shall be reduced by the amount of the
16 credit in each fiscal year.

17 25 Repeal of Prospective Repeal. 2007, 263:26, relative to the repeal of RSA 167:18-a, is
18 repealed.

19 26 Department of Health and Human Services, Division of Community Based Care Services,
20 Bureau of Behavioral Health, 1915(b) Prepaid Health Plan. The department of health and human
21 services shall seek approval from the federal Centers for Medicare and Medicaid Services (CMS) for
22 a 1915(b) waiver to deliver and pay for Medicaid services to Medicaid-eligible persons with severe
23 mental disabilities through a prepaid health plan. Upon receipt of approval, the department shall
24 promptly implement the prepaid health plan by entering into contracts with community mental
25 health service providers, subject to approval by the governor and executive council.

26 27 Department of Health and Human Services; Division for Children, Youth and Families.
27 Notwithstanding any provision of law or administrative rule to the contrary, for the biennium ending
28 June 30, 2013, the rates for all services, placements, and programs that are paid for by the
29 department of health and human services pursuant to RSA 169-B:40, 169-C:27, 169-D:29, with the
30 exception of rates for contracted services that are approved by the governor and council and rates for
31 out-of-state placements, shall be the rate in effect for the particular service, placement, or program
32 as of June 30, 2011.

33 28 Health and Human Services; General Provisions. Amend RSA 126-A:3, I(b) to read as
34 follows:

35 (b) Transfer or reassign personnel within and between any division, office, unit, or other
36 component of the department. *Upon written notice to the commissioner of administrative*

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1 *services, such changes shall be reflected in the state's payroll and financial systems*
2 *accounts.*

3 29 Department of Health and Human Services; Department of Safety Agreement Relative to Fee
4 for State Criminal Record Check. Notwithstanding any provision of law to the contrary, the
5 commissioner of the department of safety and the commissioner of the department of health and
6 human services shall negotiate a reduced fee for performing a state criminal record check of
7 department of health and human services employees, service providers, and licensed and license-
8 exempt child day care providers.

9 30 Repeal. RSA 170-G:4, XVI, relative to prevention programs for juveniles, is repealed.

10 31 Prevention Programs for Juveniles; Reference Deletion. Amend RSA 169-D:17, I(e) to read as
11 follows:

12 (e) Requiring any child to attend structured after-school or evening programs which
13 address some of the child's compliance issues, as well as supervise the child during the time of the
14 day in which the child most values his or her freedom and the time which is most often used to
15 perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or
16 otherwise by the child, parent, guardian, or person having custody of the child, or may be available
17 to the child free of charge based on the limited means of the family or based on the program's receipt
18 of other funding[~~including but not limited to funding distributed pursuant to RSA 170 G:4, XVI~~].
19 Payment shall be made pursuant to RSA 169-D:29 only for those programs that have been certified
20 pursuant to RSA 170-G:4, XVIII.

21 32 Repeal. RSA 151-E:3, III, relative to an assessment tool to determine clinical eligibility for
22 nursing facility care, is repealed.

23 33 Health and Human Services; Social Services Block Grant Cost of Living Adjustment to
24 Income Levels. Notwithstanding any other provision of law, the department of health and human
25 services shall raise the income eligibility for elderly and adult clients under the Social Services Block
26 Grant program every January, by the percentage amount of the cost of living increase in social
27 security benefits on a yearly basis.

28 34 Treasury; Establishment of Revolving Funds for New Hampshire Hospital Accounting Units
29 05-95-94-940010-9064 and 05-95-94-940010-8028. There shall be established in the state treasury 2
30 funds for use as a depository account by the department of health and human services, New
31 Hampshire hospital. The funds shall be nonlapsing, continually appropriated to the department,
32 and used to receive and temporarily hold funds for the hospital's education programs and emergency
33 preparedness events until the funds are disbursed.

34 35 Suspension; Department of Health and Human Services; Bureau of Developmental Services;
35 Full Funding of Wait List. Notwithstanding any provision of law to the contrary, RSA 171-A:1-a
36 shall be suspended for the biennium ending June 30, 2013.

37 36 Transfer of Account Authority. The commissioner of administrative services shall make the

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1 necessary changes in the state accounting system to transfer sole authority of the following revenue
2 accounts from the department of health and human services to the department of revenue
3 administration, effective July 1, 2011: Medicaid enhancement tax accounting unit 8805-1042 and
4 Medicaid enhancement tax receipt account 401624.

5 37 Uncompensated Care Fund; Definitions. Amend RSA 167:63, IV to read as follows:

6 IV. "Hospital" means general hospitals and special hospitals for rehabilitation required to be
7 licensed under RSA 151 [~~and receiving medicaid diagnosis related group (DRG) payments~~], but not
8 including government facilities ***and hospitals excluded from taxation under RSA 84-A***
9 ***pursuant to federal approval of a waiver of the broad-based requirement as described in 42***
10 ***C.F.R. section 433.68.***

11 38 Uncompensated Care Fund. Amend RSA 167:64, I to read as follows:

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

17 (a) [~~No less than 50 percent of the moneys paid into the fund shall be utilized to support~~
18 ~~uncompensated care in hospitals in accordance with rules adopted by the commissioner, pursuant to~~
19 ~~RSA 541-A.~~] ***The commissioner may provide reimbursement for uncompensated care costs***
20 ***in accordance with the approved schedule of payments through either Medicaid rate***
21 ***adjustments or disproportionate share hospital payment adjustments, or a combination***
22 ***thereof. Funds available under this section shall also be used to make medical provider***
23 ***payments and to support the state's Medicaid enhancement tax unrestricted revenue***
24 ***account, in amounts directed by the budget in each year of the biennium. Expenditure of***
25 ***revenues deposited to the uncompensated care fund shall be made in the following order of***
26 ***priority:***

27 (1) ***To support medical provider payments as budgeted in each year of the***
28 ***biennium;***

29 (2) ***To ensure that critical access hospitals receive reimbursement for***
30 ***reported uncompensated care costs at the rate of 100 percent of the individual hospital***
31 ***limit or at the highest uniform percentage that available funding would permit should***
32 ***funds be inadequate to cover 100 percent of the hospital limit for disproportionate share***
33 ***payments as determined by the commissioner consistent with the provisions of 42 U.S.C.***
34 ***section 1396r-4(g) and any relevant federal regulations promulgated thereunder;***

35 (3) ***To support the state's medicaid enhancement tax unrestricted revenue***
36 ***account as budgeted in each year of the biennium; and***

37 (4) ***If authorized, to reimburse non-critical access hospitals at the highest***

1 *uniform percentage of each hospital's disproportionate share hospital payment limit as the*
2 *funds made available under this section permit and are consistent with the requirements*
3 *of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated*
4 *thereunder.*

5 (b) The commissioner is hereby authorized and directed to develop and implement, *in*
6 *connection with the payment by the state to hospitals for reimbursement of uncompensated*
7 *care costs*, a schedule of payments for reimbursement of the uncompensated care costs of those
8 hospitals that are subject to the tax liability imposed under RSA 84-A and that participate in the
9 state Medicaid program. The *reimbursement of uncompensated care costs paid in state fiscal*
10 *year 2012 and state fiscal year 2013 shall be in accordance with the* schedule of payments to
11 hospitals ~~[shall take]~~ *that takes* effect on ~~[January 1,]~~ *or after July 1, 2011*, subject to the prior
12 review and approval of ~~[the fiscal committee of the general court and]~~ the federal Centers for
13 Medicare and Medicaid Services, and shall be structured in a manner that ~~[- (i) reduces to the~~
14 ~~greatest extent practicable the disproportionate impact among hospitals of uncompensated care~~
15 ~~costs; (ii) permits maximum available federal financial participation for these payments in~~
16 ~~accordance with Title XIX of the Social Security Act; and (iii)]~~ is consistent with all federal laws and
17 regulations governing *(i) Title XIX disproportionate share hospital payment adjustments and other*
18 *rate payments, (ii) conditions for receiving federal financial participation, and (iii)*
19 *permissible sources of state financial participation as provided for under 42 C.F.R. part 433 and all*
20 *other applicable federal regulations.*

21 (c) For purposes of this section, uncompensated care costs shall include: *any* charity
22 care ~~[costs]~~ *cost, and* any portion of ~~[Medicaid]~~ *Medicaid-covered* patient care costs ~~[that are]~~
23 unreimbursed by Medicaid payments, ~~[and any portion of bad debt costs]~~ that the commissioner
24 determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific
25 limits on disproportionate share hospital payments under Title XIX of the Social Security Act *and*
26 *the provisions of all federal regulations promulgated thereunder.*

27 (d) ~~[The commissioner may provide reimbursement for uncompensated care costs in~~
28 ~~accordance with the approved schedule of payments through either Medicaid fee for service rate~~
29 ~~adjustments or disproportionate share hospital payment adjustments, or a combination thereof.~~
30 ~~Funds available under this section shall be first allocated to ensure that critical access hospitals and~~
31 ~~rehabilitation hospitals receive reimbursement for reported uncompensated care costs at the rate of~~
32 ~~100 percent of the individual hospital limit for disproportionate share payments as determined by~~
33 ~~the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g). Non-critical access~~
34 ~~hospitals shall receive reimbursement at the highest uniform percentage of each hospital limit as the~~
35 ~~funds made available under this section permit. The commissioner may create additional categories~~
36 ~~of need and make further reasonable distinctions among hospitals when determining the~~
37 ~~methodology for payments under this section, as necessary, to ensure that no hospital is unduly~~

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1 ~~burdened by the fiscal effect of uncompensated care costs.~~

2 (☉) One percent of the *funds made available for uncompensated care* payments
3 ~~[made from the class lines in the budget of the office of the commissioner, department of health and~~
4 ~~human services, entitled “hospital disproportionate share,” “New Hampshire hospital~~
5 ~~disproportionate share,” and “hospital uncompensated care pool”]~~ shall be placed in a separate class
6 line reserved for the expenses of the department in administering this subdivision.

7 39 Uncompensated Care Fund; Duties of the Commissioner. Amend RSA 167:65, II to read as
8 follows:

9 II. Seek input from ~~[the chairman of]~~ the senate health and human services committee, ~~[the~~
10 ~~chairman of]~~ the house health, human services and elderly affairs committee, ~~[the chairmen of]~~ the
11 house and senate finance committees, ~~[the insurance department,]~~ and ~~[representatives of]~~ *the*
12 hospitals currently participating in the uncompensated care program ~~[in developing]~~ *during the*
13 *development of* the uncompensated care payment system required under paragraph I, and present
14 a report ~~[detailing all the options and making recommendations]~~ *describing the planned payment*
15 *methodology* to the oversight committee on health and human services, established under RSA 126-
16 A:13~~[, not later than January 1, 2010]~~ *prior to payments being made and submit a waiver*
17 *calculation pursuant to the process outlined in 42 C.F.R. section 433.68 for the purpose of*
18 *waiving RSA 84-A, Medicaid enhancement tax liability for Hampstead Hospital,*
19 *HealthSouth Rehabilitation Hospital, and Northeast Rehabilitation Hospital, no later*
20 *than September 30, 2011.*

21 40 Medicaid Enhancement Tax; Definitions. Amend RSA 84-A:1, III to read as follows:

22 III. “Hospital” means general hospitals and special hospitals for rehabilitation required to be
23 licensed under RSA 151 *that provide inpatient and outpatient hospital services* ~~[and receiving~~
24 ~~medicaid diagnosis related group (DRG) payments]~~, but not including government facilities *and any*
25 *hospital excluded from taxation under this chapter pursuant to federal approval of a*
26 *waiver of the broad-based requirement as described in the relevant provisions of 42 C.F.R.*
27 *section 433.68.*

28 41 Medicaid Enhancement Tax; Definitions. Amend RSA 84-A:1, IV-a to read as follows:

29 IV-a. “Net patient services revenue” means the gross charges of the hospital less any
30 deducted amounts for bad debts, charity care, and payor discounts. *“Net patient services revenue”*
31 *shall include revenues received from the state’s uncompensated care account and revenues*
32 *received from all payers of inpatient and outpatient patient care.*

33 42 Applicability; Null and Void. The applicability of paragraphs I and II of RSA 84-A:3 as they
34 were applied in 1991 and 1992 is hereby declared null and void.

35 43 Repeal. RSA 167:65, III, relative to the uncompensated care payment system and the
36 requirement of fiscal committee review and approval prior to submission of a Medicaid state plan
37 amendment, is repealed.

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1 44 Department of Health and Human Services; Consolidation. For the biennium ending
2 June 30, 2013, the commissioner of the department of health and human services is directed to
3 pursue operating and service consolidation initiatives, in an effort to improve service delivery, obtain
4 operating efficiencies, and promote the well-being of the state's citizens. The commissioner shall
5 consolidate district offices of the department of health and human services to achieve a reduction of
6 \$648,000 in general fund appropriations for the biennium ending June 30, 2013. The commissioner,
7 through 2 percent attrition in field operations staff assigned to district offices, shall achieve a
8 reduction of \$744,000 in general fund appropriations for the fiscal year ending June 30, 2012, and a
9 reduction of \$754,000 in general fund appropriations for the fiscal year ending June 30, 2013. The
10 commissioner shall provide regular notice of these efforts to the committees with jurisdiction over
11 health and human services and finance of the house and senate.

12 45 Children's Health Insurance Program. RSA 126-A:3, VIII is repealed and reenacted to read
13 as follows:

14 VIII. The commissioner shall submit a Title XXI state plan amendment, subject to approval
15 by the fiscal committee of the general court and the oversight committee on health and human
16 services, to administer the children's health insurance program within the department commencing
17 upon implementation of Medicaid managed care. The commissioner shall operate the children's
18 health insurance program utilizing the program model that demonstrates the greatest efficiency and
19 value which includes, but is not limited to, Medicaid expansion, accountable care organization, or
20 risk-based managed care models.

21 46 Responsibility for Public Medical Assistance. Amend RSA 167:3-b to read as follows:

22 167:3-b Responsibility for Public Medical Assistance. The provisions of RSA 167:2, 3 and 3-a, do
23 not apply to the administration of medical assistance, ***except with respect to the spouse of the***
24 ***individual who needs medical care or services, or the parent of such individual, if said***
25 ***individual is under the age of 21.***

26 47 Child Protection Act; Liability of Expenses and Hearing on Liability. Amend RSA 169-C:27,
27 I(b) to read as follows:

28 (b) Subparagraph (a) shall not apply to expenses incurred for special education and
29 related services, or to expenses incurred for evaluation, care, and treatment of the child at the
30 [~~Philbrook center~~] ***New Hampshire hospital*** or to expenses incurred for the cost of accompanied
31 transportation ***or to expenses incurred for the cost of alcohol and drug testing.***

32 48 Nursing Facility Quality Assessment; Contingency. Notwithstanding RSA 84-C:11, I, for the
33 biennium ending June 30, 2013, the nursing facility quality assessment imposed by RSA 84-C shall
34 not be assessed, and no return shall be required to be made, upon the occurrence of any proceeds
35 collected from nursing facilities as defined in RSA 84-C:1, V(a), from the nursing facility quality
36 assessment being expended by the state or any state agency for any purpose other than funding
37 nursing facility expenditures through the nursing facility trust fund under RSA 151-E:14 and long-

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1 term care services through the department of health and human services.

2 49 Intermediate Care Facilities; Use of ICF Separate Account. Notwithstanding the provisions
3 of RSA 84-D:5, for the biennium ending June 30, 2013, moneys from the ICF separate account may
4 be expended by the state for long-term care services through the department of health and human
5 services.

6 50 Quality Assessment Expenditures; State Expenditures for Long-Term Care Services. For the
7 biennium ending June 30, 2013, notwithstanding the provisions of RSA 151-E:14 and RSA 151-E:15-
8 a, 25 percent of the receipts from the nursing facility quality assessment under RSA 84-C:3 and the
9 ICF quality assessment under RSA 84-D:3 shall be deposited as restricted revenue in accounts of the
10 department of health and human services and shall be used in support of long-term care services and
11 not for any other purpose.

12 51 Department of Transportation; Agreements to Lease-Purchase Vehicles and Equipment
13 Authorized. For the biennium ending June 30, 2013, the commissioner of the department of
14 transportation is authorized, with the prior approval of the fiscal committee of the general court, to
15 enter into agreements to lease-purchase vehicles and equipment.

16 52 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received
17 in the fiscal years ending June 30, 2012 or June 30, 2013 from the Federal Emergency Management
18 Agency of Federal Highway Administration's Emergency Relief Program or any other federal
19 program providing emergency assistance to the department of transportation to reimburse costs
20 incurred for emergency response, including but not limited to, equipment rental, snow plowing,
21 sanding, salting, flood damage response, and personnel overtime during any emergency declared
22 shall be collected by the appropriate agency and appropriated to the department of transportation.

23 53 New Sections; Department of Labor Nonlapsing Restricted Fund. Amend RSA 273 by
24 inserting after section 1 the following new sections:

25 273:1-a Budget and Accounting. The department of labor shall budget and account for its
26 operations through restricted funds rather than through the general fund; said restricted funds to be
27 funded through all fees, licenses, certificates, and civil penalties of the department of labor, as well
28 as existing assessment procedures.

29 273:1-b Restricted Fund. There is hereby established in the state treasury a department of
30 labor restricted fund for the sole purpose of paying costs of operating the department of labor other
31 than workers' compensation. All moneys in the restricted fund shall be continually appropriated to
32 the department of labor. The commissioner shall administer the fund, and the state treasurer shall
33 be the custodian of the fund. All moneys in the fund in excess of amounts used by the department
34 for authorized personnel expenses, administrative costs, and other related costs for the operation of
35 the department, shall be transferred on June 30 of each year to the general fund. The existence and
36 operation of this restricted fund shall not affect the continued existence and operation of the
37 administration fund established by RSA 281-A:59.

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1 54 New Subparagraph; General Revenue Exceptions. Amend RSA 6:12, I(b) by inserting after
2 subparagraph 304 the following new subparagraph:

3 (305) Moneys deposited in the department of labor restricted fund established in
4 RSA 273:1-b.

5 55 Reference Changes. Amend the following RSA provisions by replacing the words “general
6 fund” or “state’s general fund” with “department of labor restricted fund established in RSA 273:1-b”:
7 RSA 157-A:10-a, I; 157-B:13-a, I; 273:11-a, I; 275-F:9, I; 277-B:12, II; 277-B:13; 281-A:4-a, I; 281-A:7,
8 I(a)(2); 281-A:43, I(d); 281-A:43, I (e); 281-A:59, IV; 281-A:60, I(r); 281-A:70.

9 56 Reference Changed. Amend RSA 277-B:12, III to read as follows:

10 III. Any client company which does business with an unlicensed employee leasing company
11 may be fined by the commissioner up to \$1,000 per employee for each day the violation continues.
12 Any funds collected under this section shall be deposited in the [~~general fund as unrestricted~~
13 ~~revenue~~] ***department of labor restricted fund established in RSA 273:1-b.***

14 57 Reference Changed. Amend RSA 277-B:15-a, I to read as follows:

15 I. Employee leasing firms shall maintain a list of current and past clients which shall be
16 available for inspection by the department of labor without notice. The list shall be submitted to the
17 labor department on a quarterly basis. Failure to maintain an updated client list shall subject the
18 licensee to a \$1,000 fine, and a \$2,500 fine and loss of license for a second or subsequent offense if
19 deemed appropriate by the commissioner. Funds generated from fines shall be deposited in the
20 [~~general fund as unrestricted revenue~~] ***department of labor restricted fund established in RSA***
21 ***273:1-b.***

22 58 Reference Changed. Amend RSA 281-A:5-d, III to read as follows:

23 III. Any client company which knowingly does business with an unlicensed third party
24 administrator may, after written notification, be fined up to \$1,000 per day for each day the violation
25 continues. Any funds collected under this section shall be deposited in the [~~general fund as~~
26 ~~unrestricted revenue~~] ***department of labor restricted fund established in RSA 273:1-b.***

27 59 Reference Changed. Amend RSA 281-A:43, II to read as follows:

28 II. A decision of the commissioner, the commissioner’s authorized representative, or the
29 board shall take effect and shall become final, in the absence of an appeal from it, 30 days from the
30 date of the decision. Payment of weekly compensation and entitlement to medical and vocational
31 benefits, if necessary and so ordered by the commissioner or the board, shall begin or continue as
32 soon as possible, but no later than 5 working days after the decision’s effective date, and shall not be
33 terminated except in accordance with the terms of the decision or of a final court determination. If
34 the commissioner determines that the employer or carrier has failed to comply with any order, then
35 the commissioner may assess a penalty not to exceed \$100 for each day of noncompliance, beginning
36 on the date of notification of its assessment. Upon continued failure to comply with an order to make
37 payment of the compensation or medical benefits, or to institute vocational rehabilitation, or to pay

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1 the penalty, or any combination thereof, the commissioner shall petition the superior court for an
2 injunction to comply. The commissioner shall deposit [~~with the state treasurer~~] **into the**
3 **department of labor restricted fund established in RSA 273:1-b** any penalty collected under
4 this section.

5 60 Reference Changed. Amend RSA 281-A:53, I to read as follows:

6 I. Every employer or self-insurer shall record in sufficient detail and shall report or cause to
7 be reported to the commissioner any injury sustained by an employee in the course of employment as
8 soon as possible, but no later than 5 days after the employer learns of the occurrence of such an
9 injury. If an injury results in a disability extending beyond 3 days, the employer shall file with the
10 commissioner a supplemental report giving notice of such disability as soon as possible after such
11 waiting period, but no later than 7 days after the accidental injury. The employer shall supply a
12 copy of either report to the nearest claims office of the employer's insurance carrier. A self-insurer
13 need not file the supplemental report with the commissioner and may keep the insurance copy of the
14 employer's first report as a file copy. If any employer fails without sufficient cause as determined by
15 the commissioner to file a first report as set forth in this paragraph, the commissioner shall assess a
16 civil penalty of up to \$2,500. If any employer fails to pay a civil penalty, the commissioner shall
17 recover such penalty payment by a civil action in the superior court of the county of jurisdiction.
18 Civil penalties owed under this section shall be paid to the commissioner, who shall deposit them
19 [~~with the state treasurer~~] **into the department of labor restricted fund established in RSA**
20 **273:1-b.**

21 61 Reference Added. Amend RSA 275:57, IV to read as follows:

22 IV. An employer who willfully violates the provisions of this section may be assessed interest
23 and a civil penalty of up to \$1,000 per violation, **which shall be deposited into the department of**
24 **labor restricted fund established in RSA 273:1-b.**

25 62 Reference Added. Amend RSA 276-A:7-a to read as follows:

26 276-A:7-a Civil Penalties. In addition to other penalties and remedies imposed under this
27 chapter, the commissioner may assess a civil penalty on an employer not to exceed \$2,500 for each
28 violation of any provision of this chapter or rule adopted pursuant to this chapter, **which shall be**
29 **deposited into the department of labor restricted fund established in RSA 273:1-b.** In
30 assessing this penalty, the commissioner shall consider the nature of the violation, the employer's
31 history of violations, and the employer's good faith.

32 63 Reference Changed. Amend RSA 281-A:42, III to read as follows:

33 III. Upon failure of any insurance carrier or self-insurer to comply with either an order for
34 payment of compensation or an assessment of a civil penalty, the commissioner shall recover either
35 or both in a civil action in the superior court of the county of jurisdiction. Anyone owing a civil
36 penalty under this section shall pay it to the commissioner, who shall deposit it [~~with the state~~
37 ~~treasurer~~] **into the department of labor restricted fund established in RSA 273:1-b.**

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1 64 Reference Added. Amend RSA 281-A:23-a, VI(b) to read as follows:

2 (b) If the commissioner determines that a managed care program has failed to comply
3 with the provisions of this section or the rules adopted to implement such section, but that such
4 failure does not warrant withdrawal of approval of the program, the commissioner may, after notice
5 to the managed care program and hearing, assess a civil penalty of not more than \$100 for each such
6 failure, ***which shall be deposited into the department of labor restricted fund established in***
7 ***RSA 273:1-b***. If a managed care program fails to pay such penalty, the commissioner shall recover
8 the penalty in a civil action in the superior court of the county of jurisdiction.

9 65 Reference Added. Amend RSA 281-A:30, VII to read as follows:

10 VII. A carrier or self-insurer failing without sufficient cause to make payment under this
11 section within the period specified by the commissioner shall be assessed a civil penalty of \$100 for
12 each day that the payment is overdue, ***which shall be deposited into the department of labor***
13 ***restricted fund established in RSA 273:1-b***.

14 66 Reference Added. Amend RSA 281-A:55, V to read as follows:

15 V. An insurance carrier or self-insurer failing without sufficient cause to make payment
16 under this section within the period specified by the commissioner shall be assessed a civil penalty of
17 \$100 for each day that the payment is overdue, ***which shall be deposited into the department of***
18 ***labor restricted fund established in RSA 273:1-b***.

19 67 Guardian Ad Litem Fees. Amend RSA 461-A:16, IV to read as follows:

20 IV. The fees for services for the guardian ad litem and others utilized by the guardian and
21 approved by the court shall be a charge against the parties in a proportional amount as the court
22 may determine. [~~Where the parties are indigent, compensation for guardians ad litem and others~~
23 ~~utilized by the guardian and approved by the court shall be based upon the applicable fee schedule~~
24 ~~established by the supreme court for indigent defense counsel.~~]

25 68 Liability for Expenses. RSA 461-A:17 is repealed and reenacted to read as follows:

26 461-A:17 Guardians Ad Litem and Mediators; Liability for Expenses. The judicial council shall
27 have no responsibility for the payment of the costs of a mediator or guardian ad litem for any party
28 under this chapter.

29 69 Judicial Council; Appropriation for Marital Services for Indigent Parents.

30 I. The sum of \$240,000 is hereby appropriated to the judicial council for the fiscal year
31 ending June 30, 2011, for the purposes of covering costs associated with marital services provided to
32 indigent parents for the fiscal year ending June 30, 2011. Said appropriation shall not lapse until
33 June 30, 2012. The governor is hereby authorized to draw a warrant for said sum from the special
34 fund for mediator and guardian ad litem services established pursuant to RSA 461-A:17.

35 II. Beginning October 1, 2011 through October 1, 2012, the judicial council shall provide a
36 quarterly report on the use and expenditure of the appropriation in paragraph I to the fiscal
37 committee of the general court.

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1 70 Repeal. RSA 6:12, I(b)(81), relative to the special fund for mediator and guardian ad litem
2 services, is repealed.

3 71 Mediation of Cases Involving Children; Payment of Mediator Fees by Indigent Parties.
4 Amend RSA 461-A:7, X to read as follows:

5 X. In the event both parties are indigent, the mediator shall be paid a set fee for his or her
6 services. The amount of the fee shall be set annually by supreme court rule. The court may order
7 each party to pay a proportional amount of said fee. The fee shall be paid from the ~~[special fund~~
8 ~~established pursuant to RSA 461-A:17]~~ **mediation and arbitration fund established in**
9 **RSA 490-E:4** and repaid by the parties in accordance with RSA 461-A:18, **including fees for pre-**
10 **suit marital mediation authorized pursuant to RSA 490-E:2, V. The supreme court**
11 **shall determine by rule a percentage amount of the entry fee paid to each clerk of court**
12 **for each petition in domestic relations cases to be deposited into the mediation and**
13 **arbitration fund to be used to pay for mediation where both parties are indigent. At no**
14 **time shall the percentage amount exceed 25 percent of the entry fee for each petition.**

15 72 Repayment of Mediator and Guardian Ad Litem Fees. Amend RSA 461-A:18, I to read as
16 follows:

17 I. In any case where a mediator has been appointed pursuant to RSA 461-A:7 or a guardian
18 ad litem has been appointed pursuant to RSA 461-A:16 and the responsible party's proportional
19 share of the expense ~~[is]~~ **was** ordered to be paid by the judicial council from the **prior** special fund
20 established pursuant to RSA 461-A:17 **or is ordered to be paid by the judicial branch from the**
21 **mediation and arbitration fund pursuant to RSA 490-E:4**, the party shall be ordered by the
22 court to repay the state through the unit of cost containment, office of administrative services, the
23 fees and expenses paid on the party's behalf as the court may order consistent with the party's
24 ability to pay, such ability to be determined by the unit of cost containment.

25 73 Mediation and Arbitration Fund. Amend RSA 490-E:4, I(a) to read as follows:

26 (a) All moneys collected pursuant to **RSA 461-A:7, X**, RSA 490:27, II, RSA 490-D:12, III,
27 RSA 503:4, II, and RSA 502-A:28, III.

28 74 Child Protection Act; Liability of Expenses. Amend RSA 169-C:27, I(f) to read as follows:

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

32 75 Judicial Council; Supplemental Appropriation; Counsel for Indigent Parents in Abuse and
33 Neglect Cases.

34 I. In addition to any other sums appropriated to the judicial council, the sum of \$250,000 is
35 hereby appropriated to the judicial council for the fiscal year ending June 30, 2011, for the purpose of
36 covering costs associated with payment of counsel for indigent parents in abuse and neglect cases
37 filed in the fiscal year ending June 30, 2011 and pending in the fiscal year ending June 30, 2012.

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1 Said appropriation shall not lapse until June 30, 2012. The governor is hereby authorized to draw a
2 warrant for said sum out of any money in the treasury not otherwise appropriated.

3 II. Beginning October 1, 2011 through October 1, 2012, the judicial council shall provide a
4 quarterly report on the use and expenditure of the appropriation in paragraph I to the fiscal
5 committee of the general court.

6 76 Adequate Representation Costs. Amend RSA 604-A:1-a to read as follows:

7 604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a
8 guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such
9 appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter. [~~In~~
10 ~~cases involving a neglected or abused child, when an attorney is appointed to represent a parent~~
11 ~~determined to be indigent pursuant to RSA 169-C:10, II, the cost of such appointment shall be paid~~
12 ~~from funds appropriated for indigent defense pursuant to this chapter.~~]

13 77 Child Protection Act; Guardians Ad Litem. Amend RSA 169-C:10, I to read as follows:

14 I. In cases brought pursuant to this chapter involving a neglected or abused child, the court
15 shall appoint a [~~guardian ad litem or~~] Court Appointed Special Advocate (CASA) **or other approved**
16 **program** guardian ad litem for the child. ***If a CASA or other approved program guardian ad***
17 ***litem is unavailable for appointment, the court may then appoint an attorney or other***
18 ***guardian ad litem as the guardian ad litem for the child.*** The court shall not appoint an
19 attorney for any guardian ad litem appointed for the child[~~, but may appoint an attorney or any other~~
20 ~~qualified individual as the guardian ad litem for the child~~]. The CASA **or other approved program**
21 guardian ad litem shall have the same authority and access to information as any other guardian ad
22 litem. ***For purposes of this paragraph, "unavailable for appointment" means that there is***
23 ***no CASA or other approved program guardian ad litem available for appointment by the***
24 ***court following a finding of reasonable cause at the preliminary hearing held under RSA***
25 ***169-C:15 so that the child's interests may effectively be represented in preparation for and***
26 ***at an adjudicatory hearing.***

27 78 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, III(a) to read as follows:

28 (a) Appoint ***a CASA or other approved program guardian ad litem or*** an attorney
29 ***or other qualified guardian ad litem*** to represent the child pursuant to RSA 169-C:10.

30 79 Child Protection Act; Appointment of Counsel. Amend RSA 169-C:10, II(a) to read as follows:

31 (a) In cases involving a neglected or abused child under this chapter, where the child's
32 expressed interests conflict with the recommendation for dispositional orders of the guardian ad
33 litem, the court may appoint an attorney to represent the interests of the child. [~~In any case of~~
34 ~~neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to represent~~
35 ~~an indigent parent alleged to have neglected or abused his or her child. In addition, the court may~~
36 ~~appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or~~
37 ~~her child if the parent is a household member and such independent legal representation is~~]

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1 ~~necessary to protect the parent's interests. The court shall not appoint an attorney to represent any~~
2 ~~other persons involved in a case brought under this chapter.]~~

3 80 Termination of Parental Rights. Amend RSA 170-C:13 to read as follows:

4 170-C:13 Fees and Court Costs.

5 ***I. The petitioner shall pay*** all entry fees and court costs including costs of giving notice,
6 ***costs of*** advertising, and court-appointed guardian ad litem fees ~~[shall be paid by the petitioner].~~
7 The court, however, may waive entry fees and court costs where payment would work a hardship on
8 the petitioner. Where the court waives payment by the petitioner, the state, through the court
9 system, shall pay court costs ~~[and the fee of any court appointed guardian ad litem].~~ ***The judicial***
10 ***council shall pay the cost of a CASA guardian ad litem appointed for the child or other***
11 ***guardian ad litem in cases arising from an underlying abuse and neglect proceeding when***
12 ***the state is the moving party.***

13 ***II.*** The department of health and human services is exempted from paying any entry fees
14 and court costs.

15 ***III. When appointment of counsel is made by the court pursuant to RSA 170-C:10 for***
16 ***a parent determined to be financially unable to employ counsel, the court shall use a***
17 ***financial eligibility guideline established by the office of cost containment to determine if***
18 ***the party is indigent. Upon determination that the party is indigent, the court may***
19 ***appoint counsel, subject to an order of repayment through the office of cost containment.***
20 ***The judicial council shall bear no financial responsibility for the payment of appointed***
21 ***attorney costs in such cases where the state is not the moving party for the termination of***
22 ***parental rights. The state shall bear no responsibility in private termination of parental***
23 ***rights cases for payment of either counsel or guardian ad litem.***

24 81 Parental Rights and Responsibilities; Non-Certified Guardians Ad Litem. Amend the
25 introductory paragraph of RSA 461-A:16, VI to read as follows:

26 VI. The supreme court shall provide the following relative to ***non-certified*** guardians ad
27 litem appointed pursuant to this section:

28 82 Sale of Property. Notwithstanding RSA 10, the commissioner of the department of
29 administrative services shall offer for sale to the city of Laconia the lakes region facility property in
30 Laconia for consideration of not less than \$10,000,000 by July 1, 2012. If the city refuses the offer,
31 the lakes region facility property shall be offered for sale to Belknap county at the current market
32 value. If the county refuses the offer, the commissioner of administrative services shall issue a
33 request for proposals for the sale of the lakes region facility property in Laconia at no less than the
34 current market value, such sale to be completed no later than May 1, 2013. The sale of such
35 property shall be subject to the requirements of RSA 4:40, except that review and approval of the
36 sale of the property by the council on resources and development and the long range capital planning
37 and utilization committee shall not be required. All proceeds from the sale shall be deposited into

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1 the general fund.

2 83 State Institutions; Governor and Council. Amend RSA 10:1 to read as follows:

3 10:1 Governor and Council. The ultimate executive authority over the New Hampshire hospital,
4 formerly the state hospital; [~~Laconia developmental services, formerly the Laconia state school and~~
5 ~~the Laconia state school and training center;~~] the New Hampshire youth development center,
6 formerly the industrial school; and the Glencliff home, formerly the state sanatorium, including all
7 real and personal estate used in connection therewith, the purchase of materials and supplies for
8 said institutions and the departments of state, as hereinafter provided, is vested in the governor and
9 council.

10 84 Department of Administrative Services; Appropriation. Amend 2010S, 1:96 to read as
11 follows:

12 1:96 Appropriation; Department of Administrative Services. The sum of \$250,000 is hereby
13 appropriated to the department of administrative services for the biennium ending June 30, 2011[7].
14 ***Said funds shall be used for the purpose of employing a consultant with real estate and***
15 ***financial expertise in the completion of the sale of the lakes region facility property and***
16 ***the preparation of the request for proposals, and any remaining balance may be used by***
17 ***the commissioner of the department*** for the purpose of retaining independent real estate and
18 financial expertise [~~for the commission's work under RSA 21-I:87 RSA 21-I:91~~] ***for the sale of other***
19 ***state properties and assets.*** The governor is authorized to draw a warrant for said sum out of any
20 money in the treasury not otherwise appropriated. ***Such funds shall not lapse until June 30,***
21 ***2013.***

22 85 Department of Administrative Services; Suspension of Bumping Rights. The displacement of
23 classified state employees by more senior classified state employees, or so-called bumping, pursuant
24 to administrative rule Per 1101.02(i) through (l) under the authority of RSA 21-I:43 by the director of
25 the division of personnel is hereby suspended from the effective date of this section to June 30, 2013.

26 86 Department of Administrative Services; Consolidation of Human Resources.

27 I. Notwithstanding any law or administrative rule to the contrary, the commissioner of
28 administrative services, with the prior approval of the fiscal committee of the general court and the
29 governor and council, is authorized to make such transfers of appropriation items and changes in
30 allocations of funds available for operational purposes to the department of administrative services,
31 from any other agency, as may be necessary or desirable to effectuate the efficient consolidation of
32 human resource and payroll functions within state government.

33 II. The commissioner of administrative services is authorized to establish the number and
34 classification of personnel required for human resource and payroll management in state
35 government and, with the prior approval of the governor and council, is authorized to eliminate
36 unnecessary positions and to transfer to the department of administrative services any position in
37 another agency identified by the commissioner of administrative services as necessary to effectuate

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1 the efficient consolidation of human resource and payroll functions within state government. Such
2 transfers shall include the transfer of all associated books, papers, records, personnel files, and
3 equipment, including but not limited to work station and information technology equipment, and
4 shall include the transfer of any unexpended appropriations for any of the foregoing, as well as any
5 unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated
6 with the transferred personnel. All commissioners and department heads shall cooperate with the
7 commissioner of administrative services to accomplish the intent of this section.

8 III. The commissioner of administrative services may locate personnel whose positions have
9 been transferred in such work spaces as the commissioner determines will efficiently effectuate the
10 consolidation of human resource and payroll functions. Such work spaces may include either space
11 currently owned or rented by the state, or space which may be rented by the commissioner utilizing
12 amounts which may be saved by the state as the result of the consolidation of human resources and
13 payroll functions.

14 IV. The consolidation of human resource and payroll functions shall achieve a savings in the
15 fiscal year ending on June 30, 2013 of no less than \$1,428,000 in total funds and \$571,200 in general
16 funds.

17 87 Department of Administrative Services; Consolidation of Certain Business Processing
18 Functions.

19 I. The commissioner of administrative services, with the prior approval of the fiscal
20 committee of the general court and the governor and council, is authorized to make such transfers of
21 appropriation items and changes in allocations of funds available for operational purposes to the
22 department of administrative services, from any other agency, as may be necessary or desirable to
23 effectuate the efficient consolidation of business processing functions within state government. Such
24 business processing functions shall include (i) accounts receivable, (ii) accounts payable, (iii)
25 collection of fines, penalties, fees, restitution, remittances, and other moneys due to the state, and
26 (iv) such other finance and accounting functions and transactions the commissioner of administrative
27 services determines would achieve substantial efficiencies from consolidation.

28 II. The commissioner of administrative services is authorized to issue a request for proposals
29 or purchases in accordance with RSA 21-I:22 and RSA 21-I:22-a for the services and assistance of a
30 qualified consultant to evaluate and identify opportunities for business processing consolidation in
31 state government and to make recommendations, including for a proposed implementation plan, for
32 consolidation of such functions.

33 III. The commissioner of administrative services is authorized to establish the number of
34 total personnel required for business processing functions in the executive branch of state
35 government and, with the prior approval of the governor and council, is authorized to eliminate
36 unnecessary positions and to transfer to the department of administrative services any position in
37 another agency identified by the commissioner of administrative services as necessary or desirable to

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1 effectuate the efficient consolidation of business processing functions within state government. Such
2 transfers shall include the transfer of all associated books, papers, records, personnel files, and
3 equipment, including but not limited to work station and information technology equipment, and
4 shall include the transfer of any unexpended appropriations for any of the foregoing, as well as any
5 unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated
6 with the transferred personnel.

7 IV. The commissioner of administrative services may locate personnel whose positions have
8 been transferred in such work spaces as the commissioner determines will efficiently effectuate the
9 consolidation of business functions. Such work spaces may include either space currently owned or
10 rented by the state, or space which may be rented by the commissioner utilizing amounts which may
11 be saved by the state as the result of the consolidation of human resources and payroll functions.

12 V. The consolidation of business processing functions shall achieve a savings in the fiscal
13 year ending on June 30, 2012 of no less than \$352,000 in total funds and \$88,000 in general funds,
14 and savings in the fiscal year ending on June 30, 2013 of \$1,000,000 in total funds and \$250,000 in
15 general funds.

16 88 Sweepstakes Fund. Amend RSA 284:21-j, I to read as follows:

17 I. The state treasurer shall credit all moneys received from the lottery commission and all
18 moneys received from the racing and charitable gaming commission under **RSA 284**, RSA 287-D,
19 and RSA 287-E, and interest received on such moneys, to a special fund from which the treasurer
20 shall pay all expenses of the commission incident to the administration of this subdivision and all
21 administration and enforcement expenses of the racing and charitable gaming commission under
22 **RSA 284**, RSA 287-D, and RSA 287-E. Any balance left in such fund after such expenses are paid
23 shall be deposited in the education trust fund established under RSA 198:39.

24 89 McAuliffe-Shepard Discovery Center; Appropriation.

25 I. The sum of \$227,000 is hereby appropriated for the fiscal year ending June 30, 2013 to the
26 McAuliffe-Shepard discovery center for the purpose of supporting the transition of the discovery
27 center to a fiscally self-sufficient entity. This sum shall be in addition to any revenue or grants that
28 may become available to the discovery center. The governor is authorized to draw a warrant for such
29 amount out of any money in the treasury not otherwise appropriated.

30 II. The discovery center shall, no later than December 15, 2011, report to the fiscal
31 committee of the general court and the governor and council detailing the discovery center's plan to
32 maintain its operations in fiscal year 2013 as a state agency utilizing no more than the general funds
33 appropriated under this section, or its plan to become a self-sufficient not-for-profit organization no
34 later than January 1, 2013.

35 90 Lottery Commission; Incentive Program. The lottery commission may develop and
36 implement an employee recognition program for monetary incentives to promote increased sales and
37 compensate lottery sales representatives based upon performance and funded from an existing

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1 lottery budget line item. The incentive program shall be implemented through rules adopted by the
2 lottery commission in accordance with RSA 541-A. The lottery commission shall report quarterly to
3 the fiscal committee of the general court on the status of the incentive program.

4 91 Lottery Retailer Commissions. Amend the introductory paragraph of RSA 284:21-h, II(d) to
5 read as follows:

6 (d) May be sold by or for the lottery commission at designated locations, other than
7 grounds and campuses of public and private schools, colleges, and universities, by persons, whether
8 natural, associate, or corporate, authorized to sell such tickets on a ~~[minimum]~~ 5 percent commission
9 basis for services rendered. The commission ~~[may establish higher sales]~~ **shall pay a 10 percent**
10 commission ~~[rates no greater than 6 percent and other sales incentives deemed necessary to increase~~
11 ~~lottery sales]~~ **on those sales made during a fiscal year which exceed the sales made during**
12 **the previous fiscal year. The lottery commission shall report quarterly to the fiscal**
13 **committee of the general court on commissions paid under this subparagraph.** All sales
14 shall be subject to the rules and regulations of the commission provided:

15 92 Liquor Commission; Employee Incentive Program. The liquor commission may develop and
16 implement an employee incentive system for monetary incentives for its store managers and
17 employees to reward superior customer service, organization and appearance of retail stores,
18 creativity and attractiveness of displays, workplace safety records, and other relevant and objective
19 criteria related to customer service and sales. The liquor commission shall report quarterly to the
20 fiscal committee of the general court on the status of the incentive program. The incentive program
21 shall be implemented through rules adopted by the commission in accordance with RSA 541-A.

22 93 New Section; Temporary State Liquor Stores. Amend RSA 177 by inserting after section 1
23 the following new section:

24 177:1-a Temporary State Stores. The commission may lease, rent, and equip, in the name of the
25 state, stores or space in buildings such as airports or shopping malls and in large venues such as
26 racetracks, temporary stores for the sale or promotion of liquor or related products as are necessary
27 to carry out the provisions of this chapter, except that no such store shall be operated within 200 feet
28 of any public or private school, church, chapel, or parish house. The liquor commission shall report
29 quarterly to the fiscal committee of the general court on the status of temporary stores.

30 94 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund
31 Suspended. Notwithstanding RSA 176:16, III, for the biennium ending June 30, 2013, all gross
32 revenue derived by the liquor commission from the sale of liquor and related products, or from
33 license fees, shall be deposited into the liquor commission fund.

34 95 Department of Environmental Services; Water Quality Laboratory Services; Transfer of
35 Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

36 I. Notwithstanding any provision of law to the contrary, all of the functions, positions,
37 powers, duties, responsibilities, and funding of the water quality laboratory authorized by RSA 21-

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1 O:12 shall be transferred to the department of health and human services on July 1, 2011. The
2 transfer provided in this section shall include all of the equipment, books, papers, and records of the
3 water quality laboratory.

4 II. All existing rules, statutory responsibilities, regulations, and procedures relating to
5 enforcement in effect, in operation, or adopted in or by the water quality laboratory are transferred
6 to the department of health and human services, and are declared in effect and shall continue in
7 effect until rescinded, revised, or amended in accordance with applicable law.

8 96 Department of Health and Human Services; Laboratory Services. Amend the introductory
9 paragraph of RSA 131:3-a to read as follows:

10 131:3-a Fee Required. Notwithstanding the provisions of RSA 131:4, the commissioner of
11 ~~[environmental services]~~ **the department of health and human services** shall collect a fee for
12 analyses made pursuant to RSA 131:3 on the following schedule:

13 97 Department of Health and Human Services. Amend RSA 131:3-a, II to read as follows:

14 II. All such fees collected by the commissioner of ~~[environmental services]~~ **the department**
15 **of health and human services** from federal or state grants or from other state agencies shall be
16 credited against the operating costs of the laboratory. Fees collected from public or private clients
17 shall be deposited with the state treasurer as unrestricted revenue, with the exception that 50
18 percent of every analysis fee shall be deposited with the state treasurer and reserved in a special
19 nonlapsing fund to be used by the commissioner of ~~[environmental services]~~ **the department of**
20 **health and human services** for the purchase of replacement or new laboratory equipment
21 designed to improve service. The commissioner may, with prior approval of the governor and
22 council, use funds in the nonlapsing account for unanticipated personnel or supply expenditures
23 made necessary by unexpected changes in or additions to federal or state required laboratory
24 analyses, or unusual volume of samples.

25 98 Repeal. RSA 125:15-b, relative to access to laboratory data and results, is repealed.

26 99 Office of the Commissioner of Environmental Services; Reference Deleted. Amend RSA 21-
27 O:12, VI to read as follows:

28 VI. Laboratory services shall include such expert assistants and such facilities as are
29 necessary to support the investigatory, analytical, and enforcement functions of the department of
30 environmental services. The commissioner shall provide the commissioner of the department of
31 health and human services with direct access to all raw data, test results, and other information and
32 samples received or generated by the laboratories in the department deemed necessary by the
33 commissioner of the department of health and human services in order to carry out his **or her**
34 responsibilities to protect the public health. ~~[The commissioner shall consult with the commissioner~~
35 ~~of the department of health and human services relative to such access as provided by RSA 125:15-~~
36 ~~b.]~~

37 100 Joint Board of Licensure and Certification; Accountants, Real Estate Appraisers, and Board

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1 of Manufactured Housing Added. Amend RSA 310-A:1, as follows:

2 310-A:1 Joint Board Established. There shall be a joint board of licensure and certification for
3 professional engineers, architects, land surveyors, foresters, professional geologists, natural
4 scientists, landscape architects, court reporters, ~~and~~ home inspectors, **accountants, and real**
5 **estate appraisers, and the board of manufactured housing**, consisting of each of the members
6 of the board of professional engineers, board of architects, state board of licensure for land surveyors,
7 foresters' board, board of professional geologists, the board of natural scientists, the board of
8 landscape architects, the board of court reporters, ~~and~~ the board of home inspectors, **the board of**
9 **accountancy, the real estate appraiser board, and the board of manufactured housing**.
10 ~~[The joint board shall meet at least quarterly to carry out its duties established under this chapter.]~~

11 101 New Section; Manufactured Housing Board; Administrative Functions Transferred to Joint
12 Board. Amend RSA 205-A by inserting after section 29 the following new section:

13 205-A:29-a Administrative and Business Processing Functions. All administrative, clerical, and
14 business processing functions of the board shall be transferred to the joint board of licensure and
15 certification, established in RSA 310-A:1, on July 1, 2011.

16 102 New Paragraph; Board of Accountancy; Administrative Functions Transferred to Joint
17 Board. Amend RSA 309-B:4 by inserting after paragraph IX the following new paragraph:

18 X. All administrative, clerical, and business processing functions of the board shall be
19 transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1,
20 2011.

21 103 New Paragraph; Real Estate Appraisers Board; Administrative Functions Transferred to
22 Joint Board. Amend RSA 310-B:4 by inserting after paragraph IX the following new paragraph:

23 X. All administrative, clerical, and business processing functions of the board shall be
24 transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1,
25 2011.

26 104 Commissions and Boards; Functioning within Department of State. Amend RSA 5:13 to
27 read as follows:

28 5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the
29 boxing and wrestling commission~~[-the board of accountancy]~~ and the joint board of licensure and
30 certification shall each function within the department of state as a separate organizational entity
31 and with all the powers and duties as heretofore provided, except as otherwise provided by law.

32 105 Repeal. RSA 5:13-b, relative to the attachment of the real estate appraiser board to the
33 department of state, is repealed.

34 106 State Budget; Allocation of Gross Appropriations from Highway Fund; Suspension of
35 Allocation to Department of Safety. For the biennium ending June 30, 2013, RSA 9:9-b, II, relative
36 to the highway fund allocation to the department of safety, shall be suspended.

37 107 Duties of the Office of Energy and Planning. Amend RSA 4-C:1, II(g)-(i) to read as follows:

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1 (g) Participate and advise in matters of land use planning regarding [~~lakes and rivers~~
2 ~~management programs~~] ***water resources and floodplain management.***

3 (h) Take a leadership role in encouraging smart growth and preserving farmland, open
4 space land, and traditional village centers.

5 (i) Administer the following programs: the statewide comprehensive outdoor recreation
6 plan, the national flood insurance program, the land conservation investment program, [~~the scenic~~
7 ~~and cultural byways system,~~] fuel assistance contracts, and weatherization contracts. The office
8 shall employ necessary personnel to administer these programs. In administering fuel assistance
9 and weatherization contracts, the office shall ensure that when an individual applies for fuel
10 assistance or weatherization, the individual shall be provided with application forms and
11 information about the Link-Up New Hampshire and Lifeline Telephone Assistance programs, and
12 shall be provided assistance in applying for these programs.

13 108 Office of Energy and Planning. Amend RSA 4-C:2, I, to read as follows:

14 I. The office of energy and planning, under the direction of the governor, shall:

15 (a) Assist the governor in preparing, publishing, and revising the comprehensive
16 development plan required under RSA 9-A.

17 (b) [~~Develop and maintain a technical data base of information to support statewide~~
18 ~~policy development and planning.~~

19 (e) Coordinate and monitor the planning efforts of various state agencies and
20 departments to ensure that program plans published by such agencies are consistent with the
21 policies and priorities established in the comprehensive development plan.

22 (c) Coordinate and monitor the planning efforts of the regional planning
23 commissions to ensure that the plans published by the commissions are consistent, to the extent
24 practical, with the policies and priorities established in the state development plan.

25 109 Repeal. RSA 4-C:4, relative to the coordination of federal funds in the office of energy and
26 planning, is repealed.

27 110 Old Age and Survivors Insurance; Reference Change. Amend RSA 101:2, IV to read as
28 follows:

29 IV. The term "state agency" means the commissioner of health and human services and any
30 person to which the commissioner has delegated any functions under this chapter, or any other
31 agency duly designated to administer the provisions of this chapter by the governor and council in
32 accordance with RSA 124:4 [~~and RSA 4-C:4~~];

33 111 Office of Energy and Planning; Rulemaking. Amend RSA 4-C:5 to read as follows:

34 4-C:5 Rulemaking Authority. The director of the office of energy and planning shall adopt rules,
35 ***as necessary,*** under RSA 541-A[;

36 I], establishing procedures for grant programs administered by the office. These rules shall
37 be adopted for all [~~federal or~~] state grant programs administered by the office in which the office has

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1 authority to establish requirements or procedures or interpret ~~[federal requirements and]~~ state
2 statutes. These rules shall include, as appropriate:

3 ~~[(a)]~~ **I.** Application or grant distribution procedures.

4 ~~[(b)]~~ **II.** Criteria and procedures for evaluating applications.

5 ~~[(c)]~~ **III.** Procedures for administration of funds by grantees.

6 ~~[(d)]~~ **IV.** Monitoring and report procedures.

7 ~~[(e)]~~ **V.** Appeal procedures for parties dissatisfied with grant decisions.

8 ~~[-H. As provided by RSA 4-C:16, I(a).]~~

9 112 Repeal. The following are repealed:

10 I. RSA 4-C:5-a, relative to model ordinances.

11 II. RSA 4-C:6-a, relative to reports on economic development loans and grants.

12 113 Review of Reports by Department of Resources and Economic Development; Reference
13 Change. Amend RSA 12-A:34 to read as follows:

14 12-A:34 Review of Reports Required. For the purpose of ensuring comparability of impact
15 reports on economic development programs issued under ~~[RSA 4-C:6 a,]~~ RSA 12-A:33, and RSA 162-
16 A:23-a, the department of resources and economic development, in consultation with the legislative
17 budget assistant, shall periodically review such reports at least once every 5 years and make
18 recommendations to be utilized by the agencies making such reports for an improved and consistent
19 methodology for assessing the quantity and quality of jobs created and saved and the growth
20 potential and environmental impacts of such programs. This section shall not apply to promotional
21 literature.

22 114 Repeal. The following are repealed:

23 I. RSA 4-C:19-23, relative to the water protection assistance program.

24 II. RSA 485-C:3, III, relative to cooperation between the department of environmental
25 services and the office of state planning in implementing the water protection assistance program.

26 III. RSA 21-O:3, IX, relative to the office of state planning's role in the water protection
27 assistance program.

28 115 Local Land Use; Master Plan. Amend RSA 674:2, III(d) to read as follows:

29 (d) A natural resources section which identifies and inventories any critical or sensitive
30 areas or resources, not only those in the local community, but also those shared with abutting
31 communities. This section provides a factual basis for any land development regulations that may
32 be enacted to protect natural areas. A key component in preparing this section is to identify any
33 conflicts between other elements of the master plan and natural resources, as well as conflicts with
34 plans of abutting communities. ~~[The natural resources section of the master plan should include a~~
35 ~~local water resources management and protection plan as specified in RSA 4-C:22.]~~

36 116 Repeal. RSA 4-C:24-28 and RSA 4-C:30, relative to housing and conservation planning, are
37 repealed.

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1 117 Repeal. RSA 125-G, relative to the high-level radioactive waste act, is repealed.

2 118 Land Use Boards; Training. Amend RSA 673:3-a to read as follows:

3 673:3-a Training. Within ~~[6 months]~~ ***the first year*** of assuming office, ~~[for the first time, any~~
4 ~~non-ex-officio]~~ ***a new*** member of ~~[the]~~ ***a*** zoning board of adjustment ~~[and the]~~ ***or*** planning board may
5 ~~[at the member's option]~~ complete ~~[at least 6 hours of]~~ training ~~[for the member's respective position.~~
6 ~~The training shall be designed and furnished]~~ ***offered*** by the office of energy and planning. ***The***
7 ***office of energy and planning may provide this training, which may be designed in a***
8 ***variety of formats including, but not limited to, web-based, distance learning, traditional***
9 ***classroom style, or self study.***

10 119 Zoning Ordinances; Place for Filing Documents and Reporting Amendments. RSA 675:9 is
11 repealed and reenacted to read as follows:

12 675:9 Place for Filing Documents; Reporting of Adoptions or Amendments. A copy of each
13 master plan, zoning ordinance, historic district ordinance, capital improvement plan, building code,
14 subdivision regulation, historic district regulation, site plan review regulation or amendment which
15 is adopted by a municipality shall be placed in a central file with the office of energy and planning;
16 provided, however, that failure to file these documents or amendments with the office of energy and
17 planning shall not affect the validity of the document. Every municipality which adopts a master
18 plan, zoning ordinance, historic district ordinance, capital improvement plan, building code,
19 subdivision regulation or site plan review regulation or amendment thereto, shall inform the office of
20 energy and planning of such adoption or amendment. The office of energy and planning is hereby
21 authorized to gather this information by way of an annual survey of the municipalities or other such
22 means as may be deemed appropriate. The office of energy and planning shall periodically create
23 lists and reports of the information gathered for use by the municipalities and the general public.

24 120 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(b) to read as follows:

25 (b) A prisoner convicted of a nonviolent offense ***who has not been previously***
26 ***convicted of a sexually violent offense as defined in RSA 135-E:2, XI, aggravated felonious***
27 ***sexual assault pursuant to RSA 632-A:2, felonious sexual assault pursuant to RSA 632-A:3,***
28 ***sexual assault pursuant to RSA 632-A:4, I(a)-(b), kidnapping pursuant to RSA 633:1, I, first***
29 ***degree assault pursuant to RSA 631:1, I, possession of child sexual abuse images pursuant***
30 ***to RSA 649-A:3, I, or distribution of child sexual abuse images pursuant to RSA 649-A:3-a, I***
31 shall be released on parole upon serving 120 percent of the minimum term of his or her sentence,
32 minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such
33 minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in
34 RSA 651-A:22, ***unless the parole board votes to deny such release.***

35 121 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(c) to read as follows:

36 (c) ~~[All prisoners who have not been previously paroled]~~ ***A prisoner who has not been***
37 ***previously paroled, or who [were] was*** recommitted to prison more than one year prior to the

1 expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months
2 prior to the expiration of the maximum term of his or her sentence, ***unless the parole board votes***
3 ***to deny such release***. This provision shall not apply to any prisoner who is the subject of a pending
4 petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly
5 committed, he or she shall be released on parole for the remainder of his or her sentence.

6 122 Effect of Recommitment. Amend RSA 651-A:19 to read as follows:

7 651-A:19 Effect of Recommitment.

8 I. A prisoner who is recommitted shall serve 90 days in prison before being placed back on
9 parole or the remainder of his or her maximum sentence, whichever is shorter, ***or may be subject to***
10 ***an extended term of recommitment pursuant to paragraphs III and IV***. The time between the
11 return of the parolee to prison after arrest and revocation of parole shall be considered as time
12 served as a portion of the maximum sentence.

13 II. Prisoners who are recommitted shall be ~~[housed separately in a prison housing unit that~~
14 ~~provides]~~ ***provided access to*** focused, evidence-based programming aimed at reengaging parolees in
15 their parole plan.

16 ***III. The parole board may impose an extended term of recommitment for greater than***
17 ***90 days if:***

18 (a) ***The prisoner has previously been recommitted for a parole violation; or***

19 (b) ***The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V***
20 ***or an offense against a child as defined in RSA 651-B:1, VII; and***

21 (1) ***The conduct underlying the parole violation is related to his or her***
22 ***offense or offending pattern; or***

23 (2) ***The prisoner has displayed a combination of dynamic risk factors,***
24 ***including but not limited to, homelessness, loss of supports, substance abuse, or non-***
25 ***compliance with treatment, as determined by the department of corrections sexual offender***
26 ***treatment program staff; or***

27 (3) ***Both subparagraphs (1) and (2); or***

28 (c) ***The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII;***

29 ***or***

30 (d) ***The nature of the conduct underlying the parole violation constitutes a***
31 ***criminal act or is otherwise so serious as to warrant an extended period of recommitment.***

32 ***IV.(a) A prisoner may be brought before the parole board at any time during the 90-***
33 ***day term of recommitment to determine whether a longer term is warranted if:***

34 (1) ***The prisoner did not meaningfully participate in the evidence-based***
35 ***programming during the 90-day recommitment period; or***

36 (2) ***The prisoner received one or more major disciplinary violations during***
37 ***the 90-day recommitment period.***

1 ***(b) The prisoner shall be provided notice of the hearing and the basis of the***
2 ***parole board's consideration of an extended term.***

3 ***V. The imposition of an extended term of recommitment pursuant to paragraph III or***
4 ***IV shall be supported by written findings and a written order.***

5 ***VI. Any prisoner who is subject to an extended term of recommitment shall, upon***
6 ***request, be entitled to a hearing before the parole board after serving 6 months of his or***
7 ***her term of recommitment and every 6 months thereafter.***

8 ***VII. At the revocation hearing, the parole board may impose a term of recommitment***
9 ***for less than 90 days if:***

10 ***(a) The prisoner has not been previously recommitment for a parole violation;***

11 ***(b) The prisoner was not on parole for a sexual offense as defined in RSA 651-***
12 ***B:1, V or an offense against a child as defined in RSA 651-B:1, VII;***

13 ***(c) The prisoner was not on parole for a violent crime as defined in RSA 651:5,***
14 ***XIII;***

15 ***(d) The parole violation is not substantially related to his or her offense or***
16 ***offending pattern; and***

17 ***(e) The parole board determines that a lesser period of recommitment will aid in***
18 ***the rehabilitation of the parolee.***

19 123 Involuntary Civil Commitment of Sexually Violent Predators; Notice. Amend RSA 135-E:3,
20 II to read as follows:

21 II. When a person who has committed a sexually violent offense is to be released from total
22 confinement in New Hampshire, the agency with jurisdiction over the person shall give written
23 notice to the person and the county attorney of the county where that person was last convicted of a
24 sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If
25 the person is in custody on an out-of-state or federal sexually violent offense, the agency with
26 jurisdiction shall give written notice to the person and the county attorney of the county where the
27 person plans to reside upon release or, if no residence in this state is planned, the county attorney in
28 the county where the facility from which the person to be released is located or to the attorney
29 general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written
30 notice shall be given at least 9 months prior to the ~~[anticipated]~~ ***potential*** release on parole
31 pursuant to RSA 651-A:6, I(c), except that in the case of persons who are totally confined for a period
32 of less than 9 months, written notice shall be given as soon as practicable.

33 124 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total
34 Confinement. Amend RSA 135-E:4, I to read as follows:

35 I. In the event that a person who has been convicted of a sexually violent offense is eligible
36 for immediate release on parole pursuant to RSA 651-A:6, I(c), or upon completion of the maximum
37 term of incarceration, the agency with jurisdiction shall provide immediate notice to the county

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1 attorney or attorney general of the person's release. The county attorney or attorney general or the
2 agency with jurisdiction may file a petition for an emergency hearing in the superior court
3 requesting that the person subject to immediate release be evaluated by the multidisciplinary team
4 to determine whether the person is a sexually violent predator. The hearing shall be held within 24
5 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not
6 be released from total confinement until after the hearing has been held. At the hearing, the court
7 shall determine whether there is probable cause to believe that the person is a sexually violent
8 predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

9 125 Probationers and Parolees; Risk Assessment and Length of Supervision. Amend RSA 504-
10 A:15, III-IV to read as follows:

11 III. Any person placed on probation for a felony shall be subject to active supervision for up
12 to the first 12 months and thereafter be placed on administrative supervision unless the probationer
13 has been designated high risk [~~or~~], has been adjudicated by the court for a violation of the conditions
14 of probation during the first 12 months under supervision, ***or was placed on probation for a***
15 ***felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.***

16 IV. Any person placed on parole for a felony shall be subject to active supervision for up to
17 the first 18 months and thereafter be placed on administrative supervision unless the parolee has
18 been designated high risk [~~or~~], has violated the conditions of parole during the first 18 months under
19 supervision, ***or was placed on parole for a felony listed as a tier II or tier III offense in***
20 ***RSA 651-B:1, IX and X, respectively.***

21 126 New Paragraph; College Tuition Savings Plan. Amend RSA 195-H:4 by inserting after
22 paragraph IV the following new paragraph:

23 V. Notwithstanding RSA 6:12, I(b)(115), for the biennium ending June 30, 2013, annual
24 administrative fees, less any annual administrative costs that are generated from the
25 New Hampshire college tuition savings plan, less any funds distributed to private New Hampshire
26 colleges and universities under the UNIQUE endowment allocation program established in
27 administrative rule Csp 701-703, shall be allocated in the following manner: 70 percent of such total
28 shall be paid annually prior to the end of each state fiscal year to the university system of
29 New Hampshire and 30 percent of such total shall be paid annually prior to the end of each state
30 fiscal year to the community college system of New Hampshire.

31 127 New Hampshire Excellence in Higher Education Endowment Trust Fund. Notwithstanding
32 RSA 6:12, I(b)(115), the balance of the New Hampshire excellence in higher education endowment
33 trust fund established pursuant to RSA 6:38, as of June 30, 2011 shall be transferred as follows:
34 70 percent of such fund balance, less \$3,000,000, shall be paid to the university system of
35 New Hampshire and 30 percent of such fund balance shall be paid to the community college system
36 of New Hampshire. Interest accrued on the \$3,000,000 shall be used to fund scholarships to
37 New Hampshire students at private New Hampshire colleges and universities. The fund balance

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1 transfers to the university system of New Hampshire and to the community college system of New
2 Hampshire shall be paid no later than July 30, 2011.

3 128 Repeals. The following are repealed:

4 I. RSA 6:12, I(b)(140), relative to moneys deposited in the forgivable loan fund and the loan
5 repayment fund in the workforce incentive program under RSA 188-D:18-f through RSA 188-D:18-h.

6 II. RSA 6:12, I(b)(241), relative to moneys deposited by the postsecondary education
7 commission in the essential functions fund established under RSA 188-D:8, IX.

8 III. RSA 6:12, I(b)(243), relative to moneys used for the New Hampshire incentive program
9 established in RSA 188-D:10.

10 IV. RSA 6:12, I(b)(244), relative to moneys used for the leveraged incentive grant program
11 established in RSA 188-D:33.

12 V. RSA 6:12, I(b)(245), relative to moneys used for the granite state scholars program
13 established in RSA 188-D:36.

14 VI. RSA 6:12, I(b)(247), relative to moneys used for the veterinary/medical/optometric
15 education program established in RSA 200-J.

16 VII. RSA 6:12, I(b)(270), relative to the large animal veterinarian net tuition repayment
17 fund established in RSA 200-J:7.

18 VIII. RSA 6:12-d, II(k), relative to the surety indemnification accounts of the postsecondary
19 education commission.

20 IX. RSA 188-D, relative to the postsecondary education commission.

21 X. RSA 200-J, relative to the veterinary/medical/optometric education program.

22 129 New Section; Department of Education; Division of Higher Education. Amend RSA 21-N by
23 inserting after section 8 the following new section:

24 21-N:8-a Division of Higher Education.

25 I. There is hereby established within the department the division of higher education, under
26 the supervision of an unclassified director of higher education who shall be responsible for the
27 following functions, in accordance with applicable laws:

28 (a) Provide support to the higher education commission established in paragraph II in
29 furtherance of its duties.

30 (b) Facilitate and secure for the students and higher education institutions of this state
31 all benefits provided by Congress in federal law.

32 (c) Apply for, accept, and expend federal grants.

33 (d) Establish and collect reasonable fees related to the performance of statutory duties.

34 (e) Perform the functions of the veterans' State Approving Agency for the purpose of
35 administering veterans education and job training programs as authorized by Congress.

36 (f) Administer scholarships for orphans of veterans program pursuant to RSA 193:19-21.

37 (g) Administer scholarships under the New England higher education compact pursuant

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1 to RSA 200-A.

2 (h) Administer the tuition waiver and scholarship program for children of firefighters
3 and police officers established in RSA 187-A:20-a.

4 (i) Administer the tuition waiver program for foster children established in RSA 187-
5 A:20-b.

6 (j) Administer the Paul Douglas scholarship program.

7 (k) Administer the College Access Challenge grant.

8 (l) Administer the CART Provider and Sign Language Interpreter Net Tuition program.

9 (m) Assume other responsibilities as may be provided in state or federal law.

10 II.(a) There is hereby established a higher education commission which shall consist of the
11 following members:

12 (1) The president of the university of New Hampshire; the president of Keene state
13 college; the president of Plymouth state university; the chancellor of the university system of
14 New Hampshire; a president of one of the institutions of the community college system of
15 New Hampshire, to be chosen by the board of trustees of the community college system.

16 (2) Two members to be appointed by the trustees of the university system of
17 New Hampshire, one of whom shall be a full-time undergraduate student who is a resident of the
18 state, and whose term shall expire upon graduation or when the member is no longer a full-time
19 student.

20 (3) The commissioner of the department of education and the chancellor of the
21 community college system of New Hampshire.

22 (4) One full-time student to be appointed by the board of trustees of the community
23 college system of New Hampshire who shall be a representative of the community college system of
24 New Hampshire who shall be a resident of the state and whose term shall expire upon graduation or
25 when the member is no longer a full-time student.

26 (5) Six representatives of the private 4-year colleges in New Hampshire appointed by
27 the governor and council on recommendation by the New Hampshire College and University Council,
28 with no more than one representative from any one college.

29 (6) One full-time undergraduate student of a private 4-year college in the state of
30 New Hampshire, to be appointed by the governor and council on recommendation by the
31 New Hampshire College and University Council, who shall be a resident of New Hampshire and
32 whose term shall expire upon graduation or change of status from a full-time student.

33 (7) One member to be appointed by the governor and council as a representative
34 from a for-profit college or university not a member of the New Hampshire College and University
35 Council.

36 (8) Four members to be appointed by the governor and council who shall be residents
37 of the state and of the lay public, having no official connection with any college, university, or private

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1 postsecondary career school as an employee, trustee or member on a board of directors.

2 (9) One member to be appointed by the governor and council on recommendation by
3 the New Hampshire Council for Professional Education, who shall be a resident of the state and a
4 representative of a private postsecondary career school.

5 (b) The terms of appointed members, except as indicated above, shall be for 5 years and
6 until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term.

7 (c) Commission appointments shall be made in such a way as to preserve broad and
8 equitable representation on the basis of gender, ethnicity, and socioeconomic groups in the state.

9 (d) The members of the commission, except the ex-officio members, shall serve without
10 compensation, but may be reimbursed for actual travel and other expenses incurred in the
11 performance of their duties on the commission from funds appropriated to the department of
12 education specifically for this purpose.

13 (e) The commission shall:

14 (1) Regulate institutions of higher education pursuant to RSA 292:8-b through
15 RSA 292:8-kk. The commission may accept accreditation by a recognized accrediting association in
16 place of its own evaluation.

17 (2) Administer financial aid programs as provided in state law for students
18 attending higher education institutions who have been residents of New Hampshire for at least 12
19 consecutive months prior to the date of enrollment.

20 (3) Regulate private postsecondary career schools pursuant to RSA 188-G.

21 (4) Establish and collect reasonable fees related to the performance of statutory
22 duties.

23 (5) Participate in, and administer for the state of New Hampshire, the integrated
24 postsecondary education data system as developed by the United States Department of Education,
25 Institute of Education Sciences.

26 (6) Adopt rules, pursuant to RSA 541-A relative to:

27 (A) Organization and operation of the higher education commission established
28 in RSA 21-N:8-a, II.

29 (B) Approval and regulation of institutions of higher education pursuant to RSA
30 292:8-b through RSA 292:8-kk.

31 (C) Licensing of private postsecondary career schools pursuant to RSA 188-G.

32 (D) Administration of financial aid programs for institutions of higher education.

33 (E) Establishment and collection of reasonable fees for functions performed by
34 the division of higher education established in RSA 21-N:8-a.

35 130 New Paragraph; Department of Education; Rulemaking. Amend RSA 21-N:9 by inserting
36 after paragraph II the following new paragraph:

37 III. The department of education shall adopt rules, pursuant to RSA 541-A relative to:

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1 (a) Administration of the tuition waiver and scholarship program for children of
2 firefighters and police officers established in RSA 187-A:20-a.

3 (b) Administration of the tuition waiver program for foster children established in
4 RSA 187-A:20-b.

5 131 Compensation of Certain State Officers. Amend RSA 94:1-a, I(b) by deleting:

6 EE [~~Postsecondary education commission~~] [~~executive~~] director,

7 ***Department of Education***

division of higher education

8 132 Branches or Extension Courses in This State. Amend RSA 186:13-b to read as follows:

9 186:13-b Branches or Extension Courses in This State. Any out-of-state institution of higher
10 learning planning to establish a branch, branches, or extension courses, in this state, shall apply to
11 the [~~postsecondary education commission~~] ***the higher education commission*** for an evaluation of
12 its plans. Plans for each such branch, branches, or extension courses shall thereupon be evaluated,
13 and, if approved, the branch, branches, or extension courses shall thereupon be accredited for such
14 period and under such regulations as [~~said commission~~] ***the commission*** may determine. If a
15 branch, or branches, or program of extension courses are disapproved at any time by [~~said~~
16 ~~commission~~] ***the commission*** all operations and publicity of it shall cease without delay.

17 133 State College and University System; Tuition Waiver and Room and Board Scholarships.
18 Amend RSA 187-A:20-a to read as follows:

19 187-A:20-a Tuition Waived for Children of Certain Firefighters and Police Officers; Room and
20 Board Scholarships.

21 I. A person who is a New Hampshire resident, who is under 25 years of age, and who enrolls
22 in a program leading to a certificate, associate, or bachelor degree at any public postsecondary
23 institution within the state, approved by the [~~postsecondary education commission pursuant to~~
24 ~~RSA 188-D~~] ***department of education, division of higher education***, shall not be required to pay
25 tuition for attendance at such institution if he or she is the child of a firefighter or police officer who
26 died while in performance of his or her duties, and whose death was found to be compensable
27 pursuant to RSA 281-A.

28 II.(a) Any person entitled to a waiver of tuition under this section may apply for a room and
29 board scholarship while attending the institution, to the extent of available funds. Applications for a
30 room and board scholarship shall be filed annually with the [~~postsecondary education commission~~]
31 ***director of the division of higher education***. The [~~commission~~] ***department of education*** shall
32 adopt rules, pursuant to RSA 541-A, relative to the development of criteria for awarding
33 scholarships, development of scholarship application forms, application deadlines, scholarship
34 amounts, provisions for continuing eligibility, and other procedures necessary to administer the room
35 and board scholarships.

36 (b) There is hereby established in the office of the state treasurer a nonlapsing fund to be
37 known as the room and board scholarship fund. The state treasurer shall invest the fund pursuant

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1 to RSA 6:8 and earnings shall be added to the fund. The fund shall be continually appropriated to
2 the [~~postsecondary education commission~~] **division of higher education** for the purpose of
3 providing room and board scholarships as provided in this section, and shall not be diverted or used
4 for any other purpose. The [~~commission~~] **director of the division of higher education** may apply
5 for and accept gifts, grants, and donations from any source to be used for the purpose of providing
6 room and board scholarships as provided in this section.

7 134 New Section; State College and University System; Tuition Waivers for Foster Children.
8 Amend RSA 187-A by inserting after section 20-a the following new section:

9 187-A:20-b Tuition Waiver for Children in State Foster Care or Guardianship.

10 I. An eligible individual who enrolls full-time in a program leading to a certificate,
11 associate's, or bachelor's degree at any public postsecondary institution within the state that is
12 approved by the department of education, division of higher education, shall not be required to pay
13 tuition or fees for attendance at such institution.

14 II. In this subdivision, an eligible individual is a person who is less than 23 years of age and
15 who is or was:

16 (a) In state foster care for the immediate 6-month period prior to his or her 18th
17 birthday;

18 (b) In state guardianship or custody at the time of his or her 18th birthday;

19 (c) Adopted while in state guardianship or adopted from the care, custody, and control of
20 the department following a surrender of parental rights; or

21 (d) In an out-of-home placement under the supervision of the division for juvenile justice
22 services at the time of his or her 17th birthday.

23 III.(a) Eligible individuals interested in a tuition waiver shall annually apply to the division
24 of higher education on a form provided by the division of higher education and within the deadlines
25 established by the division of higher education. No more than 20 tuition waivers per year shall be
26 granted. The department of education shall adopt rules, pursuant to RSA 541-A, relative to the
27 development of eligibility criteria designed to give the children with the greatest financial need first
28 priority in the tuition waiver program, the creation of an application form, application deadlines, and
29 provisions for continuing eligibility which require continued full-time enrollment as provided in this
30 section and maintaining satisfactory academic progress as defined by the institution.

31 (b) Beginning November 1, 2008, and no later than November 1 each year thereafter, the
32 division of children, youth and families shall submit a report to the health and human services
33 oversight committee, established in RSA 126-A:13, and the house children and family law
34 committee, or their successor committees, detailing the status of the tuition waiver program.

35 135 Scholarships for Orphans of Veterans. Amend RSA 193:21 to read as follows:

36 193:21 Payment. The amounts payable to recipients shall be determined by the [~~postsecondary~~
37 ~~education commission~~] **department of education, division of higher education**. The

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1 ~~[commission]~~ **department** shall determine the eligibility in accordance with rules adopted under
2 RSA 541-A of the children who make application for the benefits provided for in this subdivision[
3 ~~provided that no member of the commission shall receive any compensation for such service.]~~

4 136 College Tuition Savings Plan; Commission Established. Amend RSA 195-H:2, I(a)(7) to read
5 as follows:

6 (7) ~~[One member of the postsecondary education commission, appointed by the~~
7 ~~members of such commission]~~ **One member of the higher education commission established in**
8 **RSA 21-N:8-a, II, appointed by majority vote of the members of the commission.**

9 137 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:3
10 to read as follows:

11 200-A:3 Membership of Board. There shall be 8 resident members from New Hampshire on the
12 New England Board of Higher Education as provided in article II of the compact. One of such
13 resident members shall always be the chancellor of the university system. The second resident
14 member shall be the ~~[executive director of the postsecondary education commission]~~ **director of the**
15 **division of higher education, department of education.** The third resident member shall be the
16 chancellor of the community college system of New Hampshire. The fourth and fifth resident
17 members shall be citizens of the state appointed by the governor and council. The sixth resident
18 member shall be a member of the house of representatives appointed by the speaker of the house.
19 The seventh member shall be a member of the senate appointed by the president of the senate. The
20 eighth resident member shall be a representative of a private college in New Hampshire appointed
21 by the governor and council. The term of office for each of the first 3 resident members shall be
22 concurrent with his or her term as chancellor or ~~[executive director]~~ **director.** The term of office for
23 each of the latter 5 resident members shall be for 4 years and until a successor is appointed and
24 qualified, except that the term of any member of the general court shall terminate if such member
25 shall cease to be a state legislator. In that case, another member shall be appointed in a like manner
26 for the unexpired term. The term of the member representing a private college shall end if the
27 member's association with the private college terminates. Each member of the board shall receive
28 his or her expenses actually and necessarily incurred by the member in the performance of his or her
29 duties as a member. In addition to their expenses, the fourth, fifth, sixth, seventh, and eighth
30 members shall receive \$15 per day compensation for time actually spent in the work as a member of
31 the New England Board of Higher Education, provided that the total for expenses and per diem
32 compensation for any of such 5 members shall not exceed the sum of \$500 during any one fiscal year.
33 All expenses and per diem compensation shall be audited by the commissioner of administrative
34 services as expenses of other employees are audited and shall be a charge against any appropriation
35 provided for this purpose.

36 138 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:5
37 and 6 to read as follows:

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1 200-A:5 Certification to [~~Postsecondary Education Commission~~] **Department of Education**.
2 The New England Board of Higher Education shall certify to the [~~postsecondary education~~
3 ~~commission~~] **department of education, division of higher education** on or before October 1 of
4 the year preceding each legislative session the amounts needed to carry out the purposes of RSA 200-
5 A:4 for the coming biennium. Upon such certification, the [~~postsecondary education commission~~]
6 **division** shall include such amounts in the budget request for its [~~department~~] **division**. The sums
7 appropriated by the legislature in accordance with the provisions of this subdivision shall be a
8 continuing appropriation and shall not lapse.

9 200-A:6 Payments From Funds. The amount that may be or may become due to any college,
10 university, or institution shall be payable by the state treasurer to such institution from funds
11 appropriated for carrying out the purposes hereof upon certification by the New England Board of
12 Higher Education. Said board, before approving such vouchers, shall satisfy itself that such student
13 would be unable to receive the course of instruction at any institution of public education in
14 New Hampshire, and shall satisfy itself that the charge made by said institution is in accordance
15 with the terms and conditions of the regional and/or reciprocal agreement in effect between the New
16 England Board of Higher Education and the charging institution. The [~~postsecondary education~~
17 ~~commission~~] **department of education, division of higher education** shall examine and audit
18 the accounts showing the payments made by the board under the authority of this section. In
19 submitting the budget request made by it pursuant to the certification of the board as provided in
20 RSA 200-A:5, the [~~postsecondary education commission~~] **division** shall forward with such request a
21 report of such examination and audit, showing the details of such payments for the 2 fiscal years
22 next preceding the time of said budget requests.

23 139 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:8
24 and 9 to read as follows:

25 200-A:8 Enforcement. The [~~postsecondary education commission~~] **department of education,**
26 **division of higher education** is authorized to enforce the collection of accounts that become due
27 under the loan provisions of this chapter.

28 200-A:9 Repayment of Funds by Medical Students. The [~~postsecondary education commission~~]
29 **department of education, division of higher education** shall prepare a note for signature of any
30 medical student who is a recipient hereunder. The note shall be in an amount that equals the
31 amount paid by the state treasurer for their respective enrollment. Repayment of the note shall be
32 made in equal annual installments beginning on the anniversary date of the recipient's graduation
33 date or termination of enrollment, whichever shall first occur, provided, however, that if the
34 recipient continues without interruption **of his or her** medical education and/or his **or her** intern
35 requirements said anniversary date shall be the anniversary of the date on which said continued
36 education or internship terminates. Within a period equal to twice the number of school years of his
37 respective enrollment, plus one year, all installments shall be paid in full to the [~~postsecondary~~

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1 ~~education commission~~ **division**. The ~~[postsecondary education commission]~~ **division** shall reduce
2 any annual installment by 1/2, providing the recipient has practiced medicine on a full time basis in
3 New Hampshire during 8 of the preceding 12 months.

4 140 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:1,
5 II to read as follows:

6 II. "Net tuition" means tuition costs for post-secondary school education that was directed
7 toward the completion of a degree or certificate in judicial reporting, broadcast captioning, real time
8 transcription, or sign language interpretation, or any other degree or certificate that the
9 ~~[postsecondary education commission]~~ **department of education, division of higher education**
10 deems acceptable for purposes of CART provider and sign language interpreter net tuition
11 repayment.

12 141 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:2
13 and 3 to read as follows:

14 200-M:2 CART Provider and Sign Language Interpreter Net Tuition Repayment Program
15 Established. The ~~[postsecondary education commission]~~ **department of education, division of**
16 **higher education** shall administer a program for the promotion, acquisition, and retention of CART
17 providers and sign language interpreters in the state.

18 200-M:3 Application; Repayment. An individual who has completed eligible CART or sign
19 language interpreter training in accordance with rules adopted pursuant to RSA 200-M:5, including
20 internships and residencies, and agrees to work as a CART provider or a sign language interpreter
21 in this state, may apply to the ~~[postsecondary education commission]~~ **department of education,**
22 **division of higher education** for repayment under the CART provider and sign language
23 interpreter net tuition repayment program and become eligible to be reimbursed up to 100 percent of
24 his or her qualifying tuition not to exceed the cost of 4 years of in-state tuition at the university of
25 New Hampshire, during a 5-year period of working as a CART provider or sign language interpreter.
26 A 10 percent net tuition repayment shall be made upon completion of the first year of employment in
27 this state, with an additional 10 percent made after the second year of work, an additional 20
28 percent after the third year of work, an additional 30 percent after the fourth year of work, and an
29 additional 30 percent after the fifth year of work.

30 142 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:4,
31 I to read as follows:

32 I. There is hereby established in the office of the state treasurer a fund to be known as the
33 CART provider and sign language interpreter net tuition repayment fund. The fund shall include
34 any sums appropriated for such purpose. In addition, the ~~[postsecondary education commission is~~
35 ~~authorized to]~~ **department of education, division of higher education may** accept public sector
36 and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of
37 this chapter. The moneys in this fund shall be nonlapsing and shall be continually appropriated to

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1 the ~~[postsecondary education commission]~~ **department of education**. The fund may be expended
2 by the ~~[postsecondary education commission]~~ **department of education** to accomplish the purposes
3 of this chapter. The state treasurer may invest moneys in the fund as provided by law, with interest
4 received on such investment credited to the fund.

5 143 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:5
6 to read as follows:

7 200-M:5 Administration; Rulemaking. The ~~[postsecondary education commission]~~ **department**
8 **of education, division of higher education** shall adopt rules, pursuant to RSA 541-A, relative to
9 procedures, eligibility, and qualifications for applicants, qualifying educational costs, criteria for
10 terms of service by a CART provider and/or sign language interpreter, procedures for repayment of
11 net tuition costs, and the administration of the program by the ~~[postsecondary education~~
12 ~~commission]~~ **department of education, division of higher education**. The commissioner of the
13 ~~[postsecondary education commission]~~ **department of education** shall annually report to the
14 general court on the effectiveness of this program.

15 144 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, I(b)(1) to read as follows:

16 (1) Seek and receive approval from the ~~[postsecondary education commission]~~
17 **department of education, division of higher education** prior to applying for approval from the
18 board.

19 145 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, I(c) to read as follows:

20 (c) The board shall approve, disapprove, or withdraw approval for nursing assistant
21 education programs that meet or fail to meet the requirements of this chapter and the rules adopted
22 by the board. The board shall require that nursing assistant education programs seek and receive
23 approval from the ~~[postsecondary education commission]~~ **department of education, division of**
24 **higher education** prior to applying for approval from the board.

25 146 Higher Education Corporations; Terms Defined. Amend RSA 292:8-b, I to read as follows:

26 I. "Commission" means the ~~[postsecondary education commission, established by RSA 188-~~
27 ~~D)]~~ **higher education commission established in RSA 21-N:8-a**.

28 147 Higher Education Corporations. Amend RSA 292:8-c to read as follows:

29 292:8-c Organization. The articles of agreement for the purpose of organizing a corporation for
30 the establishment of an institution for postsecondary education or higher learning shall be submitted
31 to the ~~[postsecondary education]~~ commission for its consent for said incorporation.

32 148 Higher Education Corporations. Amend RSA 292:8-h, III to read as follows

33 III. The ~~[postsecondary education]~~ commission shall specify the degrees an institution may
34 grant, and the commission may renew, for a set term of years, degree granting authority granted by
35 the legislature. The commission's actions shall be subject to biennial certification by the legislature.
36 The commission shall report its action by January 31 of each odd-numbered year to both the house
37 and senate standing committees on education.

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1 149 Higher Education Corporations; Freedom From Liability. Amend RSA 292:8-ee to read as
2 follows:

3 292:8-ee Freedom From Liability. No ~~[member of the postsecondary education commission nor]~~
4 **employee of the division, member of the commission, or** any member of an evaluation committee
5 established under any provision of this subdivision shall be held personally liable, either as an
6 individual or as a member of a group, for any loss which may accrue to an educational institution as
7 a result of the denial of degree granting authority under any section of this subdivision, so long as
8 said **employee or** member was acting in good faith in the furtherance of duties as ~~[a member of the~~
9 ~~postsecondary education commission]~~ **an employee of the division or member of the commission**
10 or an evaluation committee. All such members shall be entitled to the protections afforded by RSA
11 99-D.

12 150 Higher Education Corporations; Freedom From Liability. Amend RSA 292:8-ff, III to read
13 as follows:

14 III. The commission shall suspend or revoke the accreditation or degree granting authority
15 of any institution which no longer meets the standards established by rule ~~[under RSA 188-D:8 a]~~
16 **RSA 21-N:8-a, II(e).**

17 151 Higher Education Corporations; Reports Required. Amend RSA 292:8-kk to read as follows:

18 292:8-kk Reports Required.

19 I. When any institution of higher learning ceases the regular conduct of instruction, either
20 temporarily or permanently, whether or not the corporation is dissolved, the original written
21 academic record, or a legible, certified copy thereof as defined by the institution, of each student who
22 has been registered for instruction at the institution shall be forwarded to the ~~[postsecondary~~
23 ~~education]~~ commission together with an explanation of the institution's credit and grading system.
24 The ~~[postsecondary education]~~ commission shall preserve these records and upon request of the
25 individual concerned, shall furnish a certified copy, or reasonable number of such copies, of the
26 individual's record. The fee for each record so furnished to be paid to the commission shall be
27 sufficient to cover related costs.

28 II. All transcript request fees collected by the ~~[postsecondary education]~~ commission under
29 this section shall be deposited into a nonlapsing, revolving fund to be used for managing the storage,
30 maintenance, and retrieval of closed school transcripts.

31 152 Postsecondary Education Commission; Transfer of Powers, Duties, and Programs to the
32 Department of Education, Division of Higher Education and the Higher Education Commission.

33 I. Notwithstanding any provision of law to the contrary, the following programs are hereby
34 transferred to the department of education, division of higher education as of July 1, 2011:

35 (a) Scholarships for orphans of veterans pursuant to RSA 193:19-21.

36 (b) Scholarships awarded under New England board of higher education compact
37 pursuant to RSA 200-A.

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- 1 (d) Veterans education services pursuant to RSA 188-D:24.
- 2 (e) The tuition waiver and scholarship program for children of firefighters and police
- 3 officers established in RSA 187-A:20-a.
- 4 (f) The tuition waiver program for foster children established in RSA 187-A:20-b.
- 5 (g) The Paul Douglas scholarship program.
- 6 (h) The College Access Challenge grant.
- 7 (i) The CART provider and sign language interpreter net tuition program.

8 II. Notwithstanding any provision of law to the contrary, the following programs are hereby
9 transferred to the higher education commission established in RSA 21-N:8-a, II as of July 1, 2011:

- 10 (a) The approval of new educational programs and regulation of institutions of higher
- 11 education pursuant to RSA 292:8-h through RSA 292:8-kk.
- 12 (b) Regulation of private postsecondary career schools pursuant to RSA 188-G.
- 13 (c) Administration of the integrated postsecondary education data system as developed
- 14 by the United States Department of Education, Institute of Education Sciences.

15 III. The transfer required in this section shall include all of the equipment, books, papers,
16 and records of the postsecondary education commission. All existing rules, statutory responsibilities,
17 regulations, and procedures relating to the transferred programs in effect, in operation, or adopted in
18 or by the postsecondary education commission are hereby transferred to the department of
19 education, division of higher education or the higher education commission and are declared in effect
20 and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

21 153 New Chapter; Private Postsecondary Career Schools. Amend RSA by inserting after
22 chapter 188-F the following new chapter:

23 CHAPTER 188-G

24 PRIVATE POSTSECONDARY CAREER SCHOOLS

25 188-G:1 Definitions; Exclusions.

26 I. In this chapter:

27 (a) "Alternative delivery" means a mode of instruction, which does not involve face-to-
28 face instruction between instructor and student in the same geographic location. This mode of
29 instruction shall include Internet, televised, video, telephonic, and correspondence media.

30 (b) "Commission" means the higher education commission established in RSA 21-N:8-a,

31 II.

32 (c) "Commissioner" means the commissioner of the department of education.

33 (d) "Conference" or "seminar" means a scheduled meeting of 2 or more persons for
34 discussing matters of common concern and where, if training or education is offered, it shall be
35 incidental to the purpose of the conference.

36 (e) "Director" means the director of the division of higher education in the department of
37 education.

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1 (f) "Division" means the department of education, division of higher education.

2 (g) "Entity" means any individual, firm, partnership, association, corporation,
3 organization, trust, school, or other legal entity or combination of these entities.

4 (h) "Operating balance" means the amount of funds necessary for indemnification as
5 determined by the director.

6 (i) "Physical presence" means any physical location, place of contact, telephone exchange,
7 or mail drop in this state, and if an individual is conducting one or more of the following activities
8 within this state:

9 (1) Advertising.

10 (2) Solicitation of potential students.

11 (3) Enrollment of students.

12 (4) Providing student services.

13 (5) Student mentoring.

14 (6) Instruction of students.

15 (j) "Private postsecondary career school" means any for-profit or nonprofit postsecondary
16 career entity maintaining a physical presence in this state providing education or training for tuition
17 or a fee that enhances a person's occupational skills, or provides continuing education or
18 certification, or fulfills a training or education requirement in one's employment, career, trade,
19 profession, or occupation. Schools that offer resident or non-resident programs, including programs
20 using modes of alternative delivery, beyond the secondary school level to an entity shall be included
21 in this definition regardless of the fact that the school's tuition and fees from education and training
22 programs constitute only a part of the school's revenue.

23 (k) "Vendor" means an entity that promotes or exchanges goods or services for money.

24 (l) "Workshop" means a brief, intensive education or training program that focuses on
25 developing techniques and skills in a particular area.

26 II. "Private postsecondary career school" shall not include:

27 (a) Schools authorized to grant degrees pursuant to RSA 292.

28 (b) Schools specifically licensed as an education or training school by a state agency
29 other than the commission.

30 (c) Schools operated by a business organization exclusively for the training of that
31 business' own employees and at no charge to its employees.

32 (d) Schools offering noncredit courses exclusively for avocational purposes.

33 (e) Schools established, operated, and governed by the state of New Hampshire or any of
34 its political subdivisions, or any other state or its political subdivisions.

35 (f) Noncredit courses or programs sponsored by recognized trade, business, or
36 professional organizations solely for the instruction of their members that do not prepare or qualify
37 individuals for employment in any occupation or trade.

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1 (g) Schools that offer programs and courses exclusively on federal military installations.

2 (h) Companies, individuals, or other legal entities that offer training at seminars,
3 workshops, or conferences, if :

4 (1) Any training or education offered is incidental to the purpose of the seminar,
5 workshop, or conference; and

6 (2) The attendee receiving the training is not awarded any form of a certificate,
7 diploma, or credit including continuing education units for having received the training.

8 (i) Vendors that offer incidental training associated with the purchase of a product from
9 said vendor, if the training is at no cost, its purpose is to familiarize the purchaser with its use and
10 the purchaser is not awarded any form of a certificate or diploma for having received the training.

11 (j) An individual or facility training students under 14 C.F.R. part 91 or 14 C.F.R. part
12 141, or receiving flight or ground instruction required by the Federal Aviation Administration.

13 (k) Entities offering only training courses at a total cost, including tuition and all other
14 fees and charges of not more than \$800 per course for which no payment, including a deposit, is
15 required or collected prior to the first day of the course. This subparagraph shall not apply to
16 entities that use alternative delivery methods.

17 (l) Entities offering training in the trades that have been approved by a state agency
18 with appropriate jurisdiction, including but not limited to the plumbers' board, the electricians'
19 board, the office of the state fire marshal, and the division of fire standards and training and
20 emergency medical services.

21 (m) Computer technology vendors that offer fee based training on courses of instruction
22 in the use of hardware or software if the course is offered to purchasers of such hardware or
23 software, or to the purchaser's employees, by a person who manufactures and sells, develops and
24 sells, or supports the hardware or software, and if the seller is not primarily engaged in the business
25 of providing courses of instruction in the use of the hardware or software.

26 (n) Entities that license software, the content of which is focused on training or
27 education, if the entity:

28 (1) Is primarily engaged in the business of licensing software;

29 (2) Licenses its software primarily to other legal entities, and not directly to an end
30 user or individual student;

31 (3) Does not confer degrees, diplomas, continuing education units, or any other form
32 of credit in connection with the software that it licenses;

33 (4) Is not accredited and does not seek accreditation in connection with the software
34 that it licenses or the content it offers; and

35 (5) Does not offer an admissions process, financial aid, career advice, or job
36 placement in connection with the software that it licenses.

37 188-G:2 Licenses and Fees.

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1 I. Prior to registering or renewing a business or trade name, or soliciting students for
2 enrollment, an entity maintaining a physical presence in this state shall be reviewed by the
3 commission to determine if the entity requires a license. The commission shall establish procedures
4 to accomplish this review.

5 II. A private postsecondary career school maintaining a physical presence in this state shall
6 register to obtain a license or license renewal from the commission. The license shall be issued or
7 renewed pursuant to rules, adopted under RSA 541-A, by the commission. The rules shall establish
8 minimum criteria, including but not limited to, financial stability, educational program,
9 administrative and staff qualifications, business procedures, facilities, equipment, and ethical
10 practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or
11 revoking a license.

12 III. A school that is not required to obtain a license may apply for a license and, upon
13 issuance of the license, shall be subject to the provisions of this chapter. Such school may voluntarily
14 surrender its license and revert to its original status.

15 IV. The commission shall adopt rules pursuant to RSA 541-A to establish reasonable fines,
16 reimbursement rates for consultants, and procedures for complaint investigations and enforcement
17 actions, which are necessary for the administration of this chapter.

18 V. A private postsecondary career school which the commission has determined requires a
19 license shall, prior to the issuance of a license, comply with this section, RSA 188-G:3, and RSA 188-
20 G:4.

21 188-G:3 Surety Indemnification. Before a license is issued or renewed, a school shall meet the
22 requirements of this section or RSA 188-G:4, by providing acceptable surety indemnification as
23 determined in this section.

24 I. A surety bond shall be provided by the school in an amount prescribed in this section. The
25 obligation of the bond is that the school, its officers, agents, and employees shall faithfully perform
26 the terms and conditions of contracts for tuition and other instructional fees entered into between
27 the school and entity enrolling as students. The bond shall be issued by a company authorized to do
28 business in the state of New Hampshire. The bond shall be issued in the name of the commission,
29 and is to be used only for payment of a refund of tuition and instructional fees due to a student or
30 potential student, and the expense of investigating and processing the claims.

31 II. The amount of such bond shall be based on income from tuition at 10 percent of gross
32 tuition, with a \$10,000 minimum. If a school licensed under RSA 188-G:2 should fail to provide the
33 services required in a contract with any entity, as determined by a court of competent jurisdiction,
34 the bond shall be forfeited, and the proceeds distributed by the director in such manner as justice
35 and the circumstances require.

36 III. The bond company may not be relieved of liability on the bond unless it gives the school
37 and the commission 90 days written notice of the company's intent to cancel the bond. If at any time

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1 the company that issued the bond cancels or discontinues the coverage, the school's license is
2 revoked as a matter of law on the effective date of the cancellation or discontinuance of bond
3 coverage, unless a replacement bond is obtained and provided to the commission.

4 IV. For the purposes of this section the forms of indemnification other than a surety bond
5 which may be furnished to the commission for licensure are the following:

6 (a) An irrevocable letter of credit, maintained for the licensing period as a minimum,
7 issued by a financial institution authorized to do business in New Hampshire in an amount to be
8 determined by the commission with the commission designated as the beneficiary; or

9 (b) A term deposit account held in the state treasury, payable to the commission, shall be
10 held in trust for the benefit of students entitled thereto under this section. Said account shall be
11 maintained for the licensing period as a minimum, in an amount determined by the commission.
12 Any interest shall be paid annually to the appropriate school, unless the term deposit account is
13 activated due to a school closing. Should the licensee for any reason, while not in default,
14 discontinue operation, all moneys on deposit, including any interest, shall be released to the
15 appropriate school subject to the approval of the commission.

16 188-G:4 Student Tuition Guaranty Fund.

17 I.(a) A student tuition guaranty fund is hereby established within the department of
18 education, division of higher education and shall be administered by the director.

19 (b) The fund shall be funded from an annual fee to be established by rule and assessed
20 against each school duly licensed by the commission and all applicants for a license under RSA 188-
21 G:2.

22 (c) The funds shall be placed in an interest-bearing account in the office of the state
23 treasurer and the state treasurer shall deposit all interest earned on the funds into the account.

24 (d) The fund shall be used to reimburse students when a school has failed to faithfully
25 perform its contractual obligations for tuition and instructional fees in the event of a school closing,
26 and the expense of investigating and processing the claims. The owner of a school which fails to
27 perform its contractual obligations shall be personally liable to reimburse the fund for the difference
28 between the per student amount paid into the fund by the school and the amount paid out of the
29 fund to a student to settle a claim made against the school.

30 II. The department of education, in consultation with the commission, shall adopt rules,
31 pursuant to RSA 541-A, relative to the administration and maintenance of the fund.

32 188-G:5 Inspections. The commission may at any time inspect the premises, curriculum,
33 teaching materials, faculty performance, sales literature, financial data, or other matters which are
34 relevant to the educational and business activities of a licensed school in order to determine
35 compliance with applicable laws and rules.

36 188-G:6 Revocation; Hearing. The commission may, after due notice and hearing, revoke the
37 license of any school licensed pursuant to RSA 188-G:2 for violating the provisions of this chapter or

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1 rules adopted hereunder. The provisions of RSA 541 shall apply to actions taken pursuant to this
2 section.

3 188-G:7 Waiting Period. Every contract that purports to bind any entity to pay money to a
4 private postsecondary career school in return for training shall be construed to be a home solicitation
5 sales contract under RSA 361-B and shall be subject to the provisions of RSA 361-B.

6 188-G:8 Veterans, Education and Services Approval. The division may approve for veterans'
7 education and services any institution licensed under this chapter. The department of education
8 may adopt rules, under RSA 541-A, relative to the procedures for approval of institutions for
9 veterans' education and benefits.

10 188-G:9 Use of Fees. Notwithstanding any provision of law to the contrary, all license fees
11 collected under the provisions of this chapter shall be retained by the commission for use in meeting
12 the expenses of administering this chapter.

13 188-G:10 Penalty.

14 I. Whoever violates any provision of this chapter shall be guilty of a misdemeanor if a
15 natural person, or guilty of a felony if any other person.

16 II. Whenever the commission determines that a person is violating any provision of this
17 chapter or the rules adopted hereunder, the commission shall request the attorney general, or other
18 appropriate official having jurisdiction, to provide appropriate relief.

19 III. The commission, upon verifying that a school is operating without a license, shall issue a
20 cease and desist order to such school.

21 IV. The commission shall be notified whenever a cease and desist order is issued to a school,
22 or if a school fails to provide the services required under a contract with any entity causing the bond
23 to be forfeited, or if a school is required to have a license but is operating without a license.

24 154 Application of Receipts; Funds Collected by the Department of Education. Amend
25 RSA 6:12, I(b)(228) to read as follows:

26 (228) Fees ~~[deposited in the postsecondary education vocational school licensing fund~~
27 ~~under RSA 188-D:25]~~ **collected by the department of education, division of higher education**
28 **pursuant to RSA 188-G:9.**

29 155 Application of Receipts; Student Tuition Guaranty Fund. Amend RSA 6:12, I(b)(233) to
30 read as follows:

31 (233) Moneys deposited in the student tuition guaranty fund established in
32 RSA ~~[188-D:20 b]~~ **188-G:4.**

33 156 Distribution of Adequate Education Grants. RSA 198:42, IV is repealed and reenacted to
34 read as follows:

35 IV. For the fiscal year beginning July 1, 2011, and every fiscal year thereafter, with the
36 approval of the fiscal committee of the general court and the governor and council, the department of
37 education may expend funds in excess of budgeted amounts as necessary to fund chartered public

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1 school tuition payments under RSA 194-B:11, I. Said funds shall be paid from the education trust
2 fund established under RSA 198:39 upon the warrant of the governor out of any money in the fund
3 not otherwise appropriated.

4 157 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(c) to read as follows:

5 (c) ~~[Notwithstanding RSA 198:42,]~~ The commissioner of the department of education
6 shall calculate and distribute chartered public school tuition payments as set forth herein. The first
7 payment shall be 30 percent of the per pupil amount multiplied by the number of eligible pupils
8 present on the first day of the current school year. Such payment shall be made no later than 15
9 days after the department of education receives the attendance report. The December 1 payment
10 shall be 30 percent of the per pupil amount multiplied by the membership on November 1, and the
11 March 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on
12 February 1. To calculate the final payment, the commissioner of the department of education shall
13 multiply the per pupil amount by the average daily membership in attendance for the full school
14 year, and subtract the total amount of the first 3 payments made. The remaining balance shall be
15 the final payment. Eligible chartered public schools shall report membership in accordance with
16 RSA 189:1-d. In this subparagraph, "membership" shall be as defined in RSA 189:1-d, II. Tuition
17 amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school
18 year.

19 158 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b) to read as follows:

20 (b) For any chartered public school authorized by the state board of education pursuant
21 to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a ~~[and RSA 198:40-e]~~ **plus an**
22 **additional grant of \$2,000** directly to the chartered public school for each pupil who is a resident
23 of this state in attendance at such chartered public school.

24 159 School Money; Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a to
25 read as follows:

26 198:40-a Cost of an Opportunity for an Adequate Education.

27 I. Beginning July 1, 2009, and for every biennium thereafter, the annual cost of providing
28 the opportunity for an adequate education as defined in RSA 193-E:2-a shall be \$3,450 per pupil
29 attending a public school, plus any applicable differentiated aid for which a pupil is eligible.
30 Differentiated aid shall be ~~[calculated as follows:~~

31 ~~(a) An additional \$431 per pupil in kindergarten through grade 12 eligible for the federal~~
32 ~~free and reduced price meal program who attends a public school in which less than 12 percent of the~~
33 ~~pupils reported in the school's ADMA in the determination year are eligible for the federal free and~~
34 ~~reduced price meal program.~~

35 ~~(b) An additional \$863 per pupil in a public school in which at least 12 percent but less~~
36 ~~than 24 percent of pupils reported in the school's ADMA in the determination year, are eligible for~~
37 ~~the federal free or reduced price meal program.~~

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1 ~~(e) An additional \$1,725 per pupil in a public school in which at least 24 percent but less~~
2 ~~than 36 percent of pupils reported in the school's ADMA in the determination year, are eligible for~~
3 ~~the federal free or reduced-price meal program.~~

4 ~~(d) An additional \$2,588 per pupil in a public school in which at least 36 percent but less~~
5 ~~than 48 percent of the pupils reported in the school's ADMA in the determination year, are eligible~~
6 ~~for the federal free or reduced-price meal program.~~

7 ~~(e) An additional \$3,450 per pupil in a public school in which 48 percent or more of the~~
8 ~~pupils reported in the school's ADMA in the determination year, are eligible for the federal free or~~
9 ~~reduced-price meal program] ***in the amount of \$1,725 for each pupil in the public school's***~~
10 ~~***ADMA in the determination year who is in kindergarten through grade 12 and who is***~~
11 ~~***eligible for the federal free and reduced-price meal program.***~~

12 II. In addition to the amount in paragraph I, an additional \$675 for each pupil reported in
13 the public school's ADMA in the determination year who is an English language learner and who is
14 receiving English language instruction.

15 ***II-a. An additional \$675 for each third grade pupil in the public school's ADMA in***
16 ***the determination year who has not tested at the proficient level or above in the reading***
17 ***component of the state assessment and who is not eligible to receive special education,***
18 ***English as a second language, or free or reduced-price meal program funds in the***
19 ***determination year.***

20 III. In addition to the amounts in paragraphs I ~~and~~, II, ***and II-a***, an additional \$1,856 for
21 each pupil reported in the public school's ADMA in the determination year who is receiving special
22 education.

23 IV.(a) The sum total calculated under paragraphs I-III of this section shall be used to
24 determine the cost of an adequate education which shall be used in each year of the biennium.

25 (b) The department shall allocate the cost of an adequate education for each
26 municipality by totaling the cost of an adequate education as determined in RSA 198:40-a, I-III for
27 all children who reside in that municipality.

28 (c) Prior to or coinciding with the first disbursement of each fiscal year under
29 RSA 198:42, the department shall notify a school district of the cost of an adequate education for the
30 pupils in each school within its jurisdiction sorted by the pupil's municipality of residence. In
31 addition, the department shall furnish to each school district a report showing the cost of an
32 adequate education for pupils who are residents of that school district sorted by a pupil's school of
33 attendance.

34 V. The department shall notify school districts of the estimated amounts of grants by the
35 November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide
36 to the general court all data or reports requested by the general court in a form which the general
37 court determines will facilitate the calculations required in this section.

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1 160 School Money; Determination of Grants. Amend RSA 198:41 to read as follows:

2 198:41 Determination of **Education** Grants [~~and Excess Tax~~].

3 I. Except for municipalities where all school districts therein provide education to all of their
4 pupils by paying tuition to other institutions, the department of education shall determine the
5 [~~amount of the~~] **total** education grant for the municipality as follows:

6 (a) Add the per pupil cost of providing the opportunity for an adequate education for
7 which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

8 (b) Subtract the amount of the education [~~property~~] tax warrant to be issued by the
9 commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the
10 next tax year[~~, and from such amount; and~~

11 ~~(c) Add the fiscal capacity disparity aid pursuant to RSA 198:40-e].~~

12 II. For municipalities where all school districts therein provide education to all of their
13 pupils by paying tuition to other institutions, the department of education shall determine the
14 [~~amount of the adequate~~] **total** education grant for each municipality as the lesser of the 2 following
15 calculations:

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

17 (b) The total amount paid for items of current education expense as determined by the
18 department of education minus the amount of the education [~~property~~] tax warrant to be issued by
19 the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for
20 the next tax year.

21 III.~~(a)~~ For the [~~fiscal years beginning July 1, 2009 and July 1, 2010~~] **biennium ending**
22 **June 30, 2013**, the department of education shall not[~~:~~

23 ~~(a)] distribute a total education grant on behalf of all pupils who reside in a municipality~~
24 ~~that exceeds that municipality's total education grant [for the 2009 fiscal year] **in the second year**~~
25 ~~**of the previous biennium** [by more than 15 percent; or~~

26 ~~(b) Reduce the total state aid for an adequate education provided on behalf of all pupils~~
27 ~~who reside in a municipality to an amount less than that municipality's total state aid for an~~
28 ~~adequate education received in the 2009 fiscal year]~~

29 **(b) Beginning July 1, 2013, and each fiscal year thereafter, the department of**
30 **education shall not distribute a total education grant on behalf of all pupils who reside in**
31 **a municipality that exceeds 105.5 percent of the total education grant distributed to such**
32 **municipality in the previous fiscal year.**

33 IV.~~(a)~~ **For fiscal year 2012, the department of education shall identify all**
34 **municipalities in which the fiscal year 2012 total education grant will be less than the**
35 **fiscal year 2011 total education grant. The department shall distribute a stabilization**
36 **grant to each of those municipalities equal to 100 percent of the decrease.**

37 **(b) For fiscal year 2013, and each fiscal year thereafter, the department of**

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1 *education shall distribute a total education grant to each municipality in an amount*
2 *equal to the total education grant for the fiscal year in which the grant is calculated plus*
3 *the amount of the fiscal year 2012 stabilization grant, if any, distributed to the*
4 *municipality.*

5 161 New Section; School Money; Severability. Amend RSA 198 by inserting after section 43 the
6 following new section:

7 198:43-a Severability. If any provision of RSA 198:38 through RSA 198:43 or the application
8 thereof to any person or circumstances is held invalid, such invalidity shall not affect other
9 provisions or applications of RSA 198:38 through RSA 198:43 which can be given effect without the
10 invalid provision or application, and to this end, such provisions are declared to be severable.

11 162 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the
12 subdivision heading preceding RSA 198:46 to read as follows:

13 ~~[Excess Education Property Tax Payment]~~

14 ***Local Control and Alternative Kindergarten Programs***

15 163 Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

16 (65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B,
17 RSA 83-F, ~~[RSA 198:46,]~~ and from the sweepstakes fund, which shall be credited to the education
18 trust fund under RSA 198:39.

19 164 Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

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

28 165 School Money; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:

29 198:40-d Consumer Price Index Adjustment. Beginning July 1, ~~[2011]~~ **2013** and every biennium
30 thereafter, the department of education shall adjust the sum of the amounts determined under RSA
31 198:40-a based on the average change in the Consumer Price Index for All Urban Consumers,
32 Northeast Region, using the "services less medical care services" special aggregate index, as
33 published by the Bureau of Labor Statistics, United States Department of Labor. The average
34 change shall be calculated using the 3 calendar years ending 18 months before the beginning of the
35 biennium for which the calculation is to be performed.

36 166 Repeal. The following are hereby repealed:

37 I. RSA 198:40-c, relative to fiscal capacity disparity aid.

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1 II. RSA 198:46, relative to excess education tax payments.

2 III. RSA 198:47, relative to forms used for the reporting and remitting of excess education
3 tax payments.

4 IV. RSA 198:39, I(g), relative to excess education tax payments deposited into the education
5 trust fund.

6 167 Municipal Budget Law, Lapse of Appropriations. Notwithstanding any law to the contrary,
7 the \$20,000,000 in federal funds approved by the fiscal committee of the general court for
8 distribution to local school districts in fiscal year 2011 from the Education Jobs program shall not
9 lapse at the end of the school district's 2011 fiscal year. Any such moneys not expended by the school
10 districts by the end of their 2011 fiscal year shall be carried over for use in the school district's 2012
11 fiscal year in accordance with federal law.

12 168 Veterinary Medicine; Biennial License Renewal. Amend RSA 332-B:13 to read as follows:

13 332-B:13 License Expiration and Renewal.

14 I. All licenses shall expire *biennially* on December 31 of each *even-numbered* year *for*
15 *even-numbered licenses and on December 31 of each odd-numbered year for odd-numbered*
16 *licenses* but may automatically be renewed by filing a renewal application and paying a renewal fee
17 established in rules adopted by the board, subject to paragraph II; *except that for licenses which*
18 *expire December 31, 2011, odd numbered licenses shall be issued for 2 years and even*
19 *numbered licenses shall be issued for one year, and the board shall charge fees*
20 *accordingly. Not later than* one month prior to the expiration date, the board shall mail a notice
21 to licensed veterinarians that their license will expire on December 31 and provide them with a
22 license renewal application. Persons previously licensed who allow their license to lapse shall be
23 required to file a reinstatement application containing such information as required by the board.
24 Persons who have allowed their license to lapse more than 5 years shall apply for reinstatement of
25 licensure in accordance with RSA 332-B:17.

26 II. The board may by rule waive the payment of the ~~registration~~ renewal fee of a licensed
27 veterinarian during the period when the person is on active duty with any branch of the armed
28 services of the United States, not to exceed 3 years or the duration of a national emergency,
29 whichever is longer.

30 III. As a condition of renewal of license, each licensed veterinarian shall be required to show
31 proof that he or she has attended an approved educational program or programs totaling at least ~~12~~
32 **24** hours ~~[per calendar year]~~ *in the 2-year period* preceding each renewal date. Approved
33 educational programs shall be at the discretion of the board, in accordance with rules adopted by the
34 board. The board may excuse a licensee from all or a portion of the educational requirement upon
35 the filing of a petition establishing good cause for the waiver as set forth in rules adopted by the
36 board.

37 169 Veterinary Medicine; Reference to Annual Renewal Changed. Amend RSA 332-B:8 to read

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1 as follows:

2 332-B:8 Status of Persons Previously Licensed. Any person holding a valid license to practice
3 veterinary medicine in this state on August 24, 1971, shall be recognized as a licensed veterinarian
4 and shall be entitled to retain this status so long as the person complies with the provisions of this
5 chapter, including [~~annual~~] **biennial** renewal of the license.

6 170 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to
7 read as follows:

8 XVII. "Earnable compensation" shall mean:

9 (a) For [~~all~~] members ***who have attained vested status prior to January 1, 2012*** the
10 full base rate of compensation paid, ***as determined by the employer***, plus any overtime pay,
11 holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay
12 for extracurricular and instructional activities [~~or for other extra or special duty~~], and any military
13 differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the
14 member for meals or living quarters if subject to federal income tax, but excluding other
15 compensation except cash incentives paid by an employer to encourage members to retire,
16 supplemental pay paid by the employer while the member is receiving workers' compensation, and
17 teacher development pay that is not part of the contracted annual salary. ***Compensation for extra***
18 ***and special duty, as determined by the employer, shall be included but limited during the***
19 ***highest 3 years of creditable service as provided in paragraph XVIII.*** However, earnable
20 compensation in the final 12 months of creditable service prior to termination of employment shall
21 be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding
22 the final 12 months or the highest compensation year as determined for the purpose of calculating
23 average final compensation, but excluding the final 12 months. Any compensation received in the
24 final 12 months of employment in excess of such limit shall not be subject to member or employer
25 contributions to the retirement system and shall not be considered in the computation of average
26 final compensation. Provided that, the annual compensation limit for members of governmental
27 defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of
28 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent
29 firemen, and permanent policemen who first become eligible for membership in the system on or
30 after July 1, 1996. Earnable compensation shall not include compensation in any form paid later
31 than 120 days after the member's termination of employment from a retirement eligible position,
32 with the limited exceptions of disability related severance pay paid to a member or retiree no later
33 than 120 days after a decision by the board of trustees granting the member or retiree disability
34 retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to
35 be paid within 120 days after termination but which, without the consent of the member and not
36 through any fault of the member, was paid more than 120 days after the member's termination. The
37 member shall have the burden of proving to the board of trustees that any severance payment paid

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1 later than 120 days after the member's termination of employment is earnable compensation and
2 meets the requirements of an asserted exception to the 120-day post-termination payment
3 requirement.

4 *(b) For members who begin service after December 31, 2011 or who are not in*
5 *vested status on January 1, 2012 the full base rate of compensation paid, as determined by*
6 *the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity pay, cost*
7 *of living bonus, additional pay for extracurricular and instructional activities, and any*
8 *military differential pay, plus the fair market value of non-cash compensation paid to, or*
9 *on behalf of, the member for meals or living quarters if subject to federal income tax, but*
10 *excluding other compensation except supplemental pay paid by the employer while the*
11 *member is receiving workers' compensation and teacher development pay that is not part*
12 *of the contracted annual salary. Compensation for extra and special duty, as determined*
13 *by the employer, shall be included but limited during the highest 5 years of creditable*
14 *service as provided in paragraph XVIII. Earnable compensation shall not include*
15 *incentives to encourage members to retire, severance pay, and pay for unused sick or*
16 *vacation time. However, earnable compensation in the final 12 months of creditable*
17 *service prior to termination of employment shall be limited to 1-1/2 times the higher of the*
18 *earnable compensation in the 12-month period preceding the final 12 months or the*
19 *highest compensation year as determined for the purpose of calculating average final*
20 *compensation, but excluding the final 12 months. Any compensation received in the final*
21 *12 months of employment in excess of such limit shall not be subject to member or employer*
22 *contributions to the retirement system and shall not be considered in the computation of*
23 *average final compensation. Provided that, the annual compensation limit for members of*
24 *governmental defined benefit pension plans under section 401(a)(17) of the United States*
25 *Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all*
26 *employees, teachers, permanent firemen, and permanent policemen who first become*
27 *eligible for membership in the system on or after July 1, 1996. Earnable compensation*
28 *shall not include compensation in any form paid later than 120 days after the member's*
29 *termination of employment from a retirement eligible position.*

30 171 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII
31 to read as follows:

32 XVIII. "Average final compensation" shall mean:

33 *(a) For members who have attained vested status prior to January 1, 2012, the*
34 *average annual earnable compensation of a member during his or her highest 3 years of creditable*
35 *service, or during all of the years in his or her creditable service if less than 3 years. For purposes*
36 *of this calculation, the inclusion of the average annual compensation for extra and special*
37 *duty in the 3 years shall not exceed the average annual amount of compensation for extra*

1 *and special duty paid to the members over the member's last 7 years or over all of the years*
2 *in his or her creditable service if less than 7 years.*

3 *(b) For members who began service after December 31, 2011 or have not attained*
4 *vested status on January 1, 2012, the average annual earnable compensation of a member*
5 *during his or her highest 5 years of creditable service, or during all of the years in his or*
6 *her creditable service if less than 5 years. For purposes of this calculation, the inclusion of*
7 *the average annual compensation for extra and special duty in the 5 years shall not exceed*
8 *the average annual amount of compensation for extra and special duty paid to the*
9 *members over the member's last 7 years or over all of the years in his or her creditable*
10 *service if less than 7 years.*

11 172 Maximum Initial Benefit; Effective 2016. Amend RSA 100-A:6-a to read as follows:

12 100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to
13 the contrary, [~~for members who commenced service before July 1, 2009,~~] a member's initial
14 calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6
15 shall not exceed 100 percent of the member's highest year of [~~earnable compensation~~] **full base rate**
16 **of compensation paid.** [~~For members who commenced service on or after July 1, 2009, a member's~~
17 ~~maximum retirement benefit granted under the provisions of RSA 100 A:5 or RSA 100 A:6 shall not~~
18 ~~exceed \$120,000.~~] Nothing in this section shall affect the ability of a member to receive disability
19 benefits pursuant to RSA 100-A:6, II(b) and (c). This provision shall not limit the application of
20 supplemental allowances under RSA 100-A:41-a.

21 173 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as
22 follows:

23 III. Any vested deferred state retiree may receive medical and surgical benefits under this
24 section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state
25 retiree shall have at least 10 years of creditable service with the state if the employee's service began
26 prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began
27 on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of
28 creditable service with the state if the employee's service with the state began on or after July 1,
29 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at
30 least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II **who**
31 **is in vested status before January 1, 2012**, such retiree shall not be eligible until 20 years from
32 the date of becoming a member of group II and shall be at least 45 years of age, **and any group II**
33 **member who commenced service after December 31, 2011 shall not be eligible until 25 years**
34 **from the date of becoming a member of group II and shall be at least 50 years of age, and**
35 **group II members not in vested status on January 1, 2012 shall be as provided in the**
36 **transition provisions in RSA 100-A:5, II(d).**

37 174 Service Retirement; Group II. Amend RSA 100-A:5, II to read as follows:

1 II. Group II Members.

2 (a) Any group II member in service, *who is in vested status before January 1, 2012,*
3 *who has attained age 45 and completed 20 years of creditable service, and any group II member*
4 *who commenced service after December 31, 2011 who has attained age 50 and completed 25*
5 *years of creditable service, and group II members not in vested status on January 1, 2012 as*
6 *provided in the transition provisions in RSA 100-A:5, II(d), or any group II member in*
7 *service* who has attained age 60 regardless of the number of years of creditable service, may retire
8 on a service retirement allowance upon written application to the board of trustees setting forth at
9 what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member
10 desires to be retired, notwithstanding that during such period of notification the member may have
11 separated from service.

12 (b) Upon service retirement, a group II member shall receive a service retirement
13 allowance which shall consist of:

14 (1) A member annuity which shall be the actuarial equivalent of his *or her*
15 accumulated contributions at the time of retirement; and

16 (2) *For members who are in vested status before January 1, 2012,* a state
17 annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or*
18 *her* average final compensation multiplied by the number of years of his *or her* creditable service
19 not in excess of 40 years, *or for members who commenced service after December 31, 2011, a*
20 *state annuity which, together with his or her member annuity, shall be equal to 2 percent*
21 *of his or her average final compensation multiplied by the number of years of his or her*
22 *creditable service not in excess of 50 years, and group II members not in vested status on*
23 *January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with*
24 *the maximum number of years adjusted proportionally between 40 and 50.*

25 (c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member
26 who *is in vested status before January 1, 2012 and* has retired on or after the effective date of
27 this subparagraph after attaining the age of 45 with at least 20 years of creditable service, *and any*
28 *group II member who commenced service after December 31, 2011 and has retired on or*
29 *after the effective date of this subparagraph after attaining the age of 50 with at least 25*
30 *years of creditable service, and group II members not in vested status on January 1, 2012*
31 *shall be as provided in the transition provisions in RSA 100-A:5, II(d),* shall receive a
32 minimum annual service retirement allowance of \$10,000. If such group II member has elected to
33 convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-
34 A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

35 (2) [Repealed.]

36 (3) [Repealed.]

37 (d) *Active group II members who are not in vested status on January 1, 2012*

1 *shall be subject to the following transition provisions for years of service required for*
2 *regular service retirement, the minimum age for regular service retirement, and the*
3 *multiplier used to calculate the retirement annuity, which shall be applicable on January*
4 *1, 2012 according to the following table:*

5 *Creditable service* *Minimum years of service* *Minimum age attained* *Annuity multiplier*
6 *on January 1, 2012*

7 (1) <i>Less than 4 years</i>	24	<i>age 49</i>	<i>2.1%</i>
8 (2) <i>At least 4 years but</i> 9 <i>less than 6 years</i>	23	<i>age 48</i>	<i>2.2%</i>
10 (3) <i>At least 6 years but</i> 11 <i>less than 8 years</i>	22	<i>age 47</i>	<i>2.3%</i>
12 (4) <i>At least 8 years but</i> 13 <i>less than 10 years</i>	21	<i>age 46</i>	<i>2.4%</i>

14 175 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

15 (b) Upon ordinary disability retirement, the group II member shall receive an ordinary
16 disability retirement allowance which shall consist of: a member annuity which shall be the
17 actuarial equivalent of his *or her* accumulated contributions at the time of his *or her* ordinary
18 disability retirement; and a state annuity which, together with his *or her* member annuity, *for*
19 *members who are in vested status before January 1, 2012*, shall be equal to 2-1/2 percent of his
20 *or her* average final compensation at the time of [his] ordinary disability retirement multiplied by
21 the number of years of his *or her* creditable service not in excess of 40 at the time of [his] ordinary
22 disability retirement, *or for members who commenced service after December 31, 2011, shall*
23 *be equal to 2 percent of his or her average final compensation at the time of ordinary*
24 *disability retirement multiplied by the number of years of his or her creditable service not*
25 *in excess of 50 at the time of ordinary disability retirement, and group II members not in*
26 *vested status on January 1, 2012 shall be as provided in the transition provisions in*
27 *RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40*
28 *and 50* provided, however, that such allowance shall not be less than 25 percent of the member's
29 final compensation at the time of his *or her* disability retirement.

30 176 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

31 (d) Upon accidental disability retirement, the group II member shall receive an
32 accidental disability retirement allowance equal to 2/3 of his *or her* average final compensation at
33 the time of [his] disability retirement.

34 (1) For *members who are in vested status before January 1, 2012*, any group II
35 member who has more than 26-2/3 years of service, a supplemental disability retirement allowance
36 shall be paid. Such supplement shall be equal to 2-1/2 percent of his *or her* average final
37 compensation multiplied by the number of years of his *or her* creditable service in excess of 26-2/3

1 but not in excess of 40 years.

2 ***(2) For members who commenced service after December 31, 2011, any group***
3 ***II member who has more than 33-1/3 years of service, a supplemental disability retirement***
4 ***allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average***
5 ***final compensation multiplied by the number of years of his or her creditable service in***
6 ***excess of 33-1/3 but not in excess of 50 years.***

7 ***(3) For group II members not in vested status on January 1, 2012 calculation***
8 ***of the supplemental allowance shall be as provided in the transition provisions in RSA***
9 ***100-A:5, II(d) with the number of years for the supplement adjusted proportionally.***

10 177 Vested Deferred Retirement; Group II. Amend RSA 100-A:10, II(b) to read as follows:

11 ***(b) For members who are in vested status before January 1, 2012,*** upon the
12 member's attainment of age 45, provided the member would then have completed 20 years of
13 creditable service, otherwise the subsequent date on which such 20 years would have been
14 completed, ***or for members who commenced service after December 31, 2011, upon the***
15 ***member's attainment of age 50, provided the member would then have completed 25 years***
16 ***of creditable service, otherwise the subsequent date on which such 25 years would have***
17 ***been completed, and group II members not in vested status on January 1, 2012 shall be as***
18 ***provided in the transition provisions in RSA 100-A:5, II(d),*** or at any time after age 60, a group
19 II member who meets the requirement of subparagraph (a) may make application on a form
20 prescribed by the board of trustees and receive a vested deferred retirement allowance which shall
21 consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated
22 contributions on the date the member's retirement allowance commences; and (2) A state annuity
23 which, together with the member annuity, shall be equal to a service retirement allowance based on
24 the member's average final compensation and creditable service at the time the member's service is
25 terminated.

26 178 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

27 ***II.(a) For a member who is in vested status before January 1, 2012 and,*** who has
28 completed 20 or more years of combined creditable service, one year shall be deducted from age 60
29 for each year of creditable group II service, provided that the age shall not be less than 45 years.

30 ***(b) For a member who commenced service after December 31, 2011 and who has***
31 ***completed 25 or more years of combined creditable service, one year shall be deducted from***
32 ***age 60 for each year of creditable group II service, provided that the age shall not be less***
33 ***than 50 years.***

34 ***(c) For group II members not in vested status on January 1, 2012, minimum age***
35 ***shall be as provided in the transition provisions in RSA 100-A:5, II(d) with one year***
36 ***deducted from age 60 to not less than the adjusted minimum age.***

37 179 Split Benefits; Reduced Early Retirement. Amend RSA 100-A:19-d to read as follows:

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1 100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any
2 retirement system member who has creditable service in both group I and group II with at least
3 10 years combined creditable service, and who has attained an age which is at least 45 *for members*
4 *who are in vested status with group II service before September 1, 2011 or at least 50 for*
5 *members who commenced group II service after December 31, 2011, and group II members*
6 *not in vested status on January 1, 2012 shall be as provided in the transition provisions in*
7 *RSA 100-A:5, II(d)*, and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may
8 elect to retire and have benefits commence immediately as a reduced split-benefit service retirement
9 allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined
10 as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total
11 combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5,
12 I(c), based on the total combined length of creditable service, for each month by which the date on
13 which benefits commence precedes the month after which the member attains the minimum age set
14 forth in RSA 100-A:19-b.

15 180 Financing; Member Contribution Rates; Group II Member Payroll Deduction. Amend
16 RSA 100-A:16, I(a) to read as follows:

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

22 (1) ~~[Employees of employers other than the state 5.00~~
23 ~~Employees of the state hired on or before June 30, 2009 5.00~~
24 ~~Employees of the state hired after June 30, 2009 7.00~~
25 ~~Teachers 5.00]~~

26 **Group I members, 7.00**

27 (2) ~~[Permanent Policemen 9.30~~
28 ~~Permanent Firemen 9.30]~~

29 **Group II permanent fireman members, 11.80**

30 **Group II permanent police members, 11.55**

31 (aa) The board of trustees shall certify to the proper authority or officer responsible for
32 making up the payroll of each employer, and such authority or officer shall cause to be deducted from
33 the compensation of each member, except group II members *who are in vested status before*
34 *January 1, 2012* with creditable service in excess of 40 years *and group II members who*
35 *commenced service after December 31, 2011 with creditable service in excess of 50 years,*
36 *and group II members not in vested status on January 1, 2012 shall be as provided in the*
37 *transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted*

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1 ***proportionally between 40 and 50***, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on
2 each and every payroll of such employer for each and every payroll period, the percentage of earnable
3 compensation applicable to such member. No deduction from earnable compensation under this
4 paragraph shall apply to any group II member ***who is in vested status before January 1, 2012***
5 ***with creditable service in excess of 40 years, and any group II member who commenced service***
6 ***after December 31, 2011 with creditable service in excess of 50 years, and group II members***
7 ***not in vested status on January 1, 2012 shall be as provided in the transition provisions in***
8 ***RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40***
9 ***and 50***, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such
10 members shall not affect the method of determining average final compensation as provided in RSA
11 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may
12 consider the rate of compensation payable to such member on the first day of a payroll period as
13 continuing throughout the payroll period and it may omit deduction from compensation for any
14 period less than a full payroll period if such person was not a member on the first day of the payroll
15 period, and to facilitate the making of deductions it may modify the deduction required of any
16 member by such an amount as shall not exceed 1/10 of one percent of the annual earnable
17 compensation upon the basis of which such deduction is made. The amounts deducted shall be
18 reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the
19 retirement system at such times as may be designated by the board of trustees and credited to the
20 individual account, in the member annuity savings fund, of the member from whose compensation
21 the deduction was made.

22 181 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read
23 as follows:

24 I. The administration of this system is vested in a board of [~~14~~] **13** trustees. Each newly
25 appointed or reappointed trustee shall have familiarity with or experience in finance or business
26 management. The state treasurer shall be an ex officio voting member of the board. The governor
27 and council shall appoint 2 trustees, to be known as nonmember trustees, who shall be qualified
28 persons with investment and/or financial experience as provided in this paragraph and not be
29 members of the system, and who shall serve for a term of 2 years and until their successors are
30 appointed and qualified. The nonmember trustees of the board shall have substantial experience in
31 the field of institutional investment or finance, taking into account factors such as educational
32 background, business experience, and professional licensure and designations. The original
33 appointment of one of the nonmember trustees shall be for a term of one year. The remaining [~~11~~]
34 **10** members of the board shall consist of [~~2 employees, 2 teachers, 2 permanent policemen, 2~~
35 ~~permanent firemen~~]: ***one employee member, one teacher member, one permanent police***
36 ***member, one permanent fireman member, 4 employer members***; one member of the senate who
37 shall be appointed annually by the senate president, ***and*** one member of the house of

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1 representatives who serves on the executive departments and administration committee and who
2 shall be appointed annually by the speaker of the house~~[, and one person representing management~~
3 ~~in local government]~~. Whenever a vacancy occurs **for a legislative member**, the senate president
4 or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a
5 house member who shall serve for the unexpired term. The New Hampshire state employees'
6 association, the New Hampshire education association, the New Hampshire police association, **and**
7 the New Hampshire state permanent firemen's association~~[, and the New Hampshire Local~~
8 ~~Government Center]~~ shall each annually nominate from their members a panel of 5 persons, all of
9 whom ~~[except for the panel of the Local Government Center]~~ shall be active members of the
10 retirement system~~[, or one of the 4 predecessor systems]~~, no later than May 31 of each year, and the
11 panels so named shall be filed with the secretary of state no later than June 10 of each year. From
12 ~~[each of]~~ the above named panels the governor and council shall appoint ~~[one person annually to]~~ **the**
13 **active member trustees of** the board~~[, except for the panel of the Local Government Center, which~~
14 ~~shall have one person appointed every 2 years]~~ **as needed so as to maintain the representation**
15 **on the board. The governor and council shall appoint the employer members of the board**
16 **with one member nominated by the New Hampshire Association of Counties, one member**
17 **nominated by the New Hampshire Municipal Association, one member nominated by the**
18 **New Hampshire School Boards Association, and one member to represent management of**
19 **state employees.** Members appointed to the board in the manner aforesaid shall serve for a term of
20 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and
21 qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing
22 a member who shall serve for the unexpired term ~~[from the same panel from which the former~~
23 ~~member was appointed]~~. The governor shall designate one of the nonmember trustees to serve as
24 chairman of said board of trustees.

25 182 Quorum. Amend RSA 100-A:14, IV to read as follows:

26 IV. Each trustee, including the chairman, shall be entitled to one vote in the board of
27 trustees. ~~[Seven]~~ **Six** trustees shall constitute a quorum for the transaction of any business of the
28 board of trustees. ~~[Seven]~~ **Six** votes shall be necessary for any resolution or action by the board at
29 any meeting.

30 183 Application; Board of Trustees Membership. Members of the board of trustees for the
31 retirement system on the effective date of this section shall serve for the remainder of their terms.
32 In order to conform to changes to the retirement system board of trustees made by this act, upon a
33 vacancy occurring in the membership on the board of trustees after the effective date of this section,
34 the appointment of a trustee shall be made to reasonably conform to the trustee designations in
35 RSA 100-A:14, I.

36 184 Repeal of Special Account Funding. RSA 100-A:16, II(h)(2), relative to the method of
37 allocating funds to the special account, is repealed.

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1 185 Return of Members' Contributions; Reference to Assumed Rate of Return. Amend RSA 100-
2 A:11, I(a) to read as follows:

3 (a) If a group I member ceases to be an employee or teacher for reasons other than
4 retirement or death and if he or she has not elected to receive a vested deferred retirement allowance
5 under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3
6 months after his or her written request therefor, provided that the member may not file a written
7 request for such payment until at least 30 days from the date the member ceases to be an employee
8 or a teacher and provided that the member may not again become a group I member during said 30-
9 day period. A group I member shall cease to be an active member if he or she is absent from service
10 for more than 180 days, without requesting return of the amount of his or her accumulated
11 contributions, and the retirement system shall retain his or her accumulated contributions. The
12 annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g).
13 The board shall hold and invest such accumulated contributions on behalf of the inactive member,
14 provided that the annual return credited on the inactive member's accumulated contributions shall
15 be 2 percentage points less than either the assumed rate of return determined [~~under RSA 100-A:16,~~
16 ~~II(h)~~] **by the trustees** or the actual rate of return, whichever is lower, for the immediately preceding
17 fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of
18 return shall not be less than zero. The inactive member may make a written request for his or her
19 total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall
20 be paid within 3 months after his or her written request. In the event an inactive member who has
21 not withdrawn his or her contributions under this section returns to become an active member in
22 service, his or her previous service shall count toward that member's creditable service to the extent
23 that his or her accumulated contributions have remained in the retirement system.

24 186 Return of Members' Contributions; Reference to Assumed Rate of Return. Amend RSA 100-
25 A:11, II(a) to read as follows:

26 (a) If a group II member ceases to be a permanent policeman or permanent fireman for
27 reasons other than retirement or death and if he or she has not elected to receive a vested deferred
28 retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall
29 be paid within 3 months after his or her written request therefor. A group II member shall cease to
30 be an active member if he or she is absent from service for more than 180 days, without requesting
31 return of the amount of his or her accumulated contributions, and the retirement system shall retain
32 his or her accumulated contributions. The annual return credited on inactive, vested members shall
33 be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated
34 contributions on behalf of the inactive member, provided that the annual return credited on the
35 inactive member's accumulated contributions shall be 2 percentage points less than either the
36 assumed rate of return determined [~~under RSA 100-A:16, II(h)~~] **by the trustees** or the actual rate of
37 return, whichever is lower, for the immediately preceding fiscal year as reported in the

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1 comprehensive annual financial report (CAFR), provided the rate of return shall not be less than
2 zero. The inactive member may make a written request for his or her total accumulated
3 contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3
4 months after his or her written request. In the event an inactive member who has not withdrawn
5 his or her contributions under this section returns to become an active member in service, his or her
6 previous service shall count toward that member's creditable service to the extent that his or her
7 accumulated contributions have remained in the retirement system.

8 187 Medical Benefits Subsidy; Payment by Retirement System. Amend RSA 100-A:52, II to
9 read as follows:

10 II. However, for the fiscal year beginning July 1, 1990, the maximum amount payable by the
11 retirement system under this subdivision on account of each person qualified under paragraph I who
12 is not entitled to Medicare benefits, shall be \$101.50 per month, and on account of each person
13 qualified under paragraph I who is entitled to Medicare benefits, shall be \$64 per month. As of
14 July 1, 1991, and on each July 1 until and including July 1, 2007, the maximum amount payable by
15 the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on
16 previous increases. After July 1, 2007 [~~and until and including July 1, 2011~~], the rate payable under
17 this paragraph shall not be increased. [~~As of July 1, 2012, and on each July 1 thereafter, the~~
18 ~~maximum amount payable by the retirement system as provided in this paragraph shall be~~
19 ~~increased by 4 percent, compounded on previous increases.~~]

20 188 New Sections; Retirement System; Return to Work; Form Required. Amend RSA 100-A by
21 inserting after section 27 the following new sections:

22 100-A:27-a Return to Work; Suspension of Benefits. No person who retires after January 1,
23 2012 and is receiving retirement benefits under this chapter shall within 6 months of his or her
24 retirement be employed by the state or another participating employer. Beginning January 1, 2012,
25 no person shall be hired into a full-time position for which membership is required under RSA 100-
26 A:3, or hired into a full-time state position for which membership is optional under RSA 100-A:3, I,
27 while concurrently receiving a retirement benefit under this chapter. Benefits shall be suspended
28 during any such period of employment.

29 100-A:27-b Form Required. The retirement system shall provide to employers a form to be
30 signed, dated, and submitted by persons hired by the employer containing such information as
31 determined necessary by the retirement system and a statement establishing that the person is not
32 currently receiving an allowance under this chapter. Employers shall submit such forms to the
33 retirement system.

34 189 Repeal. 2002, 137:7, relative to the application of the repeal of former RSA 100-A:3, I(c), is
35 repealed.

36 190 Transfer Required; Special Account of the Retirement System. The board of trustees of the
37 retirement system shall forthwith transfer the remaining balance in each of the components of the

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1 special account established under RSA 100-A:16, II(h) to the state annuity accumulation fund.

2 191 Study Committee Established; Voluntary Defined Contribution Plan.

3 I. There is established a committee to study the establishment of a federal tax qualified
4 voluntary defined contribution plan.

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

6 (a) One member of the senate, who shall be from the executive departments and
7 administration committee, appointed by the president of the senate.

8 (b) Three members of the house of representatives, each of whom shall be from the
9 special committee on public employee pensions reform, appointed by the speaker of the house of
10 representatives.

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

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

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

20 192 Repeal. The following are repealed:

21 I. RSA 100-A:16, III-a, relative to employer assessments for excess benefits paid by
22 employers in the retirement system.

23 II. RSA 100-A:4-b, relative to group I employees and teachers purchase of credit for out-of-
24 state service.

25 III. RSA 100-A:4-c, relative to group II members purchase of credit for out-of state service.

26 193 Severability. If any provision of sections 170-192 of this act or the application of such
27 provision to any person or circumstance is held invalid or is deemed not to comply with applicable
28 law or regulations of the Internal Revenue Service so as to jeopardize the retirement system's status
29 as a qualified governmental pension plan, the invalidity or non-compliance does not affect other
30 provisions or applications of such sections of this act which can be given effect without the invalid
31 provisions or applications, and to this end such provisions of this act are severable.

32 194 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the
33 notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall
34 recalculate employer contribution rates for the state fiscal years 2012 and 2013 to reflect the
35 requirements of this act. The recertification of such rates shall be a recalculation of those rates
36 previously established, using the same actuarial assumptions that were applied for the initial
37 calculation. This recertification shall not include the lower assumed rate of return recently approved

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1 by the retirement system board of trustees which shall take effect in fiscal year 2014.
2 Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates
3 shall be effective as soon as possible following July 1, 2011. The recertification of employer
4 contribution percentages shall be effective when provided to each employer within a reasonable
5 period of time not to exceed 30 days from the recertification. The exception to the notice
6 requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer
7 contribution rates for the biennium beginning July 1, 2011.

8 195 Contingency; Retirement System Changes. If SB 3-FN-A-LOCAL of the 2011 legislative
9 session becomes law then sections 170 through 194 of this act shall not take effect.

10 196 Retirement System, Employer Contributions; Non-State Employees; State Share
11 Eliminated. Amend RSA 100-A:16, II(b) and (c) to read as follows:

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

30 (c) The contributions of each employer for benefits under the retirement system on
31 account of group I members shall consist of a percentage of the earnable compensation of its
32 members to be known as the "normal contribution," and an additional amount to be known as the
33 "accrued liability contribution," provided that~~[-in the case of teachers]~~ ***beginning with state fiscal***
34 ***year 2012 and for each state fiscal year thereafter***, any employer~~[-other than the state, shall~~
35 ~~pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be~~
36 ~~paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any~~
37 ~~employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent~~

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1 ~~thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state~~
2 ~~fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total~~
3 ~~contributions, and 35 percent thereof shall be paid by the state; and provided further that in case of~~
4 ~~teacher members employed by the state the state]~~ shall pay both normal and accrued liability
5 contributions. The rate percent of such normal contribution in each instance shall be fixed on the
6 basis of the liabilities of the system with respect to the particular members of the various member
7 classifications as shown by actuarial valuation, except as provided in subparagraphs (h) and (i).

8 197 Statutory Construction; Publication of Notice. Amend RSA 21:32 to read as follows:

9 21:32 Publication of Notice; ***Publication for Statewide Circulation.***

10 ***I.*** By the words “publish,” “published,” “publishing,” or “publication,” when notice is required
11 or permitted to be given by publication, shall be intended publication in a newspaper circulated in
12 the vicinity, and the publication shall be for 3 weeks successively, and the last publication one week,
13 at least, before the day or thing of which notice is given, unless otherwise specially provided.

14 ***II.*** ***The terms “publication of daily statewide circulation,” “publication of general***
15 ***statewide circulation,” or “publication in a newspaper of statewide circulation” regarding***
16 ***any requirement of any executive branch state agency, board, department, or official to***
17 ***provide notice under state law in respect to any real or personal property, act, event,***
18 ***hearing, or other occurrence, by advertisement or notice, shall mean publication of such***
19 ***notice at the offices of the agency, board, department, or official; prominently on a publicly***
20 ***accessible Internet site maintained by the agency, board, department, or official; and in***
21 ***any local or regional publication circulated where the real or personal property is located***
22 ***or where the act, event, hearing, or other occurrence is to take place, all in accordance***
23 ***with the time frame for notice prescribed by law.***

24 198 Rest Areas and Welcome Centers. Amend RSA 12-A by inserting after section 43-a the
25 following new section:

26 12-A:43-b Rest Areas and Welcome Centers.

27 ***I.*** The department of resources and economic development shall be responsible for the
28 staffing of rest areas and welcome centers along the state’s highways. There is established in the
29 department a bureau of visitor service to administer this function. The commissioner may consult
30 with the local chambers of commerce relative to said function, and shall have the authority to enter
31 into contracts with private or public entities for said function as the commissioner deems
32 appropriate.

33 ***II.*** Notwithstanding paragraph I, the department of transportation and the liquor
34 commission may undertake and/or participate in the development of new welcome centers in
35 Hooksett on the northbound and southbound lanes of Interstate Route 93 as authorized by the
36 legislature.

37 199 Repeal. RSA 228:106, relative to the bureau of visitor service, is repealed.

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1 200 Flood Control; Reimbursement to Cities and Towns. Amend RSA 122:4 to read as follows:

2 122:4 Reimbursement to Cities and Towns.

3 **I.** On a date not later than 30 days following the establishment and approval of tax rates for
4 each city and town affected by and subject to the provisions of this chapter, the state treasurer shall
5 pay to each town and city in which any taxable real estate or interest therein has been acquired
6 under this chapter by the United States and thus become tax exempt for such year, a sum equal to
7 the taxes which would have been assessed against the real estate or interest therein in such town or
8 city if the same had been included in the list of taxable property as proposed by the commissioner of
9 revenue administration in RSA 122:6. For land acquired by the United States under this chapter,
10 reimbursement shall be made upon a valuation determined as provided herein on a permanently
11 continuing basis, and if growing wood and timber was taxable as real estate on the date of
12 acquisition by the United States of the land on which it stood, it shall be deemed to be land
13 hereunder. For all artificial improvements on land acquired by the United States under this
14 chapter, including buildings, structures and other artificial real estate fixtures of any kind,
15 reimbursement shall be made upon a valuation determined initially as provided herein and
16 thereafter annually reduced by 2-1/2 percent so that at the end of 40 years reimbursement therefor
17 shall have terminated. On land and improvements thereon acquired by the United States under this
18 chapter the initial assessed valuation of the land and improvements for purposes of reimbursement
19 shall be the locally assessed valuation thereon for the tax year in which acquired as adjusted by the
20 assessors and the commissioner of revenue administration acting as a joint board, so as to make such
21 valuation proportional to the value of all other property in such town or city subject to taxation. For
22 purposes of this section the joint board may subdivide such assessment equitably between land and
23 improvements thereon or between real estate acquired and that not acquired, if the official
24 assessment was not thus subdivided. The valuations of improvements thus determined shall
25 thereafter be annually reduced over a 40-year period as above provided. On land, and artificial
26 improvements, the valuations initially established as above provided in a town or city shall be
27 reviewed by the commissioner at least once in every 5 years and more frequently if reasonably
28 necessary and be changed as necessary to make them proportional with the assessed value of all
29 other taxable property in such town or city. The amount of the reimbursement due to each town and
30 city hereunder shall be determined by the commissioner and certified by it to the state treasurer not
31 later than 30 days following the establishment and approval of the tax rates of each town and city
32 under this chapter. The commissioner shall reduce the amount of reimbursement thus determined
33 by any amount paid or due that town or city for that year by or from the United States, another
34 state, an interstate flood control agency or other source, because of such loss of taxable valuation.
35 The governor is authorized to draw ~~his~~ **a** warrant for the payment of such reimbursements out of
36 any money in the treasury not otherwise appropriated. Provided, however, that reimbursement
37 payments for loss of taxes on account of the acquisition of railroad or public utility property shall be

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1 reduced to the extent that such railroad or public utility property is relocated and reconstructed in
2 the same town or city as a result of such acquisition, and thereby is included to that extent in the list
3 of taxable property in said town or city as relocated.

4 *II. Notwithstanding paragraph I, the commissioner of revenue administration*
5 *shall reduce the amount of reimbursement thus determined by any amount paid or due the*
6 *state on behalf of a town or city for that year by or from the United States, another state, an*
7 *interstate flood control agency or other source, because of such loss of taxable valuation.*
8 *Any subsequent payments received by the state from the United States, another state, an*
9 *interstate flood control agency or other source shall first be applied to outstanding*
10 *amounts due the state, and any remainder shall be apportioned to the towns.*

11 201 Assistant Director of Document Processing Deleted. Amend RSA 21-J:5, IV to read as
12 follows:

13 IV. The commissioner shall appoint an assistant director for each division. Assistant
14 division directors shall be classified employees, except for the assistant director of audits [~~and the~~
15 ~~assistant director of document processing~~], who shall be *an* unclassified [~~employees~~] *employee*.

16 202 Unclassified Salaries. Amend RSA 94:1-a by deleting:

17 FF Department of revenue administration director of document processing

18 203 Document Processing Division. Amend RSA 21-J:12 to read as follows:

19 21-J:12 Document Processing Division. There is established within the department the division
20 of document processing[~~, under the supervision of an unclassified director of document processing~~
21 ~~who shall be responsible~~] for processing all tax returns filed with the department.

22 204 Equalization Standards Board; Administrative Merger. Beginning on July 1, 2011, the
23 administrative and business processing functions of the equalization standards board under RSA 21-
24 J:14-c shall be merged with and performed by the assessing standards board under RSA 21-J:14-a.

25 205 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of
26 Appropriation. The appropriation for the administration of the client assistance program that is
27 received by the governor's commission on disability pursuant to 29 U.S.C. section 732 for fiscal years
28 2012 and 2013 shall be transferred to the New Hampshire Disability Rights Center upon
29 certification by the governor to the commissioner of administrative services that the program has
30 been redesignated to the New Hampshire Disability Rights Center. If the redesignation occurs and
31 the governor's certification is made after July 1, 2011, the unexpended portion of the appropriation
32 shall be transferred.

33 206 Penalty Assessment; Waiver of Penalty. Amend RSA 188-F:31, IV as follows:

34 IV. The clerk of each court shall collect all penalty assessments and shall transmit the
35 amount collected under paragraphs I-III to the state treasurer for deposit in the following funds.
36 The state treasurer shall deposit [~~54.17~~] **66.67** percent of the amount collected in the police
37 standards and training council training fund, 16.67 percent of the amount collected in the victims'

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1 assistance fund, **and** 16.67 percent of the amount collected in the judicial branch information
2 technology fund.

3 207 Compensation and Benefit Cost Reductions. For the biennium ending June 30, 2013, the
4 governor shall reduce total appropriations for compensation and/or benefits for classified employees
5 in any department, as defined in RSA 9:1, by not less than \$20,000,000 in fiscal year 2012 and not
6 less than \$50,000,000 for the biennium, of which the general fund component shall be not less than
7 \$20,000,000. If a plan for compensation and/or benefit reductions is not implemented as a result of
8 negotiations with employees by September 1, 2011, the governor shall implement other
9 compensation and/or benefit reduction measures or personnel reductions not later than December 1,
10 2011.

11 208 Department Budgets; Transfer of Federal Funds. For the biennium ending June 30, 2013,
12 in order to maximize the use of federal grant funds and to avoid lapsing such funds where changes in
13 the state or federal accounting systems, changes in federal grant guidelines, or overestimation or
14 underestimation of funds required in various class codes due to program needs or requirements have
15 occurred subsequent to the passage of the budget, every department as defined in RSA 9:1 is hereby
16 authorized, for the biennium ending June 30, 2013, subject to the prior approval of the fiscal
17 committee of the general court and the approval of governor and council, to transfer funds in or out
18 of any class code and to create new class codes within federally funded areas of the department's
19 operating budget so long as such transfers do not result in an overexpenditure of any grant.

20 209 Use of Federal Grants. In order to maximize the use of federal grant funds and not lapse
21 such funds, every department as defined in RSA 9:1 is hereby authorized to carry forward budgeted
22 appropriation balances in class from federal grants for the duration of that federal grant award from
23 one state fiscal year to the following fiscal years subject to the approval of the commissioner of
24 administrative services.

25 210 Rehiring of Laid Off Classified State Employees.

26 I. For purposes of this section, "laid off" means any person in a classified position as
27 described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or who
28 is laid off between July 1, 2011 and June 30, 2013, as a result of reorganization or downsizing of
29 state government.

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

35 III. The head of each department or agency shall submit the name and classification of any
36 individual laid off between July 1, 2011 and June 30, 2013, to the director of the division of personnel
37 within 10 days of the layoff.

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1 211 Freeze of Executive Branch Hiring, Purchases, and Out-of-State Travel.

2 I. Except as provided in paragraph II, all full-time classified and unclassified employee
3 positions funded in whole or in part by the general fund which are vacant on July 1, 2011 or become
4 vacant after that date shall remain vacant until June 30, 2013 with the exception of direct care,
5 custodial care, and law enforcement positions. The appropriation for each such position shall lapse
6 to the salary adjustment fund under RSA 99:4 and the employee benefit adjustment account under
7 RSA 9:17-c, as applicable. No general fund moneys appropriated for class 30 equipment or
8 appropriated for out-of-state travel shall be expended or encumbered on or after July 1, 2011.

9 II. Individual exceptions to any of these provisions may be requested by any department in
10 writing to the governor. Any exception granted by the governor shall be transmitted to the fiscal
11 committee of the general court at its next meeting.

12 III. For the biennium ending June 30, 2013, no purchases shall be submitted or processed
13 which require a standard requisition order form (P4) or an agency requisition form (P28), pursuant
14 to purchase and property rules and procedures adopted by the department of administrative
15 services, if the purchases are funded in whole or in part with general funds, with the exception of
16 purchases for food, drugs, fuel, medical supplies, or items necessary under emergency conditions that
17 are required for the continued operation of a department. The commissioner of administrative
18 services shall have the authority to determine whether there exists an emergency condition at any
19 department that necessitates the purchase of items.

20 212 General Fund Balance. Notwithstanding RSA 9:13-e, II, any budget surplus for the close of
21 the fiscal biennium ending June 30, 2011 shall not be deposited in the revenue stabilization account
22 but shall remain in the general fund.

23 213 Department of Information Technology; Technical Support Services. The department of
24 information technology shall not discontinue technical support services to any executive branch
25 agency, except at the request of the agency.

26 214 Transfers Authorized to Fund Information Technology Related Projects. Notwithstanding
27 any provision of law to the contrary, departments, agencies, and branches may transfer moneys from
28 any class line, except from personnel and benefit class lines, within their approved budgets to class
29 line 027 to fund information technology related projects which would not otherwise be funded.

30 215 Department of Information Technology; Transfers Among Accounts. Notwithstanding the
31 provisions of RSA 9:17-a or any other provision of law to the contrary, the department of information
32 technology may, subject to the approval of the fiscal committee of the general court, transfer funds
33 within and among all accounting units within said department as necessary for the efficient
34 management of the department.

35 216 Method of Financing; Unfunded Accrued Liability. Amend RSA 100-C:13, III(d) to read as
36 follows:

37 (d) Immediately following the actuarial valuation prepared under paragraph I, the board

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1 shall have an actuary determine the amount of the unfunded accrued liability as the amount of the
2 total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the
3 funds in hand to the credit of the state annuity accumulation fund, and the normal contributions to
4 be made on account of the members during the remainder of their active service. The amount so
5 determined shall be known as the "unfunded accrued liability". On the basis of the unfunded
6 accrued liability, the board shall have an actuary determine the level annual contribution required
7 to discharge such amount over a period of ~~[20 years from the date of implementation of this chapter]~~
8 ***30 years or the maximum period allowed by standards adopted by the Government***
9 ***Accounting Standards Board, whichever is less.***

10 217 Judicial Retirement Plan; Recalculation and Recertification of Employer Rate.
11 Notwithstanding the requirements of RSA 100-C:13, I, the board of trustees of the judicial
12 retirement plan shall direct the plan's actuary to recalculate the employer contribution rate for the
13 state fiscal years 2012 and 2013 to reflect the requirements of RSA 100-C:13, III(d) as amended by
14 section 216 of this act. Such recalculated employer contribution rate shall be recertified by the board
15 of trustees to the judicial branch and shall be used by the judicial branch for state fiscal years 2012
16 and 2013 until the next biennial valuation.

17 218 Vital Records Improvement Fund; Transfers to General Fund. Notwithstanding RSA 5-
18 C:15, the department of state shall transfer \$400,000 in the fiscal year ending June 30, 2012 and
19 \$400,000 in the fiscal year ending June 30, 2013 from the special fund for the improvement and
20 automation of vital records at the state and local levels established in RSA 5-C:15, also known as the
21 vital records improvement fund, to the general fund.

22 219 Distribution of Rooms and Meals Tax; Division of Travel and Tourism Development.
23 Notwithstanding any other provision of law, for the biennium ending June 30, 2013, the state
24 treasurer shall suspend the distribution of net income pursuant to RSA 78-A:26, I(a)(2) credited to
25 the department of resources and economic development, division of travel and tourism development.

26 220 Legislative Branch; Special Account; Transfer to the General Fund.

27 I. For fiscal year 2011, after applying the reductions authorized by SS 2010, 1:30 and 2010,
28 4, all unexpended and unencumbered appropriations of the legislative branch, except the state house
29 visitor's center revolving fund established pursuant to RSA 17-E:7 shall be transferred to a special
30 legislative account and any amount in the account in excess of \$3,000,000 shall be transferred to the
31 general fund.

32 II. The legislative accountant shall allocate the original \$3,000,000 special legislative
33 account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the
34 senate, the house of representatives, the joint offices, and the office of legislative budget assistant.
35 Beginning in fiscal year 2012 and each year thereafter all unexpended and unencumbered
36 appropriations shall be transferred to the appropriate subaccount. Any subaccount with a balance in
37 excess of \$750,000 at the end of the fiscal year shall transfer the excess to the general fund.

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1 III. Funds may be transferred from the senate's subaccount with prior approval of the
2 senate subcommittee established pursuant to RSA 17-E:5. Funds may be transferred from the house
3 of representatives' subaccount with prior approval of the house subcommittee established pursuant
4 to RSA 17-E:5. Funds may be transferred from the joint offices' subaccount with prior approval of
5 the joint committee on legislative facilities established pursuant to RSA 17-E:1. Funds may be
6 transferred from the office of legislative budget assistant's subaccount with prior approval of the
7 fiscal committee of the general court established pursuant to RSA 14:30-a.

8 221 Salaries. RSA 548:17 is repealed and reenacted to read as follows:

9 548:17 Salaries. The annual salary of the registers of probate shall be \$100 per year.

10 222 Contingency. If HB 609-FN of the 2011 legislative session becomes law, section 221 of this
11 act shall take effect July 1, 2011 at 12:01 a.m. If HB 609-FN does not become law, section 221 of this
12 act shall not take effect.

13 223 Navigation Safety Fund. Amend RSA 270-E:6-a to read as follows:

14 270-E:6-a Navigation Safety Fund. There is established the navigation safety fund which shall
15 be ~~[nonlapsing and]~~ continually appropriated to the department of safety, division of ~~[safety services]~~
16 **state police**. The state treasurer may invest moneys in the fund as provided by law and all interest
17 received on such investment shall be credited to the fund. The fund shall only be used to promote
18 the safety of navigation and the administration and enforcement of RSA 270, RSA 270-B, RSA 270-
19 D, and RSA 270-E. **Any balance remaining in the navigation safety fund at the close of each**
20 **fiscal year shall lapse to the general fund.**

21 224 Fines Paid by Mail; General Fund. Amend RSA 262:44, I to read as follows:

22 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled
23 "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the
24 provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be
25 given a notice of fine indicating the amount of the fine plus penalty assessment at the time the
26 summons is issued; except if, for cause, the summoning authority wishes the defendant to appear
27 personally. Defendants summoned to appear personally shall do so on the arraignment date
28 specified in the summons, unless otherwise ordered by the court. Defendants who are issued a
29 summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on
30 the summons and return it with payment of the fine plus penalty assessment to the director of the
31 division of motor vehicles within 30 days of the date of the summons. The director of the division of
32 motor vehicles may accept payment of the fine by credit card in lieu of cash payment. Any
33 transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine
34 amount which is credited ~~[as agency income]~~ **to the general fund** and not out of the penalty
35 assessment charged by the district court. The director of the division of motor vehicles shall remit
36 the penalty assessments collected to the police standards and training council for deposit in the
37 police standards and training council training fund and to the state treasurer to be credited and

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1 continually appropriated to the victims' assistance fund and the judicial branch information
2 technology fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid
3 over to the state treasurer, and shall be credited [~~as agency income by the department of safety~~] **to**
4 ***the general fund*** within 14 days of their receipt.

5 225 Carnival-Amusement Operators Rules. Amend RSA 321-A:2 to read as follows:

6 321-A:2 Rules. The commissioner shall adopt rules, [~~in consultation with the amusement ride~~
7 ~~advisory board and~~] pursuant to RSA 541-A, for the safe installation, repair, maintenance, use,
8 operation, and inspection of all carnival or amusement rides, air supported structures, and
9 amusement attractions, as covered by this chapter, for the protection of the general public. The
10 rules shall be based upon generally accepted engineering standards, formulas, and practices.

11 226 Reference Changed. RSA 321-A:1, IV is repealed and reenacted to read as follows:

12 IV. "Department" means the department of safety.

13 227 Drug-Free School Zones; Penalty Assessment. Amend RSA 193-B:7 to read as follows:

14 193-B:7 Penalty Assessment[~~; Sign Fund~~].

15 [~~H.~~] In addition to the penalties imposed under RSA 193-B:6, I and RSA 318-B:26, V, every
16 court shall levy a penalty assessment of \$100 for an offense in violation of RSA 193-B:2. [~~Such~~
17 ~~penalty assessment shall be used to provide and replace drug free school zone signs.~~

18 [~~H.~~ ~~There is created the drug free school zone sign fund in the department of education to be~~
19 ~~administered by the commissioner of education.~~] The clerk of each court shall collect all penalty
20 assessments and, notwithstanding RSA 6:11, shall transmit the amount collected [~~under paragraph I~~
21 ~~designated for the drug free school zone sign fund to the department of education~~] **to the general**
22 ***fund.***

23 228 Repeal. RSA 6:12, I(b)(212), relative the drug-free school zone sign fund, is repealed.

24 229 Special Education; State Aid. Amend RSA 186-C:18, IV to read as follows:

25 IV. The state shall appropriate [~~\$300,000~~] ***an amount*** for each fiscal year to assist special
26 education programs that are statewide in their scope, and that meet the standards for such
27 programs established by the state board of education. Funds under this paragraph shall be
28 administered and distributed by the state board of education through the commissioner.

29 230 Transfer of Marine Patrol from Department of Safety, Division of Safety Services, to the
30 Division of State Police.

31 I. Notwithstanding any provision of law to the contrary, all of the functions, positions,
32 powers, duties, responsibilities, and funding of the department of safety, division of safety services,
33 relative to the marine patrol bureau shall be transferred to the division of state police. The transfer
34 provided in this section shall include all of the equipment, books, papers, and records related to
35 marine patrol functions.

36 II. All existing rules, statutory responsibilities, regulations, and procedures relating to the
37 marine patrol in effect, in operation, or adopted in or by the department of safety are transferred to

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1 the division of state police, and are declared in effect and shall continue in effect until rescinded,
2 revised, or amended in accordance with applicable law.

3 231 New Subparagraph; State Police; Duty Added; Marine Patrol. Amend RSA 21-P:7, I by
4 inserting after subparagraph (f) the following new subparagraph:

5 (g) Carrying out the duties assigned to the marine patrol bureau.

6 232 Fish and Game Department; Divisions Established. For the biennium ending June 30,
7 2013, there are established the following divisions, as defined in RSA 21-G, within the fish and game
8 department:

9 I. The marine division, as specified in RSA 211:65.

10 II. The fisheries division.

11 III. The wildlife division.

12 IV. The business division.

13 V. The facilities and lands division.

14 VI. The law enforcement division.

15 VII. The public affairs division.

16 VIII. The office of the executive director.

17 233 Reference Deleted. Amend RSA 12-A:23, VIII to read as follows:

18 VIII. Encourage law enforcement personnel [~~and personnel within the division of safety~~
19 ~~services~~] to assist, whenever possible, the traveling public by providing them with a hospitable
20 reception and appropriate information.

21 234 Reference Deleted. Amend RSA 12-G:52-b, VI to read as follows:

22 VI. Nothing in this section shall be construed to limit, restrict, or modify in any way
23 authority granted to the commissioner of safety or the director of [~~safety services~~] **state police** to
24 remove or impound boats or moorings pursuant to RSA 270 or RSA 270-B.

25 235 Report and Budget. Amend RSA 21-P:10-b to read as follows:

26 21-P:10-b [~~Division of Safety Services~~] Report and Budget.

27 I. The department of safety shall submit as part of the annual report required under RSA
28 20:7, a report on [~~the training and educational programs offered or contracted by the division of~~
29 ~~safety services,~~] the revenue generated from safe boater education certificates[~~, and the budget and~~
30 ~~revenue projections of the division~~].

31 II. In conjunction with the operating budget of the department of safety, the department
32 shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter,
33 which shall include [~~financial responsibility for and the costs of all training and educational~~
34 ~~programs offered or contracted by the division of safety services,~~] the revenue generated from safe
35 boater education certificates[~~,]~~ and all revenues and expenditures of the navigation safety fund
36 established in RSA 270-E:6-a.

37 236 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) as

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1 follows:

2 Delete:

3 FF Department of safety director of safety services

4 237 Reference Deleted. Amend RSA 153:9 to read as follows:

5 153:9 Assistants; Clerical. Subject to the state personnel regulations, and within the limits of
6 available appropriations and funds, the [~~director of safety services,~~] department of safety[;] shall
7 furnish such additional clerical and secretarial assistants as may be necessary to carry out the duties
8 and functions of the state fire marshal.

9 238 Endangered Wildlife Species. Amend RSA 212-A:5, IV to read as follows:

10 IV. The executive director [~~and the director of safety services~~] may [~~independently or in~~
11 ~~concert~~] adopt and enforce rules temporarily restricting boat traffic on any waters of this state as
12 [~~either~~] **the executive** director deems necessary to protect any threatened or endangered species of
13 wildlife in the earliest stages of life.

14 239 Reference Deleted. Amend RSA 225-A:1-a to read as follows:

15 225-A:1-a Administratively Attached. The passenger tramway safety board shall be an
16 administratively attached agency, under RSA 21-G:10, to the department of safety[; ~~division of safety~~
17 ~~services~~].

18 240 Reference Deleted. Amend RSA 225-A:2, II to read as follows:

19 II. "Department" means the department of safety[; ~~division of safety services~~].

20 241 Passenger Tramway Safety Board. Amend RSA 225-A:3-a to read as follows:

21 225-A:3-a Passenger Tramway Safety Board. There shall be a passenger tramway safety board
22 of 4 appointive members [~~and the director of safety services ex officio~~]. The appointive members
23 shall be appointed by the governor, with the advice and consent of the council, from persons
24 representing the following interests: one member who operates a "surface lift" as [~~defined~~]
25 **described** in RSA 225-A:2, I(e)-(g) only and one member from the cable and other passenger
26 carrying devices industry, and in making such appointments consideration shall be given to
27 recommendations made by members of the industry, so that both the devices which pull skiers riding
28 on skis and the devices which transport passengers in cars or chairs shall have proper
29 representation; one member to represent the public at large; and one member to represent insurance
30 companies which engage in insuring passenger tramway operations, and in appointing such member
31 consideration shall be given to recommendations made by such insurance companies. The authority
32 of such board shall not extend to any other matter relative to the operation of a ski area.

33 242 Reference Changed. Amend RSA 270:1-a, I to read as follows:

34 I. The operator of a vessel who knows or reasonably should have known that he or she has
35 just been involved in any accident that involved death, personal injury, or damage to property, shall
36 immediately stop said vessel at the scene of the accident, render any assistance that he or she is
37 capable of giving to the occupants of any other vessel involved in the accident, and give the operator

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1 or owner of any other vessel involved in such accident, and to any person injured, and to the owner of
2 any property damaged, the operator's name and the owner's name and address, the vessel
3 registration number, and the name and address of each occupant. If by reason of injury or absence
4 or removal from the place of the accident or other cause, such injured person, or operator of such
5 other vessel, or owner of the property damaged, or any of them, is unable to understand or receive
6 the information required in this section, such information shall be given to any marine patrol officer
7 or other police officer with jurisdiction arriving at the scene of the accident or immediately to a
8 marine patrol officer or other police officer at the nearest police station or at marine patrol
9 headquarters. Any person operating a vessel that is in any manner involved in the accident shall,
10 within 15 days after such accident, report in writing to the ~~[division]~~ **department** of safety ~~[services]~~
11 the facts required hereunder together with a statement of the circumstances if any person is injured
12 or killed or if damage to property is in excess of \$2,000. If the operator is physically or mentally
13 incapable of making such report, the owner of the vessel involved in the accident or the owner's
14 representative shall, after learning of the accident, forthwith make such report. The operator or the
15 owner shall furnish to the ~~[division]~~ **department** such relevant information as the ~~[division]~~
16 **department** shall require.

17 243 Reference Changed. Amend RSA 270:1-b to read as follows:

18 270:1-b Penalty. Whoever fails to file the reports required by RSA 270:1-a, I or otherwise fails to
19 comply with the requirements relating to injury to property, or relating to the report to be made to
20 the ~~[division]~~ **department**, shall be guilty of a class A misdemeanor if a natural person, or guilty of a
21 felony if any other person. Whoever fails to comply with the requirements when death or personal
22 injury resulted or whoever gives information required knowing or having reason to believe that such
23 information is false, or fails to comply with any of the other requirements thereof shall be guilty of a
24 class B felony.

25 244 Reference Changed. Amend the introductory paragraph of RSA 270:12-a, I to read as
26 follows:

27 I. The director of ~~[the division of safety services]~~ **state police** and his or her duly authorized
28 representatives shall have all the powers of a peace officer in all counties in the state in the
29 enforcement of:

30 245 Reference Changed. Amend RSA 270:12-a, I-a to read as follows:

31 I-a. The director of ~~[safety services]~~ **state police** and his **or her** duly authorized
32 representatives shall be authorized to call upon any peace officer to render assistance to them in the
33 performance of their duties and shall render assistance to any peace officer having jurisdiction in the
34 area when so requested.

35 246 Reference Changed. Amend RSA 270:12-a, III to read as follows:

36 III. The director of ~~[the division of safety services]~~ **state police** shall adopt rules pursuant to
37 RSA 541-A prescribing the type and amount of training required for his **or her** duly authorized

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1 representatives to perform their duties under this section.

2 247 Reference Changed. Amend RSA 270:12-c, I to read as follows:

3 I. The commissioner of safety may establish a force of individuals to assist the director of
4 ~~[safety services]~~ **state police** and the marine patrol officers to patrol the various bodies of water in
5 the state. Any person that patrols any water body on behalf of the department shall either be a
6 certified marine patrol officer or an auxiliary officer appointed under the provisions of this section.

7 248 Reference Changed. Amend RSA 270:26, IV(a) to read as follows:

8 IV.(a) Any person who knowingly places a swim line in any public body of water without
9 first obtaining a permit issued by the director of ~~[safety services]~~ **state police** shall be guilty of a
10 violation.

11 249 Reference Changed. Amend RSA 270:27 to read as follows:

12 270:27 Boat Racing. No commercial boat, private boat, or sail boat shall race with another such
13 boat over a predetermined course on any of the public waters of the state unless the course is laid out
14 and marked in a manner satisfactory to the director of ~~[safety services]~~ **state police** and said race is
15 held under a permit issued by said director to a recognized sponsoring organization stating the date
16 and place of the race.

17 250 Reference Changed. Amend RSA 270:32, III to read as follows:

18 III. The director of ~~[safety services]~~ **state police** may prohibit further scuba activity, in
19 addition to the penalties prescribed in either paragraph I or II, until the provisions of RSA 270:31
20 have been complied with.

21 251 Reference Changed. Amend RSA 270:36, I to read as follows:

22 I. "Director" means the director of the division of ~~[safety services]~~ **state police**.

23 252 References Changed. Amend RSA 270:45, II-III to read as follows:

24 II. Boats involved in or attending a fireworks display, a boat parade, a boat race, or any
25 other such public events as the director of ~~[safety services]~~ **state police** may designate;

26 III. Boats which have converged at the direction of the director of ~~[safety services]~~ **state**
27 **police** or the executive director of fish and game or the agents of either in order to protect members
28 of any threatened or endangered species of wildlife which ~~[the director of safety services or]~~ the
29 executive director of fish and game deems to be in immediate danger;

30 253 Reference Changed. Amend the introductory paragraph of RSA 270:46-a, I to read as
31 follows:

32 I. In addition to any other penalty imposed, any person who is convicted of violating any of
33 the following boating laws or rules of the division of ~~[safety services]~~ **state police** shall be assessed
34 an administrative penalty of \$200 to be paid to the director of ~~[safety services]~~ **state police** who
35 shall forward such sum to the state treasurer for deposit in the navigation safety fund established
36 under RSA 270-E:6-a:

37 254 Reference Changed. Amend RSA 270:46-a, II to read as follows:

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1 II. Any person who pays such penalty and who, within 6 months of conviction, completes at
2 such person's own expense a boat safety classroom course as specified in rules adopted, under RSA
3 541-A, by the director of ~~[safety services]~~ **state police** shall have his or her \$200 refunded to him or
4 her from the navigation safety fund by the director.

5 255 Reference Changed. Amend the introductory paragraph of RSA 270:46-a, III to read as
6 follows:

7 III. In addition to any other penalty imposed, any person who is convicted of violating any of
8 the following boating laws or rules of the division of ~~[safety services]~~ **state police**, and who has not
9 already successfully completed an approved boating safety course shall complete a boat safety
10 classroom course, at that person's own expense, within 6 months of conviction. Any person who fails
11 to complete the boat safety classroom course within 6 months may be prevented from reregistering
12 the boat:

13 256 References Changed. Amend RSA 270:59, I-II to read as follows:

14 I. "Director" means the director, division of ~~[safety services]~~ **state police**, department of
15 safety.

16 II. "Division" means the division of ~~[safety services]~~ **state police**, department of safety.

17 257 Reference Changed. Amend RSA 270:65 to read as follows:

18 270:65 Special Exceptions. The division of ~~[safety services]~~ **state police** shall propose rules to
19 develop standards for granting special exceptions for the placement of from 2 to 4 moorings adjacent
20 to a shorefront property. The placement of 5 or more moorings adjacent to a shorefront property
21 shall require approval pursuant to RSA 270:67, I and II.

22 258 References Changed. Amend RSA 270:67, I(a) to read as follows:

23 (a) The division of ~~[safety services]~~ **state police** shall identify suitable locations for
24 public mooring fields and prioritize the need for the development of such sites. In determining said
25 locations the division of ~~[safety services]~~ **state police** shall recommend each location size and the
26 configuration of each public mooring field. Further, it shall be determined by the division of ~~[safety~~
27 ~~services]~~ **state police** that adequate access exists to serve the needs of the users of the public
28 mooring field. Said site proposal shall then be transmitted to the respective political subdivision or
29 subdivisions in which the proposed mooring field is to be located, where a public hearing on said site
30 proposal may be conducted by the division of ~~[safety services]~~ **state police**. The division of ~~[safety~~
31 ~~services]~~ **state police** shall review all recommendations received and submit their final site proposal
32 to governor and council for approval. All such recommendations shall be consistent with any
33 existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital
34 improvement programs of the adjacent municipality.

35 259 References Changed. Amend RSA 270:67, II(a) to read as follows:

36 (a) The division of ~~[safety services]~~ **state police** may identify suitable locations for
37 congregate mooring fields. In determining said locations the division of ~~[safety services]~~ **state**

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1 **police** shall recommend each location size and the configuration of each congregate mooring field.
2 Further, it shall be determined by the division of [~~safety services~~] **state police** that adequate access
3 exists to serve the needs of the users of the congregate mooring field. Said site proposal shall then be
4 transmitted to the respective political subdivision or subdivisions in which the proposed mooring
5 field is to be located, where a public hearing on said proposal may be conducted by the division of
6 [~~safety services~~] **state police**. The division of [~~safety services~~] **state police** shall review all
7 recommendations received and submit their final proposal to governor and council for approval. All
8 such recommendations shall be consistent with any existing master plans, zoning ordinances,
9 wetlands conservation district ordinances, and capital improvement programs of the adjacent
10 municipality.

11 260 Reference Changed. Amend RSA 270:67, II(d) to read as follows:

12 (d) Operators in charge of maintaining congregate mooring fields may charge no more
13 for the use of a mooring than an amount which reasonably covers the costs of mooring installations
14 and maintenance. Said charges shall be reported to the division of [~~safety services~~] **state police** who
15 shall submit an annual report to the governor and council and the general court on all congregate
16 mooring fields.

17 261 Reference Changed. Amend RSA 270:115 to read as follows:

18 270:115 Connecticut River. The department of safety, division of [~~safety services~~] **state police**,
19 shall post at all boat launching sites on the Connecticut River, within the jurisdiction of the state, a
20 speed limit of headway speed within 150 feet of the shoreline. Any person who violates the posted
21 speed limits shall be guilty of a violation.

22 262 Reference Changed. Amend RSA 270:132 to read as follows:

23 270:132 Silver Lake. The division of [~~safety services~~] **state police** shall institute a no wake
24 order encompassing all of Silver Lake whenever the department of environmental services gauging
25 station on Silver Lake measures 467.0 feet or more above sea level. The order shall remain in effect
26 until the measure falls below 467.0 feet.

27 263 Reference Changed. Amend RSA 270-B:3 to read as follows:

28 270-B:3 Jurisdiction. The director of [~~safety services~~] **state police** or his **or her** authorized
29 representatives may impound any such abandoned boat or may order the removal and storage at a
30 place of safe keeping of any such abandoned boat. All reasonable charges of such impoundment,
31 removal, and storage shall be a lien against the boat.

32 264 Reference Changed. Amend RSA 270-B:3-a to read as follows:

33 270-B:3-a Improperly Registered or Equipped Boats. Nothing in RSA 270-B:3 shall be construed
34 as limiting the power of the director of [~~safety services~~] **state police** or his **or her** authorized
35 representatives to tow any boat which they find being operated without proper registration or
36 equipment, but such boat shall not be considered to be abandoned and the provisions of this chapter
37 relating to impoundment, removal, and storage shall not apply.

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1 265 Reference Changed. Amend RSA 270-B:4 to read as follows:

2 270-B:4 Notification. The director of [~~safety services~~] **state police** shall notify the owner, if
3 known, of the fact of such impoundment, removal, and storage. If the abandoned boat is registered
4 in this state, such notification shall be mailed to the person identified as the owner on the
5 registration at the address listed on said registration. If the boat is not so registered, notice shall be
6 placed on file with the director of motor vehicles and published in a newspaper of general circulation.

7 266 Reference Changed. Amend RSA 270-B:7 to read as follows:

8 270-B:7 Disposal. Upon expiration of the 90-day period identified in RSA 270-B:5, the director
9 of [~~safety services~~] **state police** may dispose of any unredeemed boat by destroying such boat or by
10 offering such boat for sale at public auction or the director may retain such boat for use by the state;
11 provided, however, that if the boat is sold or retained, the purchaser or the state, in the event of
12 retention, shall pay the cost of impoundment, removal, and storage, and shall obtain release of the
13 lien described in RSA 270-B:3. Any money received by reason of sale of such abandoned boat at
14 public auction shall be deposited in the state general fund.

15 267 References Changed. Amend RSA 270-D:1, IV-V to read as follows:

16 IV. "Director" means the director of the division of [~~safety services~~] **state police**, department
17 of safety.

18 V. "Division" means the division of [~~safety services~~] **state police**, department of safety.

19 268 Reference Changed. Amend RSA 270-D:2-a to read as follows:

20 270-D:2-a Boaters Guide. The department of safety, division of [~~safety services~~] **state police**,
21 shall publish the New Hampshire Boaters guide.

22 269 Reference Changed. Amend RSA 270-D:3, V to read as follows:

23 V. No person shall be towed on water skis or other appurtenances unless the person is
24 wearing a Coast Guard approved type 1, 2, or 3 PFD, except when directly participating or
25 competing in an American Water Ski Association approved event or exhibition, authorized by a
26 special permit issued by the director of [~~safety services~~] **state police**.

27 270 Reference Changed. Amend RSA 485-A:14, III to read as follows:

28 III. The lawful owner of a vehicle shall notify the department of safety, division of [~~safety~~
29 ~~services~~] **state police**, if any person is injured or killed in an incident involving a submerged vehicle.

30 271 Reference Changed. Amend RSA 485-A:14, V to read as follows:

31 V. Any person who fails to remove a submerged or partially submerged vehicle or container,
32 as required by paragraph I, shall be guilty of a violation. Agents of the department of safety, division
33 of [~~safety services~~] **state police**, or any police officer having jurisdiction over the water body, may
34 issue citations for a violation of this section and issue fines of \$500 for each day the vehicle remains
35 in the water.

36 272 Reference Changed. Amend RSA 487:17, II(d) to read as follows:

37 (d) Designate, in consultation with the department of fish and game and the division of

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1 [~~safety services~~] **state police**, department of safety, restricted use of exotic aquatic weed control
2 areas.

3 273 Repeal. The following are repealed:

4 I. RSA 21-P:10, relative to division of safety services.

5 II. RSA 21-P:10-a, relative to director of safety services.

6 III. RSA 21-P:48, I(ii). relative to membership of advisory council on emergency
7 preparedness and security.

8 274 Department of Safety; Special Assistant to the Commissioner. The commissioner of safety is
9 authorized to retain a special assistant to the commissioner for the purpose of assisting the office of
10 the commissioner with special projects determined by the commissioner. The special assistant shall
11 be a temporary unclassified employee and shall be compensated at grade FF under RSA 94:1-a. The
12 authority under this section shall expire on March 1, 2012.

13 275 Department of Transportation; Use of Contractors.

14 I. During the FY 2012 and FY 2013 biennium, the department of transportation shall study
15 and make recommendations relative to increasing the use of contractors to perform certain duties of
16 the department of transportation to achieve a savings of highway funds. The study topics shall
17 include operational activities relative to summer and winter maintenance of state highways, bridge
18 maintenance, pavement striping, signal service, bridge inspections, and fleet maintenance. The
19 department of transportation shall present said recommendations, costs, and savings to the house
20 public works and highways committee and the senate transportation committee on or before March
21 15, 2013.

22 II. The department of transportation shall manage the highway and bridge betterment
23 program, as defined in RSA 235:23-a, with an emphasis on bidding out the work to contractors and
24 suppliers. Individual projects approaching \$500,000 in value shall be carefully considered for
25 alternate bid procedures for letting and processing the construction. A report detailing project costs,
26 contracting method, and the private contractors, vendors, and suppliers directly involved in the
27 overall construction shall be prepared by the department of transportation, if requested by the house
28 public works and highways committee, and presented to the house public works and highways
29 committee within 6 months of the request.

30 276 Foster Grandparent Program. The reimbursements to the foster grandparent program
31 through the senior volunteer grant program established in RSA 161-F:40 are hereby suspended for
32 the biennium ending June 30, 2013.

33 277 Department of Health and Human Services; Children in Need of Services. RSA 169-D:2, II
34 is repealed and reenacted to read as follows:

35 II. "Child in need of services" means a child under the age of 18 with a diagnosis of severe
36 emotional, cognitive, or other mental health issues who engages in aggressive, fire setting, or
37 sexualized behaviors that pose a danger to the child or others and who is otherwise unable or

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1 ineligible to receive services under RSA 169-B or RSA 169-C.

2 278 Department of Health and Human Services; Children in Need of Services. Amend RSA 169-
3 D:5, I to read as follows:

4 I. A petition alleging a child is in need of services may, *with the consent of the*
5 *department*, be filed by a parent, legal guardian or custodian, school official, or law enforcement
6 officer with a judge or clerk of the court in the judicial district in which the child is found or resides.
7 The petition shall be in writing and verified under oath. The following notice shall be printed on the
8 front of the petition in bold in no smaller than 14 point font size: “See back for important
9 information and financial obligations.” The back of the petition shall include a notice of liability for
10 parents and other individuals chargeable by law for the child’s support and necessities.

11 279 Reference To CHINS Definition. Amend RSA 189:36, II to read as follows:

12 II. A truant officer or school official shall not file a petition alleging that the child is in need
13 of services pursuant to RSA 169-D:2, [~~H(a)~~] **II** until all steps in the school district’s intervention
14 process under RSA 189:34, II have been followed.

15 280 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, VI to read
16 as follows:

17 VI. Nothing in this section shall be construed to affect any obligation to provide services to
18 an individual under an individualized family service plan or an individualized education program, as
19 required under the federal Individuals With Disabilities Education Act, *the state children’s health*
20 *insurance program authorized by 42 U.S.C. section 1397aa et seq.*, or the provision of services
21 to an individual under any other federal or state law.

22 281 Coverage for Treatment of Pervasive Developmental Disorder or Autism. Amend RSA 417-
23 E:2, IV to read as follows:

24 IV. Nothing in this section shall be construed to affect any obligation by a school district or
25 the state of New Hampshire to provide services to an individual under an individualized family
26 service plan or an individualized education program, as required under the federal Individuals With
27 Disabilities Education Act, *the state children’s health insurance program authorized by 42*
28 *U.S.C. section 1397aa et seq.*, or the provision of services to an individual under any other federal
29 or state law.

30 282 Repeal. RSA 170-F, relative to discretionary adoption subsidies for hard to place children,
31 and administrative rule He-C 6438, relative to adoption subsidies, are repealed.

32 283 Department of Health and Human Services; Adoption Assistance Program. The department
33 of health and human services shall administer its adoption assistance program consistent with
34 federal law and regulations and the state’s Title IV-E plan for foster care and adoption assistance.

35 284 Assistance Program for 2-Parent Families with Dependent Children; Case-Load
36 Management. Amend RSA 167:77-e to read as follows:

37 167:77-e Assistance Program for 2-Parent Families with Dependent Children. The department

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1 may establish a non-TANF, state-funded financial assistance program for 2-parent needy families
2 with dependent children in which one parent is underemployed or unemployed. With the exception
3 of parental underemployment or unemployment, client eligibility and program requirements and
4 administration shall be in accordance with this chapter and the rules adopted under this chapter.
5 ~~[In order to meet the federal work participation rate and avoid federally imposed penalties, the~~
6 ~~commissioner may add additional groups of families to this state funded, financial assistance~~
7 ~~program as funding permits and also may transfer cases back to the TANF program, pursuant to~~
8 ~~rules adopted under RSA 541-A.]~~

9 285 Employment Program Eligibility; Case-Load Management. Amend RSA 167:79, I(b) to read
10 as follows:

11 (b) A needy child who is deprived of parental support or care by reason of unemployment
12 or underemployment of a parent may receive assistance under TANF or under the state-funded
13 assistance program in RSA 167:77-e. ~~[In order to meet the federal work participation rate and avoid~~
14 ~~federally imposed penalties, the commissioner may add additional groups of families to the state~~
15 ~~funded assistance program in RSA 167:77 e as funding permits and transfer cases back to the TANF~~
16 ~~program, pursuant to rules adopted under RSA 541 A.]~~

17 286 Emergency Assistance Program for Aid to Families with Dependent Children. Amend
18 RSA 167:7, V to read as follows:

19 V. Subject to applicable federal regulations, the commissioner may establish criteria to
20 operate a special needs program, ~~[or to operate an emergency assistance program only for aid to~~
21 ~~families with dependent children,]~~ subject to the amount of available funds in the budget of the
22 department of health and human services.

23 287 New Paragraph; Public Assistance Eligibility. Amend RSA 167:6 by inserting after
24 paragraph IX the following new paragraph:

25 X.(a) For purposes hereof, an individual is ineligible for cash assistance benefits under the
26 aid to the needy blind, aid to the permanently and totally disabled, and old age assistance programs
27 for any month during which he or she is:

28 (1) Fleeing to avoid prosecution for a crime which is a felony under the laws of the
29 place from which the individual flees, or which, in the case of the state of New Jersey, is a high
30 misdemeanor under the laws of that state; or

31 (2) Fleeing to avoid custody or confinement after conviction for a crime, or an
32 attempt to commit a crime, which is a felony under the laws of the place from which the individual
33 flees, or which, in the case of the state of New Jersey, is a high misdemeanor under the laws of that
34 state; or

35 (3) Violating any condition of probation or parole imposed under federal or state law.

36 (b) Suspension of benefit payments because an individual is a fugitive as described in
37 subparagraph (a)(1) or (a)(2) or a probation or parole violator as described in subparagraph (a)(3) is

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1 effective on the first day of whichever of the following months is earlier:

2 (1) The month in which a warrant or order for the individual's arrest or
3 apprehension, an order requiring the individual's appearance before a court or other appropriate
4 tribunal, such as a parole board, or a similar order is issued by a court or other duly authorized
5 tribunal on the basis of an appropriate finding that the individual:

6 (A) Is fleeing, or has fled, to avoid prosecution as described in subparagraph
7 (a)(1);

8 (B) Is fleeing, or has fled, to avoid custody or confinement after conviction as
9 described in subparagraph (a)(2);

10 (C) Is violating, or has violated, a condition of his or her probation or parole as
11 described in subparagraph (a)(3); or

12 (D) The first month during which the individual fled to avoid such prosecution,
13 fled to avoid such custody or confinement after conviction, or violated a condition of his or her
14 probation or parole, if indicated in such warrant or order, or in a decision by a court or other
15 appropriate tribunal.

16 (2) If benefits are otherwise payable, they shall be resumed effective on the first
17 month throughout which the individual is determined to be no longer fleeing to avoid such
18 prosecution, fleeing to avoid such custody or confinement after conviction, or violating a condition of
19 his or her probation or parole.

20 288 Department of Health and Human Services; Public Assistance; Definitions. Amend RSA
21 167:6, VI to read as follows:

22 VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally
23 disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is
24 disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted
25 under such act, except that the minimum required duration of the impairment shall be 48 months,
26 unless and until the department adopts a 12-month standard in accordance with RSA 167:3-j. In
27 determining disability, the standards for "substantial gainful activity" as used in the Social Security
28 Act shall apply, including all work incentive provisions including Impairment Related Work
29 Expenses, Plans to Achieve Self Support, and subsidies. ***Notwithstanding any provision of law***
30 ***to the contrary, eligibility for cash assistance and medical assistance shall be conditioned***
31 ***upon the recipient filing an application or applications for any federal cash assistance***
32 ***benefits for which the individual may be entitled and pursuing any appeals available for***
33 ***those federal benefits. Cash assistance shall terminate upon a finding of clinical***
34 ***ineligibility for such federal benefits, except that any individual receiving cash assistance***
35 ***on June 30, 2011 shall only be ineligible for cash assistance upon a second finding of***
36 ***clinical ineligibility. Notwithstanding any provision of the law to the contrary, an***
37 ***individual who appeals the closure of cash assistance, pursuant to RSA 161:4, IV, for the***

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1 *reasons set forth in this paragraph, shall not continue to receive such cash assistance*
2 *benefits during the pendency of such appeal.* No person shall be eligible to receive such aid
3 while receiving old age assistance, aid to the needy blind, or aid to families with dependent children.

4 289 Health and Human Services; Drug Rebates, Regular Care. Notwithstanding any provision
5 of law to the contrary, funds collected into revenue source code 407041 Drug Rebates – Regular Care
6 shall be deposited into a restricted revenue account to be used by the department of health and
7 human services for expenditures in accounting unit 05-95-95-956010-6143 Pharmacy Services in an
8 amount not to exceed \$4,690,000 in FY 2012, and \$5,506,000 in FY 2013. Revenue in excess of said
9 amounts shall continue to be deposited as unrestricted revenue into the state general fund.

10 290 Department of Health and Human Services, Outpatient Prospective Payment. The general
11 court recognizes the need for increased transparency and uniformity in the Medicaid hospital
12 outpatient reimbursement methodology. The commissioner of the department of health and human
13 services shall implement a single fee schedule for procedures performed in hospital or non-hospital
14 ambulatory surgical centers as an interim step while awaiting implementation of a hospital
15 outpatient prospective payment methodology. The fee schedule shall reflect non-hospital ambulatory
16 surgical center reimbursement rates in effect as of the effective date of this section. The
17 commissioner shall set the outpatient prospective payment system conversion factor to maintain
18 compliance with 42 U.S.C. section 1396a(a)(30)(A) and RSA 126-A:3, VII(a) and ensuring the
19 Medicaid program pays only the most favorable and acceptable rate for outpatient services. The
20 commissioner shall have authority, consistent with RSA 126-A:3, VII(a), to propose reductions to the
21 conversion factor so as not to exceed the outpatient appropriation for the biennium. In determining
22 the adequacy of the reimbursement rate, the commissioner shall rely upon the findings of the
23 biennial benchmarking report mandated by RSA 126-A:18-b.

24 291 Department of Health and Human Services; Division of Community Based Care, Bureau of
25 Behavioral Health. For the biennium ending June 30, 2013, no state appropriations shall be used by
26 the department of health and human services for contracts with the Dartmouth Psychiatric Research
27 Center or the Behavioral Health Policy Institute.

28 292 Department of Health and Human Services; Position of Medical Director Suspended. The
29 position of medical director established by RSA 135-C:6, VI within the department of health and
30 human services is suspended for the biennium ending June 30, 2013.

31 293 Family Support Services. RSA 126-G, relative to family support services, is hereby
32 suspended for the biennium ending June 30, 2013.

33 294 Funding for Alzheimer's Disease. Suspension. Notwithstanding any provision of law to the
34 contrary, the department of health and human services shall suspend funding for the Alzheimer's
35 disease and related disorders (ADRD) program for the biennium ending June 30, 2013.

36 295 Congregate Housing and Congregate Services. Congregate services provided pursuant to
37 RSA 161-F:37 and congregate housing provided under the Medicaid waiver pursuant to RSA 151-E

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1 are hereby suspended for the biennium ending June 30, 2013.

2 296 New Section; Health and Human Services; Sean William Corey Program; Home Health Aide
3 Services for Children who are Medically Fragile or Children with Chronic Illness; Pilot Program.
4 Amend RSA 126-A by inserting after section 4-g the following new section:

5 126-A:4-h Home Health Aide Services for Children who are Medically Fragile or Children with
6 Chronic Illness; Pilot Program.

7 I. The parent of a child described in paragraph II may be authorized by the department to
8 provide home health aide services to his or her child if the parent:

- 9 (a) Is employed by a licensed home health agency;
10 (b) Is reimbursed through the Medicaid program for the care of his or her child only; and
11 (c) Meets the undue hardship standard in paragraph III.

12 II. A child is eligible for home health aide services if the child is medically fragile or has a
13 chronic illness and such child:

- 14 (a) Is aged birth to 19;
15 (b) Has a medical diagnosis of an acute onset medical condition or a chronic medical
16 condition;
17 (c) Requires a nursing facility or hospital level of care, as defined in RSA 167:3-g;
18 (d) Resides at home; and
19 (e) Is determined eligible for the home health aide service through the use of a
20 standardized rating tool developed by the department.

21 III. The department may authorize reimbursement to a parent providing home health aide
22 services in the case of undue hardship. Subject to approval from the Centers for Medicare and
23 Medicaid Services, this section shall apply only to families whose income is no greater than 200
24 percent of the federal poverty limit. Such reimbursement shall occur only when the department
25 determines that the needs of the child, the unavailability of appropriate providers or suitable
26 alternative care services, and cost efficiencies make utilization of a parent for the provision of such
27 services necessary and appropriate. Reimbursement shall be limited to care that is medically
28 necessary due to specific health needs and shall not be made for care generally expected and
29 provided by parents to a child of similar age and developmental stage. The department shall not
30 authorize reimbursement to a parent until a plan and rules adopted pursuant to RSA 541-A, are
31 reviewed and approved by the oversight committee on health and human services, established in
32 RSA 126-A:13.

33 IV. The department shall establish a Medicaid reimbursement rate for home health aide
34 services. Such reimbursement rate shall be based on the current average wage of personal care
35 workers reimbursed through the Medicaid program and the cost of nursing supervision required by
36 federal law for unskilled care. The annual expenditure for such service shall not exceed \$25,000 per
37 child and the home health agency shall not retain more than 10 percent of the Medicaid

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1 reimbursement rate received for the home health aide service.

2 V. No more than 10 Medicaid-eligible children may receive home health aide services under
3 the program at any given time.

4 VI. The department shall operate the program established in this section as a 3-year pilot
5 program, beginning July 1, 2011, at the end of which time the department shall evaluate its success
6 and recommend its continuation, expansion, or conclusion. The department of health and human
7 services shall provide an annual report on the pilot program to the fiscal committee of the general
8 court. The report shall be filed with the chairperson of the committee by July 1 of each year
9 beginning July 1, 2012.

10 297 Repeal. RSA 126-A:4-h, as inserted by section 296 of this act, is repealed.

11 298 Family Planning Accounting Unit; Funding Abortions Prohibited. Notwithstanding any
12 provision of law to the contrary, the appropriation in accounting unit 05-95-90-902010-5530, family
13 planning program class, and any other funds shall not be used for evaluation, assessment,
14 consultation about, preparation for, or provision of an abortion.

15 299 New Hampshire Healthy Kids Corporation. Amend RSA 126-H:2 to read as follows:

16 126-H:2 Corporation Established. There is hereby created a body politic and corporate having a
17 distinct legal existence separate from the state and not constituting a department of state
18 government, to be known as the New Hampshire healthy kids corporation to carry out the provisions
19 of this chapter. The corporation is hereby deemed to be a public instrumentality [~~and the exercise by~~
20 ~~the authority of the powers conferred by this chapter shall be deemed and held to be the performance~~
21 ~~of public and essential governmental functions of the state. The corporation shall be the program~~
22 ~~administrator for the state children's health insurance program under Title XXI of the Social~~
23 ~~Security Act]. The corporation shall be a private nonprofit corporation and shall have all the powers
24 necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive
25 and accept grants, loans, or advances of funds from any public or private agency and to receive and
26 accept from any source, contributions of money, property, labor, or any other thing of value, to be
27 held, used, and applied for the purposes of this chapter. [~~Notwithstanding any other provision of~~
28 ~~law, any payments made by the corporation for insurance coverage under this chapter, either~~
29 ~~directly or indirectly, shall be exempt from the premium tax under RSA 400 A:32.]~~~~

30 300 Healthy Kids Board; Authority to Secure Staff. Amend RSA 126-H:5, I(g) to read as follows:

31 (g) Secure staff necessary to properly administer the corporation. Staff costs shall be
32 funded from [~~state funds appropriated by the legislature and such other private or public funds as~~
33 ~~become]~~ available **private funds**. The board of directors shall determine the number of staff
34 members necessary to administer the corporation.

35 301 Healthy Kids Board. Amend the introductory paragraph of RSA 126-H:3, I to read as
36 follows:

37 I. The powers of the corporation shall be vested in [~~13~~] **12** members for 3-year terms of office

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1 as follows:

2 302 Healthy Kids Board; Membership Terms. Amend RSA 126-H:3, II to read as follows:

3 II. The ~~[initial]~~ terms of office shall be as follows: the members in subparagraphs I(a), (g),
4 and (j) shall serve for 2 years; the members in subparagraphs I(b), (h), (k), and (m) shall serve for 3
5 years; and the members in subparagraphs I(c), (i), and (l) shall serve for 4 years. The ~~[other]~~
6 members in subparagraphs I(d)[,] **and** (e) ~~[and (f)]~~ shall serve terms which are coterminous with
7 their terms in office. Two of the 4 members in subparagraph I(n) shall serve for 3 years, one shall
8 serve for 2 years, and one shall serve for 4 years.

9 303 Repeal. The following are repealed:

10 I. RSA 126-H:3, I(f), relative to the commissioner of the department of health and human
11 services.

12 II. RSA 126-H:6-a, establishing the healthy kids subcommittee, is repealed.

13 304 Applicability. Sections 299 and 300 of this act shall take effect on the date the
14 commissioner of the department of health and human services certifies to the director of the office of
15 legislative services and the secretary of state that responsibility for the state children's health
16 insurance program has been transferred from the New Hampshire healthy kids corporation to the
17 department's Medicaid managed care program administrator.

18 305 Department of Health and Human Services; Medicaid Managed Care Reporting. The
19 department of health and human services shall provide a detailed update on the status of
20 implementation of the Medicaid managed care program for each meeting of the fiscal committee of
21 the general court until the contracts for Medicaid managed care are approved by the governor and
22 council.

23 306 Medicaid Managed Care. Amend RSA 126-A:5, XIX(a) to read as follows:

24 XIX.(a) The commissioner shall employ a managed care model for administering the
25 Medicaid program and its enrollees to provide for managed care services for all Medicaid populations
26 throughout New Hampshire consistent with the provisions of 42 U.S.C. 1396u-2. Models for
27 managed care may include, but not be limited to, a traditional capitated managed care organization
28 contract, an administrative services organization, an accountable care organization, or a primary
29 care case management model, or a combination thereof, offering the best value, quality assurance,
30 and efficiency, maximizing the potential for savings, and presenting the most innovative approach
31 compared to other externally administered models. The department shall present the opportunities
32 of the various models or combination of models with a recommendation for the best managed care
33 model for New Hampshire, no later than July 15, 2011, to the fiscal committee of the general court
34 which shall consult with the oversight committee on health and human services. Services to be
35 managed within the model shall include all mandatory Medicaid covered services and may include,
36 but shall not be limited to, care coordination, utilization management, disease management,
37 pharmacy benefit management, provider network management, quality management, and customer

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1 services. The model shall not include mandatory dental services. The commissioner shall issue a 5-
2 year request for proposals to enter into contracts with the vendors that demonstrate the greatest
3 ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The request
4 for proposals shall be released no later than October 15, 2011. The vendors of the managed care
5 model or combination of models demonstrating the greatest ability to satisfy the state's need for
6 value, quality, efficiency, innovation, and savings shall be selected **by the commissioner and**
7 **approved by the fiscal committee** no later than January 15, 2012 with final contracts submitted
8 to the governor and council no later than March 15, 2012 unless this date is extended by the fiscal
9 committee. After the bidding process, the commissioner shall establish a capitated rate based on the
10 bids by the appropriate model for the contract that is full risk to the vendors. The capitated rate
11 shall be broken down into rate cells for each population including, but not limited to, the persons
12 eligible for temporary assistance to needy families (TANF), aid for the permanently and totally
13 disabled (APTD), breast and cervical cancer program (BCCP), home care for children with severe
14 disabilities (HC-CSD), and those residing in nursing facilities. The capitated rate shall be approved
15 by the fiscal committee of the general court. The managed care model or models' selected vendors
16 providing the Medicaid services shall establish medical homes and all Medicaid recipients shall
17 receive their care through a medical home. In contracting for a managed care model and the various
18 rate cells, the department shall ensure no reduction in the quality of care of services provided to
19 enrollees in the managed care model and shall exercise all due diligence to maintain or increase the
20 current level of quality of care provided. The target date for implementation of the contract is July 1,
21 2012. The commissioner may, in consultation with the fiscal committee, adopt rules, if necessary, to
22 implement the provisions of this paragraph. The department shall seek, with the approval of the
23 fiscal committee, all necessary and appropriate waivers to implement the provisions of this
24 paragraph.

25 307 Contingency. If SB 147-FN of the 2011 legislative session becomes law, section 306 of this
26 act shall take effect at 12:01 am on the effective date of SB 147-FN.

27 308 Reclassification of Positions. For the biennium ending June 30, 2013, the director of the
28 division of personnel shall not approve any reclassification of classified positions which will result in
29 an increase in pay, unless the director obtains a waiver for the specific position from the governor
30 and council.

31 309 Repeal; Meals and Rooms Tax Operator License Renewal Fee. RSA 78-A:4, II, relative to
32 the renewal fee for an operator license for collection of meals and rooms taxes, and the waiver
33 provisions therefor, is repealed.

34 310 Licenses; Transfers of Animals and Birds. Amend RSA 437:3 to read as follows:

35 437:3 Licenses. Applications for licenses shall be made annually in writing to the department
36 accompanied by a license fee of [~~\$350~~] **\$200**. After January 1, the license fee shall be [~~\$175~~] **\$100**. If
37 after inspection the department finds that the premises[~~]~~ **and** cages and facilities thereon meet the

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

14 311 Condominium Act; Application Fees. Amend RSA 356-B:51, VII to read as follows:

15 VII. Each application shall be accompanied by a fee in an amount equal to [~~\$50~~] **\$30** per
16 unit, except that the initial application fee shall be not less than [~~\$600~~] **\$300** nor more than [~~\$5,000~~]
17 **\$2,000**, and the fee for any application for registration of additional units shall be not less than
18 [~~\$400~~] **\$200** nor more than [~~\$5,000~~] **\$2,000**.

19 312 Land Sales Full Disclosure Act; Application Fees. Amend RSA 356-A:5, VII to read as
20 follows:

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

25 313 Documentation of Marriages; Marriage License Fee. Amend RSA 457:29 to read as follows:

26 457:29 Marriage License Fee. The fee for the marriage license shall be [~~\$50~~] **\$45** to be paid by
27 the parties entering into the marriage . The clerk shall forward \$38 from each fee to the department
28 of health and human services for the purposes of RSA 173-B:15[~~, and \$5 to the state treasurer for~~
29 ~~deposit in the general fund~~]. The clerk shall retain the remaining \$7 as the fee for making the
30 records of notice, issuing the certificate of marriage, and forwarding the [~~\$43~~] **\$38** portion of the
31 marriage license fee.

32 314 Repeal. The following are repealed:

33 I. RSA 167:3-h, I-III, relative to coverage of services and certain items under the medical
34 assistance program.

35 II. RSA 167:3-c, XIV, relative to rulemaking for a review process for medically necessary
36 services.

37 315 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by

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1 inserting the following position:

2 LL Department of information technology commissioner/CIO

3 316 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by
4 inserting the following position:

5 GG Board of medicine executive director

6 317 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by
7 inserting the following position:

8 EE Department of state, director and state registrar

9 318 State Veterinarian. Amend RSA 94:1-a, I(b) by:

10 I. Deleting:

11 FF Department of agriculture, markets, and food state veterinarian

12 II. Inserting:

13 II Department of agriculture, markets, and food state veterinarian

14 319 Pease Development Authority; Skyhaven. Amend RSA 12-G:14, VI to read as follows:

15 VI. Notwithstanding any other provision of law, all property formerly held by the
16 department of transportation and transferred to the authority, or acquired by the authority pursuant
17 to this chapter, ***including property that is leased to or occupied by a person, other than the***
18 ***authority or any other entity exempted from taxation under RSA 72:23*** is declared to be public
19 property and shall be exempt from all taxes and special assessments of the state or any political
20 subdivision thereof, ***including any property tax assessed by the municipality in which the***
21 ***property is located; provided such property is used for airport or aeronautical related***
22 ***purposes.***

23 320 Suspension. The following are suspended for each fiscal year of the biennium ending
24 June 30, 2013:

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

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

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

28 321 Appropriation; Kindergarten Construction Program; Bonds Authorized.

29 I. The sum of \$3,700,000 for the biennium ending June 30, 2013 is hereby appropriated to
30 the department of education to provide kindergarten construction funds to a school district which is
31 eligible to receive such funds pursuant to RSA 198:15-r and RSA 198:15-s. The governor is
32 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
33 appropriated.

34 II. Notwithstanding RSA 198:15-r, I(a) and (b), and for the biennium ending June 30, 2013,
35 the commissioner of the department of education shall disburse not more than \$1,000,000 of the
36 kindergarten construction program funds appropriated in paragraph I of this section to a school
37 district eligible to receive such funds.

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1 III. To provide funds for the appropriation made in paragraph I of this section, the state
2 treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of
3 \$3,700,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state
4 of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds
5 and notes shall be made from the general fund of the state. The bonds shall be 20-year bonds.

6 322 New Section; Joint Board of Licensure and Certification; Administration. Amend RSA 310-
7 A by inserting after section 1 the following new section:

8 310-A:1-a Administration of the Joint Board. The administrator of the joint board shall be
9 responsible for:

10 I. The performance of the administrative, clerical, and business processing responsibilities of
11 the boards.

12 II. Employment of personnel needed to carry out the functions of the boards.

13 III. Issuance of a license or certification to any applicant who has met the requirements for
14 licensure and denying a license or certification to applicants who do not meet the minimum
15 qualifications for licensure.

16 IV. Maintenance of the official record of all applicants and licensees.

17 323 Repeal. The following are repealed:

18 I. 2008, 3:2, relative to the Maine-New Hampshire Interstate Bridge Authority and the
19 Portsmouth-Kittery Bridge.

20 II. 2008, 3:6, relative to dissolution of the Maine-New Hampshire Interstate Bridge
21 Authority.

22 324 Kindergarten Construction Program; Eligibility. Amend RSA 198:15-s, III(b) to read as
23 follows:

24 (b) Construction plans and cost estimates, prepared by a licensed architect.

25 ***Construction plans and cost estimates shall comply with the following:***

26 ***(1) To be eligible for reimbursement pursuant to RSA 198:15-r, kindergarten***
27 ***construction shall be approved by the school district's legislative body on or before June 30,***
28 ***2013.***

29 ***(2) The number of classrooms shall be based upon the largest projected***
30 ***kindergarten enrollment in the first 5 years following construction, based on a minimum of***
31 ***20 students per half-day kindergarten class.***

32 ***(3) Classrooms shall be no larger than 1,000 square feet in size including***
33 ***restrooms and storage space.***

34 ***(4) Costs shall be limited to the annual maximum eligible cost standards in***
35 ***accordance with RSA 198:15-b,VII, unless waived by the commissioner of the department of***
36 ***education for good cause.***

37 ***(5) Classroom furniture and equipment purchased for temporary classrooms***

1 *pursuant to RSA 198:15-r, IV shall be relocated to permanent classrooms or replaced at*
2 *district expense.*

3 325 State Government Telecommunication Services; Transfer to Department of Safety.

4 I. All of the functions, positions, powers, duties, responsibilities, and funding for the
5 telecommunication services to state government, formerly authorized by RSA 21-I-12, III, shall be
6 transferred to the division of emergency services and communications, department of safety, on July
7 1, 2011. The transfer provided in this section shall include all of the equipment, books, papers, and
8 records of the bureau of general services, division of plant and property management, department of
9 administrative services related to telecommunication services to state government.

10 II. All contracts, rules, statutory responsibilities, regulations, and procedures related to
11 statewide telecommunication services to state government in effect, in operation, or adopted in or by
12 the bureau of general services, division of plant and property management, department of
13 administrative services are transferred to the division of emergency services and communications,
14 department of safety.

15 326 Bureau of General Services. Amend RSA 21-I:12, III(a) to read as follows:

16 (a) Providing support services, including but not limited to, mailing[~~]~~ **and** messenger[~~]~~
17 ~~and telecommunications]~~ services to state government.

18 327 Reference Deleted. Amend RSA 21-P:38 to read as follows:

19 21-P:38 Emergency Management Powers and Duties Regarding Communications Systems. The
20 division of emergency services and communications shall ascertain what means exist for rapid and
21 efficient communications during natural and man-made disasters. The division shall consider the
22 desirability of supplementing these communications resources or of integrating them into a
23 comprehensive state or state and federal telecommunications or other communications system which
24 may be established for purposes of emergency management. In studying the character and
25 feasibility of any such system or its several parts, the division of emergency services and
26 communications shall [~~consult with the department of administrative services and~~] evaluate the
27 possibility of the multi-purpose use of such a system for general state and local government
28 purposes. The division shall make recommendations regarding such communications systems to the
29 assistant commissioner as appropriate.

30 328 Duty Added. Amend RSA 21-P:48-a, II to read as follows:

31 II. With the approval of the commissioner, the director may employ such necessary
32 technical, clerical, stenographic, and other personnel, and may make such expenditures from state or
33 federal funds as are or may be made available for purposes of emergency services and
34 communications. The director and other personnel of the division shall be provided with appropriate
35 office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and
36 related expenses, in the same manner as provided for personnel of other state agencies. With
37 general oversight by the assistant commissioner, the director **shall provide telecommunications**

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1 **services to state government**, shall coordinate the activities of all organizations for emergency 911
2 telecommunications within the state, state and local, county, and private, and shall maintain liaison
3 with and cooperate with police, fire, emergency medical, and sheriff's departments and emergency
4 telecommunications organizations of other states and of the federal government. The director shall
5 have such additional duties, responsibilities, and authority authorized by applicable laws as may be
6 prescribed by the commissioner.

7 329 Board of Tax and Land Appeals; Members. Amend RSA 71-B:1 to read as follows:

8 71-B:1 Board Established. There is hereby established a board of tax and land appeals,
9 hereinafter referred to as the board, which shall be composed of [4] 3 members who shall be learned
10 and experienced in questions of taxation or of real estate valuation and appraisal or of both. [~~At~~
11 ~~least one member of the board shall be an attorney admitted to practice in New Hampshire.~~] The
12 members of the board shall be full-time employees and shall not engage in any other employment
13 during their terms that is in conflict with their duties as members of the board.

14 330 Board of Tax and Land Appeals; Appointment and Terms. RSA 71-B:2 is repealed and
15 reenacted to read as follows:

16 71-B:2 Appointment; Term; Chairman. The members of the board shall be appointed and
17 commissioned by the governor and council for a term of 3 years and until their successors are
18 appointed and qualified; provided, however, that any vacancy on the board shall be filled for the
19 unexpired term. The governor and council shall designate one member as chairman to serve in that
20 capacity for the duration of his or her term.

21 331 Applicability. The provisions of section 330 of this act shall apply to members of the board
22 of tax and land appeals who are appointed after July 15, 2011.

23 332 Judicial Branch; General Fund Appropriation Reduction. Notwithstanding 2009, 143:1, the
24 state general fund appropriation for the judicial branch shall be reduced by an additional \$300,000
25 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition
26 to the reductions required of the judicial branch pursuant to SS 2010, 1:106 and pursuant to 2009,
27 143:18 and in addition to the reductions undertaken in order to attain the judicial branch's
28 proportional reduction under 2009, 144:289, including, specifically, the reductions effected pursuant
29 to Supreme Court Administrative Order 2010-01. The director of the administrative office of the
30 courts shall submit to the fiscal committee of the general court and the commissioner of the
31 department of administrative services an itemization of the reductions in expenditure classes made
32 to implement this section on or before July 30, 2011.

33 333 Economic Stimulus; Transfer of Funds. Notwithstanding any provision of law to the
34 contrary, the sum of \$900,000 in state fiscal stabilization funds provided under the American
35 Recovery and Reinvestment Act of 2009 (ARRA) and accepted by the fiscal committee of the general
36 court on June 30, 2009 as item 09-240 and approved by the governor and council on June 30, 2009 as
37 item 1, and as subsequently amended, for use by the office of economic stimulus shall be transferred

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1 from the office of economic stimulus to the department of corrections, account 02-46-46-463010-7120
2 on June 30, 2011, to supplant state general fund appropriations at the department of corrections. In
3 addition, the sum of \$300,000 from such ARRA state fiscal stabilization funds is hereby transferred
4 to the audit account established under RSA 6:12, I(b)(89) in order to defray the costs of scheduled
5 ARRA audits. The director of the office of economic stimulus shall be authorized to transfer funds
6 within its remaining appropriations in connection with the winding down and conclusion of its
7 operations on September 30, 2011.

8 334 Retiree Medical Benefits; Beneficiary Contributions Increased. Amend RSA 100-A:54, III to
9 read as follows:

10 III. The retirement system shall deduct from the monthly retirement allowance of retired
11 state employees under the age of 65 years receiving medical and surgical benefits provided pursuant
12 to RSA 21-I:30, the premium contribution amounts of [~~\$65~~] **\$115** per month for each such retiree and
13 [~~\$65~~] **\$115** per month for each applicable spouse; provided that the charge to each household shall
14 not exceed [~~\$130~~] **\$230** per month. Deducted amounts, which shall be in addition to and
15 notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52,
16 RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk
17 management fund. In the event the retiree's monthly allowance is insufficient to cover the certified
18 contribution amount, the retirement system shall so notify the department of administrative
19 services, which shall invoice and collect from the retiree the remaining contribution amount.

20 335 Cost Containment Plan for Retiree Health Care Program. The commissioner of the
21 department of administrative services shall develop a comprehensive and cohesive plan outlining
22 cost containment options and managed care techniques available through the underlying insurer and
23 other managed care vendors to generate additional savings for the state of New Hampshire retiree
24 health care program. The cost containment plan shall be developed no later than July 15 and the
25 commissioner of the department of administrative services shall make a report to the fiscal
26 committee of the general court.

27 336 New Paragraph; Cost Containment Plan for Retiree Health Care Program. Amend RSA 21-
28 I:30 by inserting after paragraph V the following new paragraph:

29 VI. As of January 2, 2012, the commissioner of administrative services is authorized to
30 utilize managed care and/or cost containment techniques for the state of New Hampshire retiree
31 health care program through the underlying insurer and any additional specialized managed care or
32 cost containment vendors as necessary. The commissioner may offer financial incentives to
33 encourage the use of lower cost facilities, providers, and services, if the financial incentives are
34 proportionately lower than the savings generated. In addition, the commissioner may offer financial
35 incentives to encourage the use of alternative therapies, treatments, services, providers, and
36 facilities that demonstrate better outcomes including, but not limited to lower complication rates,
37 lower readmission rates, lower rejection rates, lower mortality and morbidity rates, or lower

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1 infection rates based on widely and generally accepted measures of such performance.

2 337 Committee Established; Privatizing Department of Corrections.

3 I. There is established a committee to develop a plan for privatizing the department of
4 corrections.

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

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

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

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

11 IV. The committee shall develop a plan for privatizing the department of corrections and
12 shall review the results of the request for proposals issued by the commissioner of administrative
13 services under section 338 of this act.

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

18 VI. The committee shall report its findings and any recommendations for proposed
19 legislation to the speaker of the house of representatives, the president of the senate, the house
20 clerk, the senate clerk, the governor, and the state library on or before December 1, 2011.

21 338 Request for Proposals. On or before September 1, 2011, the commissioner of administrative
22 services shall issue a request for proposals by vendors for provision of correctional services or any
23 other services provided by the department of corrections.

24 339 Department of Corrections; Transfer of Inmates from the State Correctional Facility in
25 Concord.

26 I. Pursuant to the authority granted in RSA 21-H:8, VI-VII, the commissioner of the
27 department of corrections may enter into one or more contracts, as may be necessary, with
28 appropriate private and/or public correctional agencies or facilities and shall make proper and
29 necessary arrangements with such agencies or facilities for the transfer and reception of not more
30 than 600 inmates currently incarcerated at the state correctional facility in Concord.

31 II. The commissioner of the department of corrections may enter into one or more contracts
32 to carry out pharmaceutical and nursing functions.

33 III. The department shall not close the North Country facility located in Berlin as a result of
34 meeting the requirements of this section.

35 IV. If as a result of the transfer of inmates, the commissioner is able to reduce the
36 department's general fund appropriation, the commissioner shall expend any excess funds on the
37 development and implementation of programs and services for the probation, parole, and sentencing

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1 of certain offenders required under 2010, 247 (SB 500-FN of the 2010 legislative session), as it may
2 be amended, with the approval of the fiscal committee of the general court.

3 340 Cannon Mountain; Request for Proposals.

4 I. Notwithstanding any other provision of law, the commissioner of the department of
5 resources and economic development shall, in consultation with the committee established in section
6 341 of this act, develop and issue a request for proposals to include, but not be limited to, a lease,
7 concession agreement, or management contract for the Cannon Mountain ski area operations.

8 II. The request for proposals shall include, but not be limited to, the following terms,
9 conditions, and provisions:

10 (a) Length of the agreement.

11 (b) Assets to be included.

12 (c) Outline of master plan.

13 (d) Environmental regulation and controls, including:

14 (1) Soils.

15 (2) Water quality.

16 (3) Wetlands.

17 (4) Wildlife habitat.

18 (5) Scenic and aesthetic qualities.

19 (6) Multi-seasonal recreational opportunities.

20 (7) Forestry issues.

21 (e) Expansion limitations.

22 (f) State and local regulatory authority.

23 (g) Operational responsibilities remaining with the state.

24 (h) Requirement of performance bonds.

25 (i) Past practices and agreements.

26 (j) Repurchase.

27 (k) Federal agency requirements, conditions, and regulations.

28 (l) Consideration of state employees.

29 III. All responses to a request for proposals developed under this act shall be reviewed by
30 the committee established in section 341 of this act in cooperation with the commissioner of
31 resources and economic development.

32 IV. The request for proposals, and any lease entered into by the state shall require that the
33 lessor permit public and private access to, and use of, the World War I Veterans Memorial located at
34 Profile Lake, under the same terms and conditions as were permitted prior to the lease.

35 V. The lessor shall permit use of the Cannon Mountain facilities by the New England Ski
36 Museum and the Franconia Ski Club under the same terms and conditions as were permitted prior
37 to the lease. Nothing in this paragraph shall prohibit the lessor from making commercially

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1 reasonable adjustments in rent, ski lift ticket prices, admission, or other similar costs.

2 VI. The commissioner of the department of resources and economic development shall secure
3 an agreement or contract for the lease of Cannon Mountain no later than July 1, 2012.

4 341 Committee Established; Cannon Mountain Ski Area.

5 I. There is established a committee for the purpose of advising the commissioner of resources
6 and economic development, pursuant to section 340 of this act, on the creation of a request for
7 proposals and the review of any responses to requests for proposals. The committee shall consist of
8 the following members:

9 (a) Four members of the house of representatives appointed by the speaker of the house
10 of representatives.

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

12 II. The members of the committee shall elect a chairperson from among its members.
13 Members shall receive mileage at the legislative rate when attending to the duties of the committee.

14 III. The committee shall submit a report no later than November 1, 2011 to the speaker of
15 the house of representatives and the president of the senate detailing its findings relative to requests
16 for proposals.

17 342 Review by Capital Budget Overview Committee; Public Comments. Any agreement or
18 contract recommended pursuant to sections 340 and 341 of this act shall be submitted to the capital
19 budget overview committee established in RSA 17-J for review and approval. No agreement or
20 contract shall take effect until such approval is obtained. The capital budget overview committee
21 shall receive written public comments submitted prior to the time the committee votes on a
22 recommended agreement or contract.

23 343 New Section; State Park Capital Improvement Fund; Effective July 1, 2013. Amend RSA
24 216-A by inserting after section 3-m the following new section:

25 216-A:3-n State Park Capital Improvement Fund.

26 I. There is established a nonlapsing fund in the department of resources and economic
27 development to be known as the state park capital improvement fund. This shall be a revolving fund
28 and shall be continually appropriated to the department of resources and economic development for
29 the purposes of capital improvements to state park facilities. The commissioner of the department of
30 resources and economic development shall collect and deposit all income derived from the public-
31 private partnership of the state ski area at Cannon Mountain into the fund. Such moneys shall be
32 used as provided in this section, and shall not be diverted for any other purpose.

33 II. The commissioner of the department of resources and economic development shall
34 annually submit a report detailing the activities of the fund to the governor and council and the
35 fiscal committee of the general court within 60 days of the close of each fiscal year.

36 344 New Subparagraph; Application of Receipts; State Park Capital Improvement Fund.
37 Amend RSA 6:12, I(b) by inserting after subparagraph (304) the following new subparagraph:

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1 (305) Moneys deposited in the state park capital improvement fund established in
2 RSA 216-A:3-n.

3 345 Report on Future Status of Ski Area Employees. The commissioner of the department of
4 resources and economic development shall provide along with any agreement or contract submitted
5 under section 342 of this act, a report on the disposition of employees of the ski areas at Cannon
6 Mountain and any appropriate statutory changes to RSA 216-A as a result of the lease agreement.

7 346 Cannon Mountain Advisory Committee; Version Effective July 1, 2013. Amend RSA 12-
8 A:29-b, V to read as follows:

9 V. The commission shall make recommendations for capital improvements for the ski area
10 and related state park facilities at Cannon Mountain to the commissioner of resources and economic
11 development. The commission shall review the servicing of debt obligations relating to the Cannon
12 Mountain capital improvement fund ***established in RSA 12-A:29-c and the state park capital***
13 ***improvement fund established in RSA 216-A:3-n*** prior to making any such recommendations.
14 Recommendations approved by the commissioner shall be submitted by the commissioner to the
15 capital budget overview committee. Recommendations approved by the capital budget overview
16 committee shall be submitted to the governor and council for final approval. Notwithstanding any
17 other provision of law, recommendations may be implemented upon final approval, pursuant to
18 solicited requests for proposals. Funding for capital improvements shall be from the Cannon
19 Mountain capital improvement fund established ~~by~~ ***in RSA 12-A:29-c and the state park capital***
20 ***improvement fund established in RSA 216-A:3-n.***

21 347 Applicability; Cannon Mountain Revenues.

22 I. For the biennium ending June 30, 2013, all revenues in excess of budgeted expenses
23 derived by the department of resources and economic development from fees, services,
24 accommodations, rentals, revenue from lift and tramway operations, retail sales, and concession
25 operations for Cannon Mountain shall be deposited into the general fund and shall be applied to the
26 negative balance contained in the state park fund established in RSA 216-A:3-i.

27 II. All proceeds from the Cannon Mountain lease agreement collected on or after July 1,
28 2012, less \$50,000 per fiscal year which shall be deposited into the fish and game search and rescue
29 fund established in RSA 206:42, and less the amount necessary each fiscal year to pay the cost of
30 debt service for upgrades to the Cannon Mountain aerial tram drive and control systems as
31 authorized in 2001, 202:1, XI, D, shall be deposited in the general fund and shall be applied to the
32 negative balance contained in the state park fund established in RSA 216-A:3-i.

33 348 Department of Resources and Economic Development; Cannon Mountain. For the biennium
34 ending June 30, 2011, \$800,000 in revenue derived by the department of resources and economic
35 development from fees, services, accommodations, rentals, revenue from lift and tramway
36 operations, retail sales, and concession operations for Cannon Mountain shall be deposited into the
37 general fund and shall be applied to the negative balance contained in the state park fund

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1 established in RSA 216-A:3-i.

2 349 Lease of Rental Space for Superior Court Center. In consultation with the bureau of court
3 facilities of the department of administrative service, the administrative office of the courts shall
4 identify and lease rental space in which to house the superior court center at a rate of no more than
5 \$11 per square foot, and shall lease no more than 2500 square feet for this purpose.

6 350 Department of Resources and Economic Development; Transfer of Funds Authorized. The
7 commissioner of the department of resources and economic development may transfer funds between
8 and among the class line appropriations in the highway welcome centers (accounting unit 03-35-35-
9 3520-5919) and may transfer funds between and among the class line appropriations in the turnpike
10 welcome centers (accounting unit 03-35-35-3520-1872) for the biennium ending June 30, 2013. The
11 commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court
12 of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to transfers
13 made under this section.

14 351 Shoreland Water Quality Protection Act. Amend the chapter heading of RSA 483-B to read
15 as follows:

CHAPTER 483-B

[COMPREHENSIVE] SHORELAND ***WATER QUALITY*** PROTECTION ACT

18 352 Shoreland Water Quality Protection; Minimum Standards Required. Amend RSA 483-B:2,
19 IX to read as follows:

20 IX. Control building sites, placement of structures, and land uses ***that may potentially***
21 ***damage the public waters.***

22 353 Minimum Standards Required. Amend RSA 483-B:2, XV to read as follows:

23 XV. Anticipate and respond to the impacts of development in shoreland areas ***to the extent***
24 ***they may potentially damage the public waters.***

25 354 Definitions. Amend RSA 483-B:4, VII-b to read as follows:

26 VII-b. "Impervious surface" means any modified surface that cannot effectively absorb or
27 infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, ***and unless***
28 ***designed to effectively absorb or infiltrate water,*** decks, patios, and paved, gravel, or crushed
29 stone driveways, parking areas, and walkways [~~unless designed to effectively absorb or infiltrate~~
30 ~~water]~~

31 ***VII-c. "Horticultural professional" means any arborist, landscape architect, or***
32 ***gardening consultant whose function is that of providing services relative to horticulture.***

33 355 Definitions. Amend RSA 483-B:4, X-b to read as follows:

34 X-b. "Natural ground cover" means any herbaceous plant or any woody seedling or shrub
35 generally less than 3 feet in height. [~~Natural ground cover shall also include naturally occurring leaf~~
36 ~~or needle litter, stumps, decaying woody debris, stones, and boulders.] Natural ground cover shall~~
37 not include lawns, landscaped areas, gardens, invasive species as listed by the department of

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1 agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by
2 rule of the department of environmental services in accordance with RSA 487:24, VII, imported
3 organic or stone mulches, or other artificial materials.

4 356 Definitions. Amend RSA 483-B:4, XIII to read as follows:

5 XIII. "Primary building line" means a setback for primary structures of [~~at least~~] 50 feet
6 from the reference line.

7 357 Definitions. Amend RSA 483-B:4, XV to read as follows:

8 XV. "Protected shoreland" means, for natural, fresh water bodies without artificial
9 impoundments, for artificially impounded fresh water bodies, ***except private garden water***
10 ***features and ponds of less than 10 acres***, and for coastal waters and rivers, all land located
11 within 250 feet of the reference line of public waters.

12 358 Definitions. Amend RSA 483-B:4, XVIII to read as follows:

13 XVIII. "Removal or removed" means girdled, felled, [~~killed, or~~] cut, sawed, pruned, pushed
14 over, buried, burned, or any other activity conducted to the extent that it otherwise [~~destructively~~
15 ~~alters or altered~~] ***kills*** the vegetation.

16 359 Definitions. Amend RSA 483-B:4, XVIII-c to read as follows:

17 XVIII-c. "Replace in kind" means the substitution of a new structure for an existing legal
18 structure, whether in total or in part [~~with no change in size, dimensions, footprint, interior square~~
19 ~~footage, and location, with the exception of changes resulting in an increase in the setback to public~~
20 ~~waters~~].

21 360 Definitions. Amend RSA 483-B:4, XX-a to read as follows:

22 XX-a. "Shoreland frontage" means the [~~average of the distances of the actual natural~~
23 ~~shoreline footage and a straight line drawn between property lines~~] ***actual shoreland frontage***
24 ***along the water front measured at the reference line.***

25 361 Definitions. Amend RSA 483-B:4, XXII to read as follows:

26 XXII. "Structure" means anything constructed or erected for the support, shelter or
27 enclosure of persons, animals, goods, or property of any kind, with a fixed ***permanent*** location on or
28 in the ground, exclusive of fences.

29 362 Definitions. Amend RSA 483-B:4, XXIV-b to read as follows:

30 XXIV-b. "Unaltered state" means [~~native~~] vegetation allowed to grow without cutting,
31 limbing, trimming, pruning, mowing, or other similar activities except as needed [~~to maintain the~~
32 ~~health of the plant being trimmed, as allowed by rules of the department~~] ***for plant health,***
33 ***normal maintenance, and renewal.***

34 363 Enforcement by Commissioner; Duties; Woodland Buffer. Amend RSA 483-B:5, II to read as
35 follows:

36 II. The commissioner or his ***or her*** designee may, for cause, enter upon any ***subject*** land or
37 parcel at any reasonable time ***after written notification*** to perform oversight and enforcement

1 duties provided for in this chapter.

2 364 Permit Required; Exemption. Amend RSA 483-B:5-b, I to read as follows:

3 I.(a) No person shall commence construction, excavation, or filling activities within the
4 protected shoreland without obtaining a permit from the department to ensure compliance with this
5 chapter. *Projects which have no impact on water quality and which follow department*
6 *rules shall qualify for a permit by notification. The owner may proceed with the proposed*
7 *project immediately upon receipt of written notice from the department that a complete*
8 *and accepted notification has been received by the department. A notification shall be*
9 *complete and accepted provided it meets or exceeds all of the minimum standards under*
10 *RSA 483-B:9, includes a notification form signed by the owner of property, the name and*
11 *address of the property owner, the address of the site on which the work will occur, the*
12 *name of the jurisdictional waterbody, the tax map and lot number on which the proposed*
13 *work will occur, plans clearly and accurately depicting the work to be completed relative*
14 *to the reference line of the jurisdictional waterbody, photographs of the area to be*
15 *impacted, and identification of those project criteria listed below that would qualify the*
16 *project for a permit by notification. Such project criteria shall include:*

17 (1) *Construction, excavation, and filling, or other activity that impacts less*
18 *than 1,500 square feet and adds no more than 900 square feet of impervious area within a*
19 *protected shoreland area.*

20 (2) *Construction, excavation, and filling, directly related to stormwater*
21 *management improvements and erosion control projects or environmental restoration or*
22 *enhancement projects.*

23 (3) *Maintenance, repairs, and improvements of public utilities, public roads,*
24 *and public access facilities.*

25 (4) *Any similar activities defined as qualified for a permit by notification by*
26 *rules of the department.*

27 (b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by
28 the proposed activities and shall be deposited in the wetlands and shorelands review fund
29 established under RSA 482-A:3, III. Such fees shall be capped as follows:

30 (1) For projects that qualify for permit by notification under *this paragraph and*
31 *RSA 483-B:17, X, \$100 for restoration of water quality improvement projects and \$250 for all other*
32 *permit by notification projects.*

33 (2) For projects of 0-9,999 square feet, *that do not qualify for a permit by*
34 *notification, \$750.*

35 (3) For projects of 10,000-24,999 square feet, \$1,875.

36 (4) For projects of 25,000 square feet or more, \$3,750.

37 (c) *If the application is denied after relying on the recommendations of the*

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1 *department, the application fee shall be refunded to the applicant within 30 days of such*
2 *denial.*

3 365 New Paragraph; Permit Required; Exemption. Amend RSA 483-B:5-b by inserting after
4 paragraph IV-a the following new paragraph:

5 IV-b. No permits issued by the department pursuant to this chapter that involve private,
6 non-federal undertakings shall require coordination with or clearance by the New Hampshire
7 division of historical resources.

8 366 Permit Required; Exemption. Amend RSA 483-B:5-b, V to read as follows:

9 V.(a) Within 30 days of receipt of an application for a permit or ~~[75]~~ **30** days of receipt of an
10 application for a permit that will require a ~~[variance of the minimum standard of RSA 483-B:9, V or~~
11 ~~æ]~~ waiver of the minimum standards of RSA 483-B:9, the department shall request any additional
12 information **reasonably** required to complete its evaluation of the application, and provide the
13 applicant with any written technical comments the department deems necessary. Any request for
14 additional information shall specify that the applicant submit such information as soon as
15 practicable and notify the applicant that if all of the requested information is not received within
16 ~~[60]~~ **120** days of the request, the department shall deny the application.

17 (b) When the department requests additional information pursuant to subparagraph (a),
18 the department shall, within ~~[30]~~ **20** days of the department's receipt of the information:

- 19 (1) Approve the application~~[-in whole or in part,]~~ and issue a permit; or
20 (2) Deny the application, and issue written findings in support of the denial; or
21 (3) Extend the time for rendering a decision on the application for good cause and
22 with the written agreement of the applicant.

23 (c) Where no request for additional information is made, the department shall, within
24 30 days of receipt of the application for a permit or ~~[75]~~ **30** days of receipt of an application for a
25 permit that will require a ~~[variance of the minimum standard of RSA 483-B:9, V or a]~~ waiver of the
26 minimum standards of RSA 483-B:9[=],

27 ~~[(1)]~~ approve or deny the application~~[-in whole or in part, and issue a permit; or~~
28 ~~(2) Deny the application, and issue]~~ **with** written findings in support of the ~~[denial;~~

29 ~~or~~

30 ~~(3) Extend the time for rendering a decision on the application for good cause and~~
31 ~~with the written agreement of the applicant]~~ **decision.**

32 (d) **Within 5 business days of receipt of a permit by notification filing, the**
33 **department shall issue a written notice to the property owner or agent stating that the**
34 **notification has either been accepted or rejected. If the department does not respond**
35 **within the 5-day period, the property owner or agent may submit to the department a**
36 **written request for a response. A request submitted electronically by the applicant shall**
37 **constitute a written request provided that the applicant has previously agreed to accept**

1 *electronic communication. If the department fails to respond to the written request within*
2 *an additional 5 days the property owner or agent shall be deemed to have a permit by*
3 *notification and may proceed with the project as presented in the notification filing. The*
4 *authorization provided by this subparagraph shall not relieve the applicant of complying*
5 *with all requirements applicable to the project, including but not limited to requirements*
6 *established in or under this chapter and RSA 485-A relative to water quality.*

7 ~~(d)~~ (e)(1) The time limits prescribed by this paragraph shall supersede any time limits
8 provided in any other provision of law. If the department fails to act within the applicable time
9 frame established in subparagraphs (b) and (c), the applicant may ask the department to issue the
10 permit by submitting a written request. If the applicant has previously agreed to accept
11 communications from the department by electronic means, a request submitted electronically by the
12 applicant shall constitute a written request.

13 (2) Within 14 days of the date of receipt of a written request from the applicant to
14 issue the permit, the department shall:

15 (A) Approve the application, in whole or in part, and issue a permit; or

16 (B) Deny the application and issue written findings in support of the denial.

17 (3) If the department does not issue either a permit or a written denial within the
18 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the
19 project as presented in the application. The authorization provided by this subparagraph shall not
20 relieve the applicant of complying with all requirements applicable to the project, including but not
21 limited to requirements established in or under this chapter and RSA 485-A relating to water
22 quality.

23 (4) Upon receipt of a written request from an applicant, the department shall issue
24 written confirmation that the applicant has a permit by default pursuant to subparagraph ~~(d)~~
25 (e)(3), which authorizes the applicant to proceed with the project as presented in the application and
26 requires the work to comply with all requirements applicable to the project, including but not limited
27 to requirements established in or under this chapter and RSA 485-A relating to water quality.

28 ~~(e)~~ (f) All applications filed in accordance with the rules adopted by the department
29 under RSA 483-B:17 and which meet the minimum standards of this chapter shall be approved and
30 a permit shall be issued.

31 ~~(f)~~ (g) The department may extend the time for rendering a decision under
32 subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an
33 applicant who previously has been determined, after the exhaustion of available appellate remedies,
34 to have failed to comply with this chapter or any rule adopted or permit or approval issued under
35 this chapter, or to have misrepresented any material fact made in connection with any activity
36 regulated or prohibited by this chapter, pursuant to an action initiated under RSA 483-B:18. The
37 length of such an extension shall be no longer than reasonably necessary to complete the review of

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1 the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The
2 department shall notify the applicant of the length of the extension.

3 ~~(g)~~ **(h)** The department may suspend review of an application for a proposed project on
4 a property with respect to which the department has commenced an enforcement action against the
5 applicant for any violation of this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44, or of any
6 rule adopted or permit or approval issued pursuant to this chapter, RSA 482-A, RSA 485-A:17, or
7 RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and
8 completion of any remedial actions the department may require to address the violation; provided,
9 however, that the department may resume its review of the application sooner if doing so will
10 facilitate resolution of the violation. The department shall resume its review of the application at
11 the point the review was suspended, except that the department may extend any of the time limits
12 under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of
13 this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-
14 A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

15 367 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, II(d) to read as follows:

16 (d) No fertilizer, except limestone, shall be applied to vegetation or soils located within
17 25 feet of the reference line of any public water. **Beyond 25 feet,** ~~[low phosphate, slow release~~
18 ~~nitrogen fertilizer or limestone,]~~ **slow or controlled release fertilizer, as defined by rules**
19 **adopted by department,** may be used ~~[on areas beyond 25 feet from the reference line].~~

20 368 Minimum Shoreland Protection Standards. RSA 483-B:9, V(a) through V(b)(2)(A)(ii) is
21 repealed and reenacted to read as follows:

22 (a) Maintenance of a Waterfront Buffer.

23 (1) The waterfront buffer shall be those protected shorelands within 50 feet of the
24 reference line. The purpose of this buffer shall be to protect the quality of public waters while
25 allowing homeowner discretion with regard to water access, safety, viewscape maintenance, and lot
26 design.

27 (2) Within the waterfront buffer all of the following prohibitions and limitations
28 shall apply:

29 (A) No chemicals, including pesticides or herbicides of any kind shall be applied
30 to ground, turf, or established vegetation except if applied by horticultural professionals who have a
31 pesticide application license issued by the department of agriculture or as allowed under special
32 permit issued by the division of pesticide control under rules adopted by the pesticide control board
33 under RSA 541-A, or fertilizers of any kind except those specified in RSA 483-B:9, II(d).

34 (B) Rocks and stumps and their root systems shall be left intact in the ground
35 unless removal is specifically approved by the department, pursuant to RSA 482-A or RSA 483-B:11,
36 II or unless rocks are removed to improve runoff control or the planting in the waterfront buffer, and
37 stumps that are removed are replaced with pervious surfaces, new trees, or other woody vegetation.

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1 (C) No natural ground cover shall be removed except as necessary for a foot path
2 to water and access ways as provided under RSA 483-B:9, V(a)(2)(D), **(viii) and** (ix), for normal
3 maintenance, to protect the waterfront buffer, cutting those portions that have grown over 3 feet in
4 height for the purpose of providing a view, to provide access to natural areas or shoreline, or as
5 specifically approved by the department, pursuant to RSA 482-A or RSA 483-B.

6 (D) Starting from the northerly or easterly boundary of the property, and
7 working along the shoreline, the waterfront buffer shall be divided into 50 by 50 foot segments.
8 Owners of land within the waterfront buffer shall measure, calculate, and maintain the tree, sapling,
9 shrub, and groundcover point score in each of these segments in accordance with the methods and
10 standards described in subparagraphs (i) through (ix).

11 (i) Tree and sapling diameters shall be measured at 4 1/2 feet above the
12 ground for existing trees and saplings, or by caliper at a height consistent with established nursery
13 industry standards when nursery stock is to be used, and are scored as follows:

14 Diameter or Caliper Score

15 1 to 3 inches – 1

16 3 to 6 inches – 5

17 6 to 12 inches –10

18 12 to 24 inches –15

19 Greater than 24 inches- 25

20 (ii) Shrubs and groundcover plants shall be scored as follows:

21 Four square feet of shrub area – 1 point.

22 Ground cover planted in the form of sod or mat – one point for every 50 square feet.

23 Shrub and groundcover shall not count for more than 25 points in each full segment.

24 (iii) Dead, diseased, or unsafe trees or saplings shall not be included in
25 scoring.

26 (iv) If the total tree and sapling score in any 50 foot by 50 foot segment
27 exceeds 50 points, then trees, saplings, and shrubs over 3 feet in height may be removed as long as
28 the sum of the scores for the remaining trees and saplings in that segment does not total less than 50
29 points. If for any reason there is insufficient area for a full segment, or the segment contains areas
30 incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score
31 requirement for the remaining vegetation in that partial segment shall be reduced proportionally to
32 that required of a full segment. Vegetation shall not be removed from any segment which fails to
33 meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the
34 maintenance of their waterfront buffer areas including the planting of additional non-invasive
35 vegetation to increase point scores within segments, thus providing sufficient points to allow the
36 future removal of vegetation as may become necessary while still meeting the requirements of this
37 paragraph.

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1 (v) The department shall approve applications pursuant to RSA 482-A or
2 RSA 483-B that include the planting of trees, saplings, shrubs, and groundcover as necessary to at
3 least maintain either the existing point score or the minimum score required. The department shall
4 not approve any application that would result in a combined vegetation score of less than the
5 minimum score required where the segment initially meets the minimum score or would result in
6 any reduction of the point score where the segment does not initially meet the minimum score.

7 (vi) Owners of lots and holders of easements on lots that were legally
8 developed prior to July 1, 2008 may maintain but not enlarge cleared areas, including but not
9 limited to existing lawns, gardens, landscaped areas, beaches, and rights-of-way for public utilities,
10 public transportation, and public access, and may repair existing utility structures within the
11 waterfront buffer. Conversion to or planting of cleared areas with non-invasive species of ground
12 cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to
13 meet the requirements of subparagraph (g)(2) or (g)(3), or RSA 483-B:11, II.

14 (vii) Normal trimming, pruning, and thinning of branches to the extent
15 necessary to maintain the health of the planted area as well to protect structures, maintain
16 clearances, and provide views is permitted provided such activity does not endanger the health of the
17 plant.

18 (viii) When necessary for the completion of construction activities permitted
19 in accordance with RSA 483-B:6, a temporary 12 foot wide access path shall be allowed. On those
20 properties accessible only by water, this access path may be maintained provided it is stabilized with
21 a surface that will infiltrate stormwater. On other properties the access path shall be completely
22 restored and replanted with vegetation upon completion of construction except as allowed under
23 subparagraph (ix).

24 (ix) A permanent 6-foot wide foot path as well as access to any docks,
25 beaches, structures, existing open areas, and the water body, configured in a manner that will not
26 concentrate storm water runoff or contribute to erosion, are allowed.

27 (b) Maintenance of a Natural Woodland Buffer.

28 (1) A natural woodland buffer shall be maintained within 150 feet of the reference
29 line. The first 50 feet of this buffer is designated the waterfront buffer and is subject to the
30 additional requirements of subparagraph (a). The purpose of the natural woodland buffer shall be to
31 protect the quality of public waters by minimizing erosion, preventing siltation and turbidity,
32 stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water
33 temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife
34 habitat, and respecting the overall natural condition of the protected shoreland.

35 (2) Within the natural woodland buffer of a given lot the vegetation, except lawn,
36 within at least 25 percent of the area outside the waterfront buffer shall be maintained unaltered or
37 improved with additional vegetation. Owners of lots legally developed or landscaped prior to July 1,

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1 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase
2 the percentage of area to be maintained in an unaltered state. The percentage of area maintained in
3 an unaltered state on nonconforming lots shall not be decreased.

4 369 Impervious Surfaces. Amend RSA 483-B:9, V(g) to read as follows:

5 (g) Impervious surfaces.

6 (1) ~~[Subject to subparagraph (2),]~~ No more than 30 percent of the area of a lot
7 located within the protected shoreland shall be composed of impervious surfaces, ***unless a***
8 ***stormwater management system designed and certified by a professional engineer that will***
9 ***not concentrate stormwater runoff or contribute to erosion is implemented.***

10 (2) If the impervious surface area will exceed 20 percent, ***but is less than 30***
11 ***percent,*** a stormwater management system shall be implemented and maintained which is designed
12 to infiltrate increased stormwater from development occurring after the effective date of this
13 paragraph in accordance with rules established by the department under RSA 485-A:17.

14 (3) If the impervious surface area will exceed ~~[20]~~ **30** percent and the ~~[natural]~~ tree,
15 ~~[and]~~ sapling ~~[cover],~~ ***shrub, and groundcover*** in the waterfront buffer does not meet the ~~[50-point~~
16 ~~minimum]~~ ***point*** score ***requirement*** of RSA 483-B:9, V(a)(2)(D) in any segment, then such segment
17 shall be planted, as determined by rule of the department, with ~~[native]~~ trees, saplings, ***shrubs,*** or
18 ~~[natural ground cover]~~ ***groundcover*** in sufficient quantity, type, and location either to meet the
19 minimum score or to provide at least an equivalent level of protection as provided by the minimum
20 score and shall be maintained in accordance with RSA 483-B:9, V(a).

21 370 Waivers. Amend RSA 483-B:9, V(i) to read as follows;

22 (i) The commissioner shall have the authority to grant ~~[variances]~~ ***waivers*** from the
23 minimum standards of this section. Such authority shall be exercised ~~[subject to the criteria which~~
24 ~~govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)]~~ ***if the***
25 ***commissioner deems that strict compliance with the minimum standards of this section***
26 ***will provide no material benefit to the public and have no material adverse effect on the***
27 ***environment or the natural resources of the state. Waivers shall also be granted to***
28 ***accommodate the reasonable needs of persons with disabilities.***

29 371 Nonconforming Lots of Record. Amend RSA 483-B:10, I to read as follows:

30 I. Except when otherwise prohibited by law, present and successive owners of an individual
31 undeveloped lot may construct a single family residential dwelling ***and appurtenant accessory***
32 ***structures*** on it, notwithstanding the provisions of this chapter. Conditions may be imposed which,
33 in the opinion of the commissioner, more nearly meet the intent of this chapter, while still
34 accommodating the applicant's rights.

35 372 New Paragraph; Nonconforming Lots of Record; Merger. Amend RSA 483-B:10 by inserting
36 after paragraph II the following new paragraph:

37 III. Consistent with RSA 674:39-a, a municipality shall not merge adjacent nonconforming

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1 lots in common ownership without the consent of the owner.

2 373 Nonconforming Structures. RSA 483-B:11 is repealed and reenacted to read as follows:

3 483-B:11 Nonconforming Structures.

4 I. Except as otherwise prohibited by law or applicable municipal ordinance, nonconforming
5 structures located within the protected shoreland may be repaired, replaced in kind, reconstructed in
6 place, altered, or expanded. Repair, replacement-in kind, or reconstruction in place may alter or
7 remodel the interior design or existing foundation of the nonconforming structure, but shall result in
8 no expansion or relocation of the existing footprint within the waterfront buffer. However, alteration
9 or expansion of a nonconforming structure may expand the existing footprint within the waterfront
10 buffer, provided the structure is not extended closer to the reference line and the proposal or
11 property is made more nearly conforming than the existing structure or the existing conditions of the
12 property.

13 II. For the purposes of this section, a proposal that is “more nearly conforming” means
14 alteration of the location or size of the existing footprints, or redevelopment of the existing conditions
15 of the property, such that the structures or the property are brought into greater conformity with the
16 design standards of this chapter. Methods for achieving greater conformity include, without
17 limitation, reducing the overall square footage of structural footprints, enhancing stormwater
18 management, adding infiltration areas and landscaping, upgrading wastewater treatment,
19 improving traffic management, or other enhancements that improve wildlife habitat or resource
20 protection.

21 III. An expansion that increases the sewerage load to an onsite septic system, or changes or
22 expands the use of a septic system, shall require a subsurface approval issued by the department.

23 IV. Under paragraph I, and except as otherwise prohibited by law or applicable municipal
24 ordinance, primary nonconforming structures may be entirely demolished and reconstructed, with
25 continued encroachment into the waterfront buffer, provided the replacement structure is located
26 farther back from the reference line than the preexisting nonconforming structure.

27 374 Rulemaking. Amend RSA 483-B:17, IV to read as follows:

28 IV. Procedures and criteria for the size^[5] **and** placement^[5] ~~and construction~~ of small
29 accessory structures such as storage sheds and gazebos, which are consistent with the intent of this
30 chapter, between the reference line and the primary building line.

31 375 Penalties. RSA 483-B:18, III is repealed and reenacted to read as follows:

32 III. Persons violating the provisions of this chapter and damaging the public waterway who,
33 after notification by the department, fail to make a good faith effort at remediation and restoration
34 shall be subject to the following:

35 (a) Upon petition of the attorney general or of the municipality in which the violation
36 occurred, the superior court may levy upon any person violating this chapter a civil penalty in an
37 amount not to exceed \$5,000 for each continuing violation. The superior court shall have jurisdiction

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1 to restrain a continuing violation of this chapter, and to require remediation.

2 (b) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an
3 administrative fine of up to \$5,000 for each offense upon any person who violates this chapter.
4 Rehearings and appeals relating to such fines shall be governed by RSA 541. Imposition of an
5 administrative fine under this section shall not preclude the imposition of further civil penalties
6 under this chapter.

7 (c) Notwithstanding the \$5,000 fine limit in subparagraph (b), the administrative fine
8 for each repeat violation of this chapter may be multiplied by a factor of 2 for every previous
9 violation committed by the person or entity.

10 376 New Paragraph; Shoreland Advisory Committee. Amend RSA 483-B:21 by inserting after
11 paragraph VII the following new paragraph:

12 VIII. Any permit applications denied under any section of this chapter shall be reported to
13 the shoreland advisory committee by the department.

14 377 Permit Application Fees; Effective Date. Amend 2008, 5:28, II to read as follows:

15 II. Section 27 of this act shall take effect July 1, [~~2014~~] **2016**.

16 378 Definitions. Amend RSA 483-B:4, XVII(a) to read as follows:

17 (a) For all lakes, ponds, and artificial impoundments greater than 10 acres in size, the
18 surface elevation as listed in the Consolidated List of Water Bodies subject to the [~~Comprehensive~~]
19 shoreland **water quality** protection act as maintained by the department.

20 379 Shoreland Advisory Committee. Amend the introductory paragraph of RSA 483-B:21 to
21 read as follows:

22 There is established a shoreland advisory committee. All members shall be New Hampshire
23 residents representing diverse geographic areas of the state. The primary focus of this committee is
24 to address residential shorefront owner input and perspective relating to shoreland development
25 regulated under the [~~comprehensive~~] shoreland **water quality** protection act under this chapter and
26 the regulation of shoreline structures under RSA 482-A.

27 380 Approval to Increase a Load on a Sewage System. Amend RSA 485-A:38, II-a(c) to read as
28 follows:

29 (c) When applicable, the proposed expansion, relocation, or replacement complies with
30 the requirements of the [~~comprehensive~~] shoreland **water quality** protection act, RSA 483-B.

31 381 Repeal. RSA 483-B:9, V(c)(1), relative to subdivision of land within the protected shoreland,
32 is repealed.

33 382 Department of Health and Human Services; Children's Health Insurance Program
34 Reporting. The department of health and human services shall provide a detailed update on the
35 status of the transition of the healthy kids program from the New Hampshire healthy kids
36 corporation to the department of health and human services Medicaid managed care program for
37 each meeting of the fiscal committee of the general court until the transition to the Medicaid

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1 managed care program is complete and any necessary contracts have been approved by the governor
2 and council.

3 383 Department of Health and Human Services; Hospitals for High Intensive Neonatal and
4 Pediatric Care; Contracts and Rate Setting. Beginning July 1, 2011, the department of health and
5 human services shall only contract with New Hampshire hospitals which provide high intensive
6 neonatal and high intensive pediatric care unless the commissioner of health and human services
7 finds that the high intensive neonatal and high intensive pediatric care needed is not available in
8 New Hampshire, in which case, the department of health and human services may contract with an
9 out-of-state hospital to provide such care. On or before August 1, 2011, the commissioner of health
10 and human services shall develop a new rate structure for high intensive neonatal and high
11 intensive pediatric care for New Hampshire hospitals which provide such care.

12 384 Department of Health and Human Services; Estate Recovery; Priority of Claims. Amend
13 RSA 554:19 to read as follows:

14 554:19 Priority of Charges.

15 I. The administrator of an estate shall make payment of the claims in the following order:

16 (a) Costs and expenses of administration of the estate.

17 (b) Reasonable and necessary funeral, burial, and cremation expenses.

18 (c) Debts and taxes with preference under federal law.

19 (d) ***Claims made for financial and/or medical assistance provided to the***
20 ***deceased by the department of health and human services, as well as under certain***
21 ***circumstances, changes pursuant to RSA 166:19.***

22 (e) Just debts of the deceased~~], including claims for medical assistance made by the~~
23 ~~department of health and human services.~~

24 (e) ~~Total amount paid for old age assistance or aid to the permanently and totally~~
25 ~~disabled and, under certain circumstances, charges pursuant to RSA 166:19].~~

26 (f) Legacies given by the will of the deceased or distribution to heirs according to law.

27 II. No preference shall be given in the payment of any claim over any other claim of the
28 same class.

29 III. No creditor of a lower class shall receive any payment until all those of the preceding
30 class shall have been fully paid.

31 385 Appropriations to New Hampshire Public Television. Notwithstanding any other provision
32 of law, any appropriation made in the capital or operating budget for New Hampshire public
33 television shall be made directly to New Hampshire public television, and shall not be appropriated
34 through or expended by the university system of New Hampshire, the trustees of the university
35 system of New Hampshire, or any other state agency.

36 386 Shelter Care Services. For the biennium ending June 30, 2013, the department of health
37 and human services shall continue to fund the following shelter care services: 12 beds for boys at the

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1 Midway Shelter in Bradford, 13 beds for girls at the Antrim Girls Shelter in Antrim, and 12 beds at
2 the co-educational North Country Shelter in Jefferson.

3 387 Department of Health and Human Services; Implementation and Reporting of Budget
4 Reductions Relative to Developmental Services and Behavioral Health Services. The reduction in
5 the appropriation to the division of developmental services and the bureau of behavioral health
6 services contained in the operating budget for fiscal years 2012 and 2013 attributable to “right
7 sizing” shall be undertaken in a collaborative fashion with the 10 area agencies and the 10
8 community mental health centers. Such plans shall be focused on reducing the cost structure of the
9 area agency and community mental health systems without reducing quality or quantity of
10 mandated services; maintaining the delivery of care in a community setting; and taking into account
11 the needs of the systems to prepare for any future enhanced increase in the Medicaid population.
12 Savings to the state general fund in the amount of \$1,800,000 for the biennium shall be identified,
13 measured, and reported to the commissioner of the department of health and human services before
14 January 1, 2012. On or before February 15, 2013, the commissioner of the department of health and
15 human services shall provide a report of savings to the legislative fiscal committee and the
16 legislative health and human services oversight committee.

17 388 New Section; Community College System Debt Service Fund. Amend RSA 6 by inserting
18 after section 12-g the following new section:

19 6:12-h Community College System Debt Service Fund. There is hereby established in the office
20 of the treasurer a fund to be known as the community college system debt service fund, which shall
21 be accounted for separately from other funds. All moneys credited to the fund from payments made
22 to the treasurer by the community college system shall be used exclusively for repayment of
23 principal and interest on bonds issued by the treasurer, the proceeds of which fund the construction
24 or renovation of capital projects undertaken by the community college system of New Hampshire
25 self-supporting campus facilities. The moneys in the fund shall be nonlapsing and continually
26 appropriated to the treasurer.

27 389 Community College System; Real Estate and Personal Property Tax Exemption. Amend
28 RSA 72:23, I(d) to read as follows:

29 (d) The exemptions provided in subparagraph (a) shall apply to the lands and the
30 buildings and structures thereon and therein and personal property owned by the university system
31 of New Hampshire ***or the community college system of New Hampshire***. The requirements of
32 subparagraph (b) shall apply to all leases and other agreements entered into or renewed on or after
33 April 1, 2006, the terms of which provide for the use or occupation by others of real or personal
34 property owned by the university system of New Hampshire ***or the community college system of***
35 ***New Hampshire***. The remedies set forth in subparagraph (c) shall be available to enforce the
36 payment of real and personal property taxes assessed against the lessees of property owned by the
37 university system of New Hampshire ***or the community college system of New Hampshire***

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1 pursuant to this subparagraph.

2 390 New Section; Community College System of New Hampshire; Transfer. Amend RSA 188-F
3 by inserting after section 1 the following new section:

4 188-F:1-a Transfer. All functions, powers, duties, books, papers, records, and property of every
5 kind, tangible and intangible, real and personal, heretofore possessed, controlled, or used by the
6 former department of regional community-technical colleges are hereby transferred to and vested in
7 the board of trustees of the community college system of New Hampshire established in RSA 188-
8 F:4. Nothing in this section shall transfer property of the McAuliffe-Shepard discovery center or the
9 police standards and training council.

10 391 New Subparagraph; Business Profits Tax; Net Operating Loss Carryovers. Amend RSA 77-
11 A:4, XIII by inserting after subparagraph (d) the following new subparagraph:

12 (e) On or after July 1, 2013, the amount of net operating loss generated in a tax year
13 that may be carried forward may not exceed \$10,000,000.

14 392 Use of Certain Unrestricted General Funds to Mitigate Department of Health and Human
15 Services Spending Reductions; Uncompensated Care.

16 I. The department of health and human services shall present a plan for approval to the
17 fiscal committee of the general court detailing a proposal for making uncompensated care payments
18 to hospitals pursuant to RSA 167:64, as amended by this act, for the fiscal year ending June 30,
19 2013. Said plan shall be presented to the fiscal committee of the general court no later than
20 September 12, 2012.

21 II. Notwithstanding any provision of law to the contrary, upon approval of the plan pursuant
22 to paragraph I, with the approval of the joint legislative fiscal committee and the governor and
23 council, the department of health and human services may expend funds in excess of budgeted
24 amounts for the purpose of making uncompensated care payments to hospitals pursuant to
25 RSA 167:64, as amended by this act, for the fiscal year ending June 30, 2013. Such payments may
26 be paid on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

27 393 Medicaid Management Information System. The commissioner of the department of
28 information technology shall, in consultation with the commissioner of the department of health and
29 human services, engage the services of an information systems consultant experienced with
30 implementation of large healthcare and or governmental information systems. The consultant shall
31 review and evaluate the state's Medicaid management information system implementation project
32 and provide a report on the progress of the implementation and the projected go live date to the
33 fiscal committee of the general court no later than October 1, 2011. The cost of the evaluation and
34 report shall be borne by ACS State Healthcare, LLC.

35 394 New Paragraph; Department of State. Amend RSA 5:1 by inserting after paragraph III the
36 following new paragraph:

37 IV. Pursuant to RSA 9:1 the term "department" shall not apply to the department of state in

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1 the execution of the constitutional duties of the office of the secretary of state.

2 395 Effective Date.

3 I. Sections 8, 11, 12, 14, 15, 34, 50-51, 90-91, 120-125, 181-187, 190-195, 341, and 347 of this
4 act shall take effect upon its passage.

5 II. Sections 340, 342, 345, 351-376, and 378-381 of this act shall take effect 60 days after its
6 passage.

7 III. Sections 69, 75, 84, 209, paragraph I of section 220, 223, 332, 333, 348 and 377 of this
8 act shall take effect June 30, 2011.

9 IV. Section 165 of this act shall take effect July 1, 2011 at 12:01 a.m.

10 V. Sections 29, 30, 33, 46, 170-171, 173-179, RSA 100-A:16, I(aa) as inserted by section 180,
11 188-189, and 287 of this act shall take effect January 1, 2012.

12 VI. Sections 21, 343-344, 346, and 391 of this act shall take effect July 1, 2013.

13 VII. Sections 277-279 of this act shall take effect September 30, 2011.

14 VIII. Section 297 of this act shall take effect July 1, 2014.

15 IX. Sections 299 and 300 of this act shall take effect as provided in section 304 of this act.

16 X. Section 221 of this act shall take effect as provided in section 222 of this act.

17 XI. Section 172 of this act shall take effect July 1, 2016.

18 XII. Sections 330-331 of this act shall take effect July 15, 2011.

19 XIII. Section 224 of this act shall take effect July 1, 2012.

20 XIV. The remainder of this act shall take effect July 1, 2011.

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2011-2221s

AMENDED ANALYSIS

1. Funds meals and rooms distributions to cities and towns for the biennium ending June 30, 2013 at no more than the fiscal year 2011 level of distribution.
2. Suspends RSA 31-A, relating to revenue sharing with cities and towns for the biennium ending June 30, 2013.
3. Requires a portion of funds received for the recording surcharge collected by registers of deeds to be deposited each year of the biennium in the land and community heritage investment program administrative fund with the remainder being deposited in the general fund.
4. Provides that no school building aid or alternative school building aid grants shall be made to school districts for projects approved on or after June 30, 2011 through June 30, 2013, and provides a waiver of the suspension of school building aid.
5. Limits the uses of funds held in the driver training fund, eliminates payment to secondary schools and districts, and removes responsibility of the department of education for driver education.
6. Requires the workers' compensation administration fund to fund all costs of the administration of workers' compensation under RSA 281-A.
7. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to suspend direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2013.
8. Authorizes the commissioner of the department of health and human services to fill unfunded positions during the biennium ending June 30, 2013 under certain circumstances.
9. Repeals the catastrophic illness program.
10. Suspends funding for catastrophic aid payments to hospitals for the biennium ending June 30, 2013.
11. Provides that the department of health and human services shall not change program eligibility standards without fiscal committee approval unless such changes are required by federal law and allows the department to transfer funds within and among accounting units.
12. Implements recommendations of the office of legislative budget assistant's 2010 performance audit report of the New Hampshire community health system.
13. Requires that for the biennium ending June 30, 2013, the department of health and human services shall maintain a limit on benefits for adults with low service utilization of community mental health services, as identified in He-M 401.07.
14. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2014.
15. Requires the department of health and human services to apply for a waiver to deliver and pay for Medicaid services to Medicaid-eligible persons with severe mental disabilities through a prepaid health plan.
16. Provides that the rate for services, placements, and programs paid for by the department for

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delinquent children, child protection act, and children in need of services are to be maintained at the rates in effect on June 30, 2011.

17. Requires the commissioner of the department of health and human services to notify the commissioner of the department of administrative services regarding transfers or reassigned personnel.

18. Requires the commissioners of the departments of safety and health and human services to negotiate a reduced fee for performing certain state criminal records checks.

19. Repeals the prevention programs for juveniles and incentive grants for such programs.

20. Allows the department of health and human services to use a new assessment tool to determine eligibility for nursing facility care even if such tool is not reviewed by the county-state finance committee or the oversight committee on health and human services.

21. Requires the department of health and human services to raise the income eligibility for elderly and adult clients under the Social Services Block Grant program every January, by the percentage amount of the cost of living increase in social security benefits on a yearly basis.

22. Establishes 2 temporary special funds in the state treasurer's office to receive and temporarily hold funds for certain New Hampshire hospital programs.

23. Suspends the funding for the developmental services waitlist for the biennium ending June 30, 2013.

24. Transfers the Medicaid enhancement tax accounting unit and the Medicaid enhancement tax receipt account from the department of health and human services to the department of revenue administration. Establishes priorities for the allocation and use of moneys in the uncompensated care fund for the biennium ending June 30, 2013.

25. Directs the commissioner of the department of health and human services to pursue certain consolidation initiatives to achieve general fund appropriations reductions in fiscal years 2012 and 2013 and to report the progress of such efforts to the committees of the house and senate with jurisdiction over health and human services and finance issues.

26. Requires the commissioner of the department of health and human services to submit a state plan amendment to administer the children's health insurance program.

27. Allows the commissioner of the department of health and human services to recover for medical assistance for a spouse of an individual or a parent if an individual is under the age of 21.

28. Clarifies the liability of expenses payable by the department of health and human services under the child protection act.

29. Establishes that for the biennium ending June 30, 2013, a portion of the nursing facility assessment and intermediate care facility assessment shall be used for purposes of long-term care services provided by the state.

30. Authorizes the commissioner of the department of transportation to enter into agreements to lease-purchase vehicles and equipment.

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

32. Establishes the department of labor restricted fund to fund operations of the department of labor from fees, licenses, certificates, and civil penalties.

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33.(a) Eliminates the special fund for payment of mediators and guardians ad litem in cases where parents are indigent.

(b) Makes supplemental appropriations to the judicial council for payment of council for indigent parents in child protection cases and in divorce cases.

(c) Limits the circumstances in which the court may appoint an attorney to represent the parent in cases of abuse or neglect.

(d) Requires the supreme court to adopt practice standards for non-certified guardians ad litem appointed in parental rights and responsibilities cases.

34. Requires that proceeds from the sale of the lakes region facility property be deposited into the general fund.

35. Suspends bumping rights.

36. Requires the department of administrative services to consolidate certain business processing functions.

37. Makes an appropriation to the McAuliffe-Shepard discovery center for the purpose of supporting the transition of the discovery center to a fiscally self-sufficient entity.

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

39. Modifies lottery sales commission rates.

40. Authorizes monetary incentives to liquor commission employees and temporary state liquor stores.

41. Suspends the deposit of liquor revenues in the alcohol abuse prevention and treatment fund for the biennium ending June 30, 2013.

42. Transfers the water quality laboratory services from the department of environmental services to the department of health and human services.

43. Adds the board of accountancy, the real estate appraiser board, and the board of manufactured housing to the joint board of licensure and certification.

44. Suspends the statutory limitation on highway funds allocated to the department of safety for the biennium ending June 30, 2013.

45. Revises the duties of the office of energy and planning by removing certain program responsibilities, including the coordination of federal funds, economic development reporting requirements, the water protection assistance program, housing and conservation planning, the high-level radioactive waste act, and land use board member training.

46. Requires municipal zoning and ordinance documents, including amendments, to be filed with the office of energy and planning and authorizes the office to gather such information from municipalities in order to generate publicly available lists and surveys.

47. Excludes a prisoner convicted of a violent crime or a sexually violent offense from mandatory early supervised release if the parole board votes to do so, and provides the parole board with greater

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discretion to recommit a person who reoffends while on mandatory early supervised release.

48. Requires that an offender placed on probation or parole for conviction of a felony offense that would require registration as a sexual offender or an offender against children shall not be placed on administrative supervision.

49. For the biennium ending June 30, 2013, transfers the balance of the New Hampshire excellence in higher education endowment trust fund in part to the university system of New Hampshire and in part to the community college system of New Hampshire.

50. Repeals the postsecondary education commission and transfers all powers, duties, and programs to the newly established division of higher education and higher education commission within the department of education.

51. Transfers authority over regulation of private postsecondary career schools from the postsecondary education commission to the higher education commission.

52. Authorizes the department of education to expend funds in excess of budgeted amounts to fund chartered public school tuition payments, with the approval of the fiscal committee and governor and council.

53.(a) Sets the amount of differentiated aid at \$1,725 for each pupil eligible for the free or reduced-price meal program.

(b) Repeals the calculation and distribution of fiscal capacity disparity aid.

(c) Provides a grant in the amount of \$2,000 for chartered public school pupils.

(d) Provides \$675 for each third grade pupil who has not tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds.

(e) Beginning July 1, 2013, provides that a municipality's total education grant shall not exceed 105.5 percent of the total education grant received in the previous fiscal year.

(f) Provides a stabilization grant to certain municipalities in fiscal year 2012 equal to the decrease from the municipality's fiscal year 2011 total education grant, and provides that a municipality shall continue to receive this stabilization grant in fiscal year 2013 and each fiscal year thereafter.

(g) Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

54. Authorizes that any funds from the federal Education Jobs program not expended by a school district during the 2011 fiscal year shall be carried over for use in the school district's 2012 fiscal year.

55. Changes the renewal of licenses of veterinarians by the board of veterinary medicine to be biennial rather than annual.

56. This bill makes various changes to the state retirement system if SB 3-FN-A-LOCAL of the 2011 legislative session does not become law, including:

(a) Increasing retirement ages of group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

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(b) Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

(c) Changing the composition of the board of trustees.

(d) Eliminating the special account.

(e) Eliminating the retirement system funding of medical benefits premium payments.

(f) Increasing member contribution rates beginning July 1, 2011.

(g) Establishing a committee to study the establishment of a federal tax qualified voluntary defined contribution plan administered by the board of trustees.

(h) Limiting when a member in service may concurrently receive benefits.

(i) Eliminates the state share of employer contributions for non-state employees.

57. Provides statutory construction for certain terms relating to publication for statewide circulation.

58. Requires the department of resources and economic development to staff rest areas and welcome centers along Interstate Route 93.

59. Repeals the bureau of visitor services.

60. Modifies the amount of reimbursement paid to towns and cities for land acquired by the United States for flood control.

61. Makes changes to the document processing division of the department of revenue administration.

62. Adds certain functions of the equalization standards board to the functions of the assessing standards board.

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

64. Modifies the percentage of the penalty assessment designated to the police standards and training council training fund.

65. Requires the governor to reduce total appropriations for classified employee compensation and benefits.

66. Allows for transfers of federal grant funds between class codes and to newly created class codes and permits certain budgeted federal grant appropriation balances from one state fiscal year to be carried over to the following fiscal years subject to the approval of the commissioner of administrative services.

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

68. Freezes executive branch hiring, purchases, and out-of-state travel.

69. Requires any budget surplus remaining at the end of fiscal year 2011 to remain in the general fund.

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70. Prohibits the department of information technology from discontinuing technical support services to any executive branch agency.

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

72. Authorizes the department of information technology to transfer funds within and among its accounting units, subject to the approval of the fiscal committee of the general court.

73. Allows the annual contribution for unfunded accrued liability of the judicial retirement plan to be calculated over a 30-year period or the maximum period allowed, whichever is less and requires recalculation of the employer contribution rate for the biennium ending June 30, 2013.

74. Requires transfers from the special fund for the improvement and automation of vital records at the state and local levels, also known as the vital records improvement fund, to the general fund.

75. Suspends distribution of a portion of the rooms and meals tax to the division of travel and tourism development for the biennium ending June 30, 2013.

76. Establishes a special legislative account.

77. Sets the annual salary of the registers of probate at \$100 per year, contingent upon the passage of HB 609-FN of the 2011 legislative session.

78. Requires that any balance remaining in the navigation safety fund at the close of each fiscal year lapse to the general fund.

79. Credits fines paid by mail to the division of motor vehicles to the general fund.

80. Provides that all penalty assessments imposed under the drug-free school zone statute shall be deposited in the general fund. The bill also repeals the drug-free school zone sign fund.

81. Modifies appropriation language for statewide special education programs.

82. Transfers the marine patrol bureau from the division of safety services, department of safety, to the division of state police.

83. Establishes certain divisions within the fish and game department for the biennium ending June 30, 2013.

84. Eliminates the division of safety services in the department of safety.

85. Requires the department of transportation to study the use of contractors to perform certain duties performed by the department of transportation in order to save highway funds.

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

87. Redefines a "child in need of services" for purposes of RSA 169-D.

88. Directs the department of health and human services to administer its adoption assistance program consistent with federal law and the state's Title IV-E plan, and repeals state law and regulations relative to discretionary adoption subsidies for hard to place children.

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89. Removes the discretion of the commissioner of the department of health and human services to transfer cases between the employment program and assistance program for 2-parent families in order to meet federal work participation funding requirements.

90. Removes the commissioner's authority to operate an emergency assistance program to aid families with dependent children.

91. Prohibits persons fleeing to avoid criminal prosecution from receiving public assistance benefits.

92. Modifies eligibility for cash assistance for purposes of aid to the permanently and totally disabled.

93. Requires certain funds from drug rebates to be deposited in a separate account for the department of health and human services to expend for pharmacy services.

94. Clarifies the duty and authority of the commissioner of health and human services for the Medicaid hospital outpatient reimbursement methodology.

95. Prohibits use of state appropriations for contracts with the Dartmouth Psychiatric Research Center or the Behavioral Health Policy Institute.

96. Suspends the position of medical director within the department of health and human services for the biennium ending June 30, 2013.

97. Suspends RSA 126-G, relative to family support services.

98. Suspends funding for the Alzheimer's disease and related disorders (ADRD) program through June 30, 2013.

99. Suspends congregate housing and congregate services.

100. Authorizes the department of health and human services to reimburse the parent of a child who is medically fragile or has a chronic illness for home health aide services provided by the parent. The program is a 3-year pilot program.

101. Prohibits appropriations in the family planning accounting unit to be used to fund abortions.

102.(a) Removes the commissioner of the department of health and human services from the healthy kids board.

(b) Removes responsibility for administration of the state children's health insurance program from the statutory duties of the New Hampshire healthy kids corporation, contingent on implementation of a Medicaid managed care model by the department of health and human services.

103. Requires the commissioner of the department of health and human services to issue a 5-year request for proposal to enter into a contract with a vendor or vendors of a managed care model after consultation with and approval by the fiscal committee of the general court to provide for managed care services to the Medicaid population. The commissioner, in consultation with the fiscal committee of the general court, is granted rulemaking authority.

104. Requires the department of health and human services to provide an update on the status of implementation of the Medicaid managed care program for each meeting of the fiscal committee until the contracts for Medicaid managed care are approved by the governor and council.

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105. Requires a waiver from the governor and council for reclassification of a classified position.
106. Repeals the renewal fee for an operator license for collection of meals and rooms taxes, and the waiver provisions therefor.
107. Reduces fees for licenses to sell animals or birds customarily used as household pets.
108. Reduces the filing fees under the condominium act and the land sales full disclosure act.
109. Deletes the general fund designation for a portion of the marriage license fee.
110. Repeals the law regarding coverage for services and certain items covered under the medical assistance program.
111. At the request of the joint committee on employee classification established under RSA 14:14-c, establishes the salary for the positions of:
 - (a) Commissioner/CIO of the department of information technology.
 - (b) Executive director of the board of medicine.
 - (c) Director and state registrar of the division of vital records administration.
 - (d) State veterinarian of the department of agriculture, markets, and food.
112. Clarifies that property at Skyhaven leased by the authority for airport or aeronautical related purposes is not subject to taxation.
113. Suspends for the biennium laws relative to the funeral expenses to certain recipients of public assistance and certain other reimbursement for care of an assisted person.
114. Authorizes the issuance of bonds in the amount of \$3,700,000 for the biennium ending June 30, 2013 to provide kindergarten construction funds to eligible school districts.
115. Clarifies the responsibilities of the administrator of the joint board of licensure and certification.
116. Repeals the 2008 repeal of the of the Maine-New Hampshire Interstate Bridge Authority, for which required Congressional approval for the dissolution of the Authority was not requested or obtained.
117. This bill adds additional construction and cost estimate factors for determining eligibility for the kindergarten construction program.
118. Transfers the responsibility for telecommunications services to state government from the bureau of general services, division of plant and property management, department of administrative services to the division of emergency services and communications, department of safety.
119. Changes the membership, appointment authority, and terms of the board of tax and land appeals.
120. Requires the department of health and human services to provide an update on the status of implementation of the Medicaid managed care program for each meeting of the fiscal committee until the contracts for Medicaid managed care are approved by the governor and council.

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121. Increases the monthly contribution for medical benefits paid by retired state employees under age 65.

122. Requires the general fund appropriation for the judicial branch to be reduced by a certain amount in addition to other reductions.

123. Requires certain state fiscal stabilization funds provided under the American Recovery and Reinvestment Act of 2009 (ARRA) to be transferred from the office of economic stimulus to the department of corrections.

124. Requires the commissioner of the department of administrative services to develop a plan for cost containment options and managed care options to generate savings for the state of New Hampshire retiree health care program. Allows the commissioner of the department of administrative services to utilize managed care and/or cost containment techniques for the New Hampshire retiree health care program and allows the commissioner to offer financial incentives under certain circumstances.

125. Establishes a committee to develop a plan for privatizing the department of corrections.

126. Requires the commissioner of the department of corrections to transfer not more than 600 inmates currently incarcerated at the state correctional facility in Concord to private and/or public correctional agencies or facilities.

127.(a) Requires the commissioner of the department of resources and economic development to solicit lease proposals for the Cannon Mountain ski area and requires that a lease be secured no later than July 1, 2012.

(b) Establishes a legislative committee to develop the proposal and review responses and requires the capital budget overview committee to approve any lease agreement.

(c) Creates the state park capital improvement fund.

(d) For the biennium ending June 30, 2013, requires revenues in excess of budgeted amounts derived from the operations of Cannon Mountain, less the amount deposited into the fish and game search and rescue fund and the annual amount for debt service for upgrades to the Cannon Mountain aerial tram, to be deposited into the general fund and applied to the negative balance in the state park fund.

128. Requires \$800,000 in revenue derived from Cannon Mountain to be deposited in the general fund and applied to the negative balance contained in the state park fund.

129. Establishes the community college system debt service fund.

130. Authorizes the transfer of all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

131. Requires the lease of rental space in which to house the superior court center.

132. Authorizes transfers between and among class line appropriations in the highway welcome centers and the class line appropriations in the turnpike welcome centers for the biennium ending June 30, 2013.

133. Makes extensive changes to the comprehensive shoreland protection act.

134. Requires the department of health and human services to provide an update on the status

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of transition of the healthy kids program from the New Hampshire healthy kids corporation to the department's Medicaid managed care program for each meeting of the fiscal committee until the transition is complete.

135. Requires the department of health and human services to contract with in-state hospitals for high intensive neonatal and pediatric care unless such services are not available in New Hampshire, and directs the department to revise the rate structure for such services.

136. Authorizes the department of health and human services to make claims against an estate for financial and medical assistance provided to the deceased by the department.

137. Requires that any appropriation made in the capital or operating budget for New Hampshire public television shall be made directly to New Hampshire public television.

138. Funds certain shelter care services in Bradford, Antrim, and Jefferson.

139. Requires the department of health and human services to collaborate with the 10 area agencies and 10 community mental health centers to minimize the impact of the reduced appropriation to the division of developmental services and the bureau of behavioral health services and to submit a legislative report of the savings generated.

140. Clarifies the tax exempt status for real estate and personal property owned by the community college system of New Hampshire.

141. Transfers all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

142. Requires the commissioner of the department of health and human services, with the cooperation of ACS State Healthcare, LLC, to engage the services of an information systems consultant to review the state's Medicaid management information system implementation project and make a report to the fiscal committee of the general court.

143. Limits the amount of net operating loss generated in a tax year that may be carried forward under the business profits tax to \$10,000,000.

144. Requires the department of health and human services to present to the fiscal committee a proposal for making uncompensated care payments to hospitals and allows funds in excess of budgeted amounts to be expended for such payments.

145. Requires the retirement system to recalculate employer contribution rates for fiscal years 2012 and 2013.

146. Requires the department of information technology, in consultation with the commissioner of the department of health and human services, to engage the services of an information systems consultant to review the state's Medicaid management information system implementation project and make a report to the fiscal committee of the general court.

147. States that the department of state is not a department of the state in the execution of the constitutional duties of the office of the secretary of state.