

## CHAPTER 296

### SB 321 – FINAL VERSION

03/20/08 1043s

06/04/08 2132CofC

06/05/08 2178eba

#### 2008 SESSION

08-2681

05/09

### SENATE BILL **321**

AN ACT relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, requiring certain operating budget reductions, relative to revenues and expenditures, and legalizing certain meetings.

SPONSORS: Sen. D'Allesandro, Dist 20; Sen. Janeway, Dist 7; Sen. Sgambati, Dist 4; Sen. Odell, Dist 8; Sen. Gallus, Dist 1; Rep. Major, Rock 8

COMMITTEE: Finance

#### AMENDED ANALYSIS

This bill:

I. Allows certain site work to be eligible for grants available for the construction or renovation of regional vocational centers.

II. Transfers certain positions from the pari-mutuel racing laboratory to the department of safety urine testing laboratory.

III. Directs the judicial branch and legislative branch to reduce budget appropriations by a specified amount in each year of the biennium ending June 30, 2009.

IV. Establishes a commission to study funding of school building aid.

V. Establishes discounts for certain liquor licensees for the 2009 fiscal year.

VI. Provides authority to lapse funds from the default bench warrant fund to the general fund for the fiscal year ending June 30, 2008.

VII. Permits certain state contributions to the retirement system to lapse on June 30, 2008 rather than June 30, 2009.

VIII. Increases the tobacco tax, contingent on the amount of tobacco tax revenue received.

IX. Permits a prior appropriation to the department of health and human services for nursing services to lapse on June 30, 2009.

X. Provides that the total county reimbursement obligation shall be reduced by the amount of the credit that the counties receive.

XI. Limits county obligations for certain nursing home and juvenile service costs to the maximum obligation the county would have incurred under the methodology used prior to July 1, 2008.

XII. Permits the judicial council to request that the governor and council authorize additional funding when expenditures exceed amounts appropriated in the operating budget.

XIII. Repeals a provision authorizing transfer of appropriations by the executive director of the judicial council.

XIV. Permits the liquor commission to use part of an appropriation in the capital budget for a forklift.

XV. Removes references to county liability for certain juvenile service costs.

XVI. Legalizes the proceedings of the Lyme town meeting held on March 11, 2008 and the budget committee meeting held on February 12, 2008.

XVII. Legalizes the proceedings of the Bath school district annual meeting held on March 13, 2008 relating to warrant article 7 to raise and appropriate the sum of \$42,000 to replace the boiler at Bath Village School.

XVIII. Legalizes the proceedings of the Grafton annual meeting held on March 13, 2008, related to the town budget.

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Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03/20/08 1043s

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eight*

AN ACT relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, requiring certain operating budget reductions, relative to revenues and expenditures, and legalizing certain meetings.

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

296:1 Regional Vocational Centers; Construction or Renovation. Amend RSA 188-E:3, II to read as follows:

II. Upon completion, the constructed or renovated facility shall become the property of the school district. ~~[Provisions]~~ **Provision** of the site, parking, and other related areas shall be the responsibility of the local community. ***Site work, including but not limited to cut and fill work, compaction, demolition, relocation of utilities, relocation of roadways and sidewalks, and similar work within an area extending to one foot beyond the outside edge of the exterior walls of the building, shall be eligible for grants under paragraph I.*** Nothing shall prohibit the inclusion of the site and related facilities which are not funded as part of construction cost by the state under this chapter from being included in a regular building aid application of the district as provided in RSA 198:15-b.

296:2 Operating Budget; Judicial Branch. Notwithstanding 2007, 262:1, the appropriations for the judicial branch shall be reduced by \$1,000,000 for the fiscal year ending June 30, 2008, and by \$1,600,000 for the fiscal year ending June 30, 2009. The reductions required by this section shall be in addition to the judicial branch's average historical lapse amount of \$1,100,000 per fiscal year. The director of the administrative office of the courts shall submit to the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2008.

296:3 Operating Budget; Legislative Branch. Notwithstanding 2007, 262:1, the appropriations for the legislative branch for the fiscal year ending June 30, 2008 shall be reduced by \$1,000,000. Notwithstanding 2007, 262:1, the appropriations for the legislative branch for the fiscal year ending June 30, 2009 shall be reduced by \$500,000. The legislative budget assistant shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2008.

296:4 Positions Transferred from Pari-Mutuel Commission Racing Laboratory to Department of Safety Urine Testing Laboratory. Effective April 1, 2008, classified positions number 14543, 14545, and 30541 are transferred from the pari-mutuel commission racing laboratory, PAU 02-08-02, to the department of safety urine testing laboratory, PAU 02-15-04-11-02. The legislative budget assistant is authorized to adjust totals in 2007, 262 as made necessary by this section.

296:5 PAU 02-08-02; Pari-Mutuel Commission Racing Laboratory. Amend 2007, 262:1, PAU 02-08-02 as follows:

Fiscal Year 2008 Fiscal Year 2009

Strike out:

10 Personal Services – Permanent \$280,007 \$285,196

Insert:

10 Personal Services – Permanent \$247,525 \$153,362

Strike out:

60 Benefits \$139,292 \$141,876

Insert:

60 Benefits \$123,603 \$78,200

Strike out:

Total \$639,293 \$646,993

Insert:

Total \$591,122 \$451,483

Estimated Source of Funds for

Racing Laboratory

Strike out:

General Fund \$519,575 \$528,684

Insert:

General Fund \$471,404 \$333,174

Strike out:

Total \$639,293 \$646,993

Insert:

Total \$591,122 \$451,483

296:6 PAU 02-15-04-11-02; Department of Safety Urine Testing Laboratory. Amend 2007, 262:1, PAU 02-15-04-11-02 as follows:

Fiscal Year 2008 Fiscal Year 2009

Strike out:

10 Personal Services – Permanent \$140,723 \$146,820

Insert:

10 Personal Services – Permanent \$173,205 \$278,654

Strike out:

60 Benefits \$73,294 \$76,722

Insert:

60 Benefits \$88,983 \$140,398

Strike out:

Total \$406,640 \$417,715

Insert:

Total \$454,811 \$613,225

Estimated Source of Funds for

Urine Testing Laboratory

Strike out:

General Fund \$406,640 \$417,715

Insert:

General Fund \$454,811 \$613,225

Strike out:

Total \$406,640 \$417,715

Insert:

Total \$454,811 \$613,225

296:7 Commission Established. There is established a commission to study funding of school building aid.

296:8 Membership.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the finance committee, one of whom shall be a member of the ways and means committee, and one of whom shall be a member of the public works and highways committee.

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

(c) Two at-large members, appointed by the governor.

- (d) One member of the New Hampshire School Boards Association, appointed by said organization.
- (e) One member of the New Hampshire School Administrators Association, appointed by said organization.
- (f) The commissioner of education, or designee.
- (g) The treasurer, or designee.

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

296:9 Chairperson; Quorum. The chairperson shall be designated by the governor. The first meeting of the commission shall be held within 30 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

296:10 Duties. The commission shall study funding for school building aid, including:

- I. Appropriate funding methodology and sources for building aid, including whether building aid should be included in the state's capital plan.
- II. Strategies for making it possible for all school districts to engage in necessary construction projects.
- III. Standards for determining appropriate costs for state reimbursement and for cost-sharing.

296:11 Report. The commission shall report its findings and any recommendations to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

296:12 Liquor Licenses; Discount and Credit on Sales to Licensees. Amend RSA 178:28, V to read as follows:

V. A schedule of hours and procedures by which fortified wines and table wines may be purchased at the discount price for resale by holders of off-premises retail licenses at percentages of discount to be determined by the commission. ~~Such~~ Discounts **for holders of off-premises retail licenses with annual wine purchases under \$350,000** shall be no less than 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse.

***V-a. For the purpose of this provision, any person holding 2 or more licenses under RSA 178:18 with combined annual wine purchases under \$350,000 shall receive at least 15 percent less than the regular retail price in the liquor stores and at least 20 percent less than the regular price F.O.B. at the warehouse. All combined annual wine purchases over \$350,000 shall receive at least 10 percent less than the regular price F.O.B. at the warehouse.***

***V-b. The commission, in its discretion, may adjust discounts for off-premises licensees to optimize the profitability of the commission and maintain proper controls; provided that the commission does not reduce discounts below the percentages stated in paragraphs V or V-a.***

296:13 Default Bench Warrant Fund; Temporary Authority to Lapse. Notwithstanding the provisions of RSA 263:56-d, for the fiscal year ending June 30, 2008, the commissioner of safety shall authorize the state treasurer to lapse \$300,000 from the default bench warrant fund established in RSA 263:56-d to the general fund.

296:14 Operating Budget; NH Retirement System. Amend the following Treasury PAU as set forth in 2007, 262:1 as follows:

01, 10, 02

FISCAL YEAR 2008 FISCAL YEAR 2009

93 Normal Contribution Teachers [F] \* \$30,851,332 \$32,072,981

94 Normal Contribution Police [F] \* \$12,681,862 \$13,193,479

95 Normal Contribution Firefighter [F] \* \$9,773,774 \$10,288,461

\*

The Retirement System Shall Provide Quarterly Reports To The Fiscal Committee Of The General Court By City And Town Of The Amounts Expended From This Appropriation.

296:15 Tobacco Tax; Rate Increase. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.08~~] **\$1.33** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

296:16 Tobacco Tax; Applicability. Section 15 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this section. The tax rate effective on the date of certification from the commissioner of the department of revenue administration that the amount of tobacco tax revenue for the period of July 1, 2008 through September 30, 2008 was below \$50,000,000, shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J. Payment of the additional tax on said inventory shall be due 60 days from the effective date of this section, accompanied by a form prescribed by the department of revenue administration.

296:17 Contingency; Reporting of Tobacco Revenue. On or before October 15, 2008, the commissioner of the department of revenue administration shall certify to the speaker of the house of representatives, the senate president, and the fiscal committee of the general court, the amount of tobacco tax revenue received for the period of July 1, 2008 through September 30, 2008, without any material change in cigarette tax stamp inventory. If the commissioner certifies that the amount of tobacco tax revenue received for the period was below \$50,000,000, then sections 15 and 16 of this act shall take effect on the date of certification. If the commissioner certifies that the amount of tobacco tax revenue received for the period was equal to or above \$50,000,000, then sections 15 and 16 of this act shall not take effect.

296:18 Operating Budget, Department of Health and Human Services; Sources of Funds. Amend 2007, 129:1 to read as follows:

129:1 Operating Budget, Department of Health and Human Services; Sources of Funds. Amend the following department of health and human services PAU as inserted by 2005, 176:1 as follows:

05, 01, 08, 04, 01

FISCAL YEAR 2007

Strike out:

90 Nursing Services\* 192,870,528

Insert in place thereof:

90 Nursing Services\* \*\*\* 192,870,528

Further amend PAU 05,01,08,04,01 by inserting at the end thereof the following:

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The appropriation in class 90 for the fiscal year ending June 30, 2007 shall be nonlapsing. Any balance remaining at the end of June 30, 2007 shall be paid to nursing homes as supplemental rates no later than October 1, 2007. The supplemental rates shall be based on the current rate setting methodology. The commissioner shall file a report with the legislative fiscal committee by October 1, 2007 which details the balance carried forward from fiscal year 2007 and the amounts to be paid as supplemental rates. ***If such funds are not expended by June 30, 2009, they shall lapse to the appropriate funds.***

296:19 County Reimbursement of Funds; Credit. Amend RSA 167:18-a, III(b) to read as follows:

(b) The credit shall be made available as soon as possible after the start of the fiscal year. The department shall adopt county credit criteria in consultation with the county-state finance commission and in accordance with the provisions of RSA 541-A. ~~[The credit under this paragraph shall not reduce total reimbursements due under paragraph II.]~~ ***The total aggregate obligation of the counties shall be reduced by the amount of the credit.***

296:20 County Obligations. Amend RSA 167:18-a, IV to read as follows:

IV. Notwithstanding the procedures of paragraphs I-III of this section, no county shall be liable for total billings in fiscal year 2009 or fiscal year 2010 in an amount which would be greater than the amount of liability projected for that fiscal year using the methodology for determining county payments in former RSA ***167:18-a, 167:18-b, and 167:18-f*** prior to its repeal ***together with the amount of liability projected for that fiscal year using the repealed methodology for determining county payments in RSA 169-B, 169-C, and 169-D.***

296:21 Office of Reimbursements; Return of Funds to a County. Amend RSA 126-A:40, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities. The court shall require the individual chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided and to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the minor by the state. The court's jurisdiction to order



reimbursement shall continue until the obligation to reimburse has been fulfilled. ***If the state receives reimbursement for the expenses of a child under this section, the state shall return to the formerly liable county that percentage of the reimbursement equal to the percentage of expenses paid by the county for the child.***

296:22 Office of Reimbursements; Elimination of Notice to Counties. Amend RSA 126-A:40, II to read as follows:

II. Upon the issuance of an order under paragraph I, the court shall send notice to the state [~~and relevant county~~]. The state [~~and relevant county~~] may, within 30 days from the receipt of notice, request a hearing on the issues of the cost or appropriateness of services, or recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the minor's support and necessities, to the state [~~and relevant county~~].

296:23 Repeal. RSA 126-A:40, IV-VII, relative to county liability, are repealed.

296:24 Indigent Defendants; Neglected or Abused Children. Amend RSA 604-A:1-a to read as follows:

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

296:25 New Section; Indigent Defense; Authorization for Additional Funding. Amend RSA 604-A by inserting after section 1-a the following new section:

604-A:1-b Additional Funding. In the event that expenditures for indigent defense by the judicial council are greater than amounts appropriated in the operating budget, the judicial council may request, with prior approval of the fiscal committee of the general court, that the governor and council authorize additional funding. For funds requested and approved, the governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

296:26 Repeal. 1997, 351:10, relative to transfer of appropriations by the executive director of the judicial council, is repealed.

296:27 Capital Improvements; Liquor Commission. Amend 2007, 264:1, XI, B to read as follows:

B. Concord Warehouse Racking ***and Forklift 270,000***

296:28 Ratification of the Lyme Town and Budget Committee Meetings. All acts, notices, and proceedings at the Lyme annual town meeting, held on March 11, 2008, and the budget committee meeting held on February 12, 2008, are hereby legalized, ratified, and confirmed.

296:29 Bath School District Annual Meeting; Ratification. All acts, notices, and proceedings of the Bath school district relating to warrant article 7 at the March 13, 2008 annual meeting, to raise and appropriate the sum of \$42,000 to replace the boiler at Bath Village School, are hereby legalized, ratified, and confirmed.

296:30 Town of Grafton; Ratification of Annual Meeting. All acts, notices, and proceedings of the Grafton annual meeting held March 11, 2008, related to the town budget, are hereby legalized, ratified, and confirmed.

296:31 Repeal. RSA 178:28, V-a, and V-b, relative to discounts for certain liquor licensees, are repealed.

296:32 Liquor Licenses; Discounts and Credit on Sales to Licensees; Version Effective July 1, 2009. RSA 178:28, V is repealed and reenacted to read as follows:

V. A schedule of hours and procedures by which fortified wines and table wines may be purchased at the discount price for resale by holders of off-premises retail licenses at percentages of discount to be determined by the commission. Such discounts shall be no less than 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse.

296:33 Regional Vocational Centers; Construction or Renovation. Amend RSA 188-E:3, II to read as follows:

II. Upon completion, the constructed or renovated facility shall become the property of the school district ***or public academy, as the case may be***. Provision of the site, parking, and other related areas shall be the responsibility of the local community. Site work, including but not limited to cut and fill work, compaction, demolition, relocation of utilities, relocation of roadways and sidewalks, and similar work within an area extending to one foot beyond the outside edge of the exterior walls of the building, shall be eligible for grants under paragraph I. Nothing shall prohibit the inclusion of the site and related facilities which are not funded as part of construction cost by the state under this chapter from being included in a regular building aid application of the district as provided in RSA 198:15-b.

296:34 Contingency. If HB 1563-FN of the 2008 regular legislative session becomes law, section 33 of this act shall take effect on the effective date of HB 1563-FN and section 2 of HB 1563-FN shall not take effect. If HB 1563-FN of the 2008 regular legislative session does not become law, section 33 of this act shall not take effect.

296:35 Effective Date.

I. Sections 12 and 21-23 of this act shall take effect July 1, 2008.

II. Sections 19 and 20 of this act shall take effect July 1, 2008 at 12:01 a.m.

III. Sections 15 and 16 of this act shall take effect as provided in section 17 of this act.

IV. Sections 31 and 32 of this act shall take effect July 1, 2009.

V. Section 33 of this act shall take effect as provided in section 34 of this act.

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

Approved: June 27, 2008

Effective Date: I. Sections 12 and 21-23 shall take effect July 1, 2008.

II. Sections 19 and 20 shall take effect July 1, 2008 at 12:01 a.m.

III. Sections 15 and 16 shall take effect as provided in section 17.

IV. Sections 31 and 32 shall take effect July 1, 2009.

V. Section 33 shall take effect as provided in section 34.

VI. Remainder shall take effect June 27, 2008.

