

State of New Hampshire

HOUSE RECORD

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

Vol. 32	Concord, N.H.	Friday, March 19, 2010	No. 22
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Contains: Reports and Amendments for March 24, Governor's Veto Message on HB 276-FN, Request for an Opinion of the Justices, House Bills Amended by the Senate, Hearings, Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will next meet in session on **Wednesday, March 24th at 9:30 a.m.** and, if necessary, on **Thursday, March 25th at 10:00 a.m.**, to complete our work before the deadline for Crossover. We will begin with the Committee on Municipal and County Government.

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on Tuesday, **March 23**, at **8:30 a.m.** in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **March 24** at **8:45 a.m.** and Thursday, **March 25** at **9:00 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **March 24** at **8:30 a.m.** in Rooms 305-307, LOB.

Rep. Sherman A. Packard, Republican Leader

NOTICE

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

CLOSES (NOON) THURSDAY:

TO BE MAILED FRIDAY:

March 25

March 26

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Thursday, March 25, 2010	Last day to act on House Bills CROSSOVER
Thursday, April 15, 2010	Last day to report Senate Bills going to a second committee
Thursday, April 22, 2010	Last day to act on Senate Bills going to a second committee
Thursday, May 6, 2010	Last day to report all Senate Bills
Thursday, May 13, 2010	Last day to act on Senate Bills
Thursday, May 20, 2010	Last day to form Committees of Conference
Thursday, May 27, 2010	Last day to sign Committee of Conference reports
Wednesday, June 2, 2010	Last day to act on Committee of Conference reports

GOVERNOR'S VETO MESSAGE ON HB 276-FN

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

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

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

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

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2009-0166, Request for an Opinion of the Justices (Eliminating Requirement for Additional Breath Test Samples), the court on March 17, 2010, issued the following order:

The following request of the house for an opinion of the justices was adopted on March 11, 2010, and filed with the supreme court on March 15, 2010:

HOUSE RESOLUTION 1

Whereas, there is pending in the House, House Bill 1146, "An Act eliminating requirements for additional breath tests for blood alcohol content"; and

Whereas, HB 1146 eliminates the requirement that samples of breath of a DWI suspect be sufficient to allow an additional test for each breath sample taken and the captured sample or sample be given to the suspect for his or her own independent analysis; and

Whereas, HB 1146 has been introduced and is presently pending before the House; and

Whereas, certain questions have arisen concerning the constitutionality of HB 1146; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

(1) Does HB 1146 violate the due process clause of either the United States constitution or the New Hampshire constitution?

(2) Does HB 1146 violate any other provisions of the United States constitution or the New Hampshire constitution?

That the clerk of the House transmit copies of this resolution and House Bill 1146 to the Justices of the New Hampshire Supreme Court.

Typewritten memoranda on the questions presented by the request may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before April 5, 2010. An original and eight copies of any memorandum must be filed with the clerk's office.

This order is entered by a single justice (Broderick, C.J.). See Rule 21(7).

Eileen Fox,
Clerk

CONSENT CALENDAR

WEDNESDAY, MARCH 24

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1435-FN, relative to the practitioner-patient relationship in the dispensing of prescriptions. **OUGHT TO PASS.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: The committee agreed that the penalty portion of this bill was reasonable for the offense. **Vote 15-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1170, relative to licensure of home health care providers. **OUGHT TO PASS.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill amends RSA 151:6-a to decrease the frequency of on site home health care agency inspections from annually to biennially when providers have a history of satisfactory inspections. **Vote 17-0.**

HB 1602-FN, relative to the secure psychiatric unit. **OUGHT TO PASS.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill establishes a study committee to explore the feasibility of relocating the secure multi-program, forensic

psychiatric hospital from the state prison. The committee believes that it is time to establish a plan for separating individuals with severe mental illness who have not been convicted of a crime from convicted criminals. **Vote 15-2.**

FINANCE

HB 1481, relative to the use of turnpike tolls. **OUGHT TO PASS.**

Rep. Robert A Foose for Finance: The bill requires that revenues from turnpike tolls be used exclusively for the construction, reconstruction, and maintenance of the turnpike system. This action has been recommended by the state treasurer and bond council. This parallels the language in the New Hampshire Constitution relative to the highway funds. **Vote 25-0.**

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system. **OUGHT TO PASS.**

Rep. Bonnie Mitchell for Finance: This legislation requires financial institutions to disclose financial information for those receiving medical assistance. This applies to the aged, blind and disabled. This is a requirement of the federal government in order for New Hampshire to receive its match of federal funds. This legislation will have no impact on state, county or local revenues or expenditures. As policy, the legislation passed out of the health, human services and elderly affairs committee with a vote of 15-0. The bill protects financial institutions from civil liability or criminal prosecution and provides for confidentiality of information. **Vote 25-0.**

HB 1668-FN, requiring state creditable service for group II retirees to receive state employee medical benefits. **OUGHT TO PASS.**

Rep. Bernard L Benn for Finance: Under current law, group II retirees must only be eligible to retire to receive state-paid retiree health coverage. For group II state employees whose service for the state begins on or after July 1, 2010, this bill increases the state service eligibility requirement to receive state paid medical and surgical benefits to at least 20 years of creditable service with the state. The department of administrative services estimates that this bill, based on 2009 data, would decrease state expenditures in 2010 approximately \$353,372. The bill would result in group I and group II state employees having parallel eligibility requirements for health coverage. **Vote 25-0.**

WAYS AND MEANS

HB 626-FN, relative to voter identification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Russell T Ober for Ways and Means: This bill amends RSA 5:6-d, V to institute a voter identification card to be made available by the secretary of state, upon request to any person who is registered to vote in the town or city. Standard forms would be provided with a voter identification number. There will be no cost to the cities or towns for this card. **Vote 17-1.**

HB 1129, relative to saltwater fishing licenses for persons holding a lifetime license from the fish and game department. **OUGHT TO PASS.**

Rep. John D Kelley for Ways and Means: This bill allows persons holding a lifetime fishing license issued prior to January 1, 2011 by the fish and game department to receive an annual saltwater fishing license at no charge. The department stated that there are few persons that have the lifetime fishing licenses and it would not affect revenues. **Vote 18-0.**

HB 1251, relative to the sale and transfer procedures for shutdown emissions credits. **OUGHT TO PASS.**

Rep. William A Hatch for Ways and Means: This bill enables the state to establish an account to retain and loan shut-down emission credits to start-up and other industries that are required to have them in place prior to operating. This will give the state the ability to help industry expedite start-up with less cost now and in the future, a key element in economic development. Currently, the state holds approximately 500 credits from the mill closing in Berlin and Groveton. It was reported the estimated value of these credits is \$250,000 if they were sold a few at a time. It was agreed that the state and industry would be better served if the state retained ownership and loaned the credits to industry that needed the credits. It was also agreed that it is important to apply economic development standards in addition to environmental criteria to achieve

optimum use of the credits. For example, the criteria would include consideration whether, and to what extent, acquisition of the credits will result in job creation and retention. Also the company's prospects for long-term growth and job creation will be considered, and whether it is or will become a New Hampshire company. It is believed this approach will help companies expand and start with less investment and sooner, which are key factors in economic development. **Vote 20-0.**

HB 1292, relative to underground storage tank facility permits, compliance, and cleanup fund eligibility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ron J Mack for Ways and Means: This bill removes the requirement that the department of environmental services issue underground storage tank facilities permit renewals every five years, thus alleviating an administrative burden and allowing additional personnel time to be re-directed and applied to activities such as UST facility inspections and follow up to ensure operational compliance. The amendment increases the deductible for cleanup of premise-use heating oil facilities from \$100 to \$500 except for owners who have demonstrated financial need.

Vote 19-1.

HB 1293-FN, relative to the oil discharge cleanup fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John D Kelley for Ways and Means: This bill is at the request of the department of environmental services and the Oil Fund Disbursement Board. It repeals the imminent sunset on the Motor Oil Disbursement Fund. The department of safety has been collecting these fees all along, despite its authority being taken away by a legislative error several years ago; the amendment re-establishes its authority to collect the statutory fees. The bill expends \$158,919 per year from the Motor Oil Discharge Cleanup Fund and collects about \$262,380. The department expects to have to pay for larger clean-ups in the future. **Vote 20-0.**

HB 1404, relative to the regulation of real estate brokers and salespersons. **OUGHT TO PASS.**

Rep. William G Johnson for Ways and Means: This bill is primarily a housekeeping bill relative to certain real estate practices. It also adds a fine equal to those for other real estate offenses for any person conducting a study program in violation of the statute. Finally, the bill repeals RSA 331-A:24-b which violated the state's agreement with the credit card companies on fees. The committee heard no opposition. **Vote 17-0.**

HB 1441, relative to claimant eligibility for victim's compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank W Davis for Ways and Means: This bill allows victims of a crime under investigation by the cold case homicide unit as established in N.H. Laws 2009, 269:1 to be eligible, regardless of the date of the crime, for victim's compensation. Compensation for these individuals would be limited to only counseling expenses and expenses associated with the victim's participation in pre- and post-conviction proceedings, incurred after the effective date of this legislation. The balance in the victim's assistance fund at the end of FY 2009 was \$292,043. Revenue and expenditures for the fund for FY 2010 and FY 2011 were projected at \$900,000 for each year. The committee is requesting yearly status reports on the fund in order to assess the impact of increasing the number of eligible victims. **Vote 19-1.**

HB 1513-FN, relative to fees collected by the secretary of state for checklist information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gilman Shattuck for Ways and Means: The amendment establishes separate funds for recount administration and for notaries public and justices of the peace administration. These funds replace the recount administrative and fee account. Revenue received by the secretary of state for checklist information and for recounts goes to the recount administrative and fee fund. This fund will be used for recounts. \$25 of fees for notaries public and justices of peace, together with related document fees, will go into the notary fee account. This fund will be used for manuals and education, including on line, provided by the secretary of state and enforcement provided by the attorney general. This fund may also be used for electronic records systems to enhance the work of the secretary with respect to notaries. The committee amendment removes the matching fund section. However, in the opinion of the attorney general, joint use of these

systems for other duties of the secretary satisfies federal and constitutional criteria for matching funds. There are no changes in the fees; the amendment simply separates revenues into two separate funds. **Vote 17-0.**

HB 1542-FN, repealing nitrogen oxide emitting generation source requirements. **OUGHT TO PASS.**

Rep. John D Kelley for Ways and Means: The bill repeals the nitrogen oxide emitting generation source requirements and the nitrogen emission reduction fund in 2014. The bill requires the funds put in the nitrogen oxide emissions reduction fund be used for the administration of the department's responsibilities under this chapter until 2014. The remaining funds in the fund in 2014 will be transferred to the air resources fund where they will be used for emissions reductions. **Vote 16-0.**

REGULAR CALENDAR

WEDNESDAY, MARCH 24

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. **OUGHT TO PASS.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: The committee agreed that the penalty portion of this bill was reasonable for the offense. **Vote 15-2.**

HB 1544-FN, relative to penalties for forestry violations. **OUGHT TO PASS.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: The division of forests and lands, NH Timberland Owner's association, the Society for the Protection of NH Forests and the Nature Conservancy collaborated in this effort to address the problems which arise when certain individuals repeatedly break NH forestry laws. HB 1544 increases the penalty for failing to comply with a cease and desist order from a violation to a class A misdemeanor. The committee agrees that this is appropriate and will aid in curtailing offenses. **Vote 17-0.**

HB 1579-FN, relative to electioneering by public employees. **OUGHT TO PASS.**

Rep. Robert R Cushing for Criminal Justice and Public Safety: This bill clarifies the existing law that prohibits electioneering by public employees. The committee believes classifying a violation of this election law as a class B misdemeanor is appropriate. The attorney general brought before the committee a housekeeping amendment to the policy section of the bill that will be introduced as a floor amendment. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 218-FN, relative to the state park fund. **REFER FOR INTERIM STUDY.**

Rep. Suzanne Harvey for Executive Departments and Administration: The parks performance audit recommends clarification of the utilization of the state park fund established by the state treasurer under RSA 216-A:3-i. HB 218 attempts to clarify which monies are to be deposited in the fund. It also repeals the approval process involving the governor and council. The committee recommends interim study in order to obtain additional information about the consequences of this repeal. **Vote 11-5.**

HB 1471, requiring the governor's office of energy and planning and the board of home inspectors to develop a document relative to home energy efficiency for home buyers. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Harvey for the **Majority** of Executive Departments and Administration: Energy efficiency has proven to be one of the best tools homeowners have to decrease their energy use and thereby their energy bills. This bill had bi-partisan support from the policy committee (Science, Technology & Energy). It is supported by the office of the consumer advocate, the office of energy and planning (OEP). It requires the OEP, in consultation with the board of home inspectors, to develop an informational document that inspectors will provide either in person or

electronically to their clients. This brochure will be a New Hampshire specific addition to an already existing brochure about energy efficiency. Existing funds in OEPs education budget will pay for this. **Vote 9-8.**

Rep. Carol M McGuire for the **Minority** of Executive Departments and Administration: This bill is unnecessary. Home inspectors can and often do distribute energy efficiency information as part of their reports. This information is also readily available from a number of sources, both government and private. In addition, the minority believes that the funding source is objectionable. The systems benefit fund comes from a tax on everyone's utility bill and is used for both home heating subsidies and energy efficiency initiatives. Diverting it to the program proposed by HB 1471 is duplicative and therefore wasteful.

FINANCE

HB 646-FN-L, relative to caps on total billings to counties for nursing home care services.

INEXPEDIENT TO LEGISLATE.

Rep. John DeJoie for Finance: This bill attempts to limit the financial liability in the counties for long term care services. Unfortunately, this bill does not limit county liability. Since the department of health and human services (DHHS) is required by RSA to spend no more than is appropriated, this bill will require DHHS to make even greater rate reductions so as not to exceed appropriations. The committee shares the sponsors' concerns about county costs and will continue working to address these concerns through other legislation. **Vote 22-3.**

HB 1226, relative to caregiver support services for the elderly. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Bernard L Benn for the **Majority** of Finance: This bill places in statute an existing caregiver support service program that helps family members care for their aging parents at home for as long as possible. It is currently coordinated by the department of health and human services as part of the "ServiceLink Resource Centers." SLRC is an existing statewide network of locally administered resources for seniors, adults with disabilities, and their families. The department testified that this existing program is federally Title III funded, will not need additional personnel, and does not require any general fund appropriation. The program is subject to available funding. **Vote 13-9.**

Rep. Neal M Kurk for the **Minority** of Finance: The minority questions the need for this bill, since it puts into statute what is currently being done by the department of health and human services using federal funds under Title III. The minority is concerned that this bill will create legal rights and put the state at risk of yet another class-action lawsuit, notwithstanding the provision in the bill stating that any state obligation is subject to funding. The minority notes that in the current biennium, the state faces a very significant deficit that caused the governor to recently request proposals from his department heads for \$140 million in general fund reductions. Next biennium, the deficit will be even greater. Yet the majority would make permanent a state service the funding for which is uncertain. The minority believes the ramifications of this proposal require further study

HB 1428-FN, relative to death benefits for surviving spouses of a New Hampshire retirement system member. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter R Leishman for the **Majority** of Finance: The majority of the committee supports allowing a spouse of a deceased member of the NH retirement system to continue receiving the earned pension benefit if they remarry. These lifetime benefits are currently included in the calculation of contribution rates. Therefore, this bill would not affect contribution rates or increase expenditures as the retirement system calculations include the assumption that spouses will not remarry and as such would collect a lifetime benefit. **Vote 14-11.**

Rep. Neal M Kurk for the **Minority** of Finance: Current retirement system law terminates the pension of a surviving spouse on his or her remarriage. The bill would eliminate that restriction and allow a surviving spouse to continue to receive a pension even after remarriage. Although system actuaries have stated that the passage of the bill will not result in a change in employer

rates, the minority believes that the current practice is the fairer one and is less likely to be subject to abuse.

HB 1495, relative to approval of chartered public schools from July 1, 2009 through June 30, 2011. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberley S Casey for Finance: This bill removes the moratorium found in Chapter 144, Laws of 2009 (the budget “trailer bill”), on state board of education approval of new public charter schools under the provisions of RSA 194-B:3-a, the so-called “pilot program.” The bill was amended in the finance committee to change the effective date to January 1, 2011. By ending the moratorium for approving new charter schools, the state department of education is better positioned to more effectively compete for federal race to the top funds. In evaluating the fiscal note, the finance committee determined that there would be no difference in the cost to the state, because although this bill would allow the opportunity for new charter schools to be approved and students to be counted once the moratorium is removed, as a practical matter, because of the time needed to process the approval of these new applications, the bill would have no fiscal impact.

Vote 23-2.

HB 1537, allowing primary care providers to provide preventive oral health services to children between 0 and 3 years of age under the state Medicaid program. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Sandra C Harris for the **Majority** of Finance: This bill is legislation that was recommended by a study commission established by HB 414, Chapter 130, Laws of 2009. The commission was charged to study preventing dental disease in children. This bill directs reimbursement to appropriately trained primary care doctors/pediatricians who do oral screenings and preventative services on Medicaid eligible children age 0-3 years old. Health, human services and elderly affairs reported no opposition to the bill, and the committee vote was 18-0. This bill increases the network of providers to include dentists and primary care/pediatricians. Studies show that children at this age have much more contact with primary care/pediatricians than dentists. This change should greatly lessen the high costs of emergency room visits and surgeries for these children. The majority of Finance also feels that this is a very appropriate way to redirect dollars to which these children are already entitled. The majority saw that this bill does not increase the services to which these children are entitled but does increase the number of providers that can alleviate their pain and suffering. **Vote 14-8.**

Rep. Neal M Kurk for the **Minority** of Finance: The minority believes that the state cannot afford to expand services at this time. The minority notes that in the current biennium, the state faces a very significant deficit that caused the governor to recently request proposals from his department heads for \$140 million in general fund reductions. Next biennium, the deficit will be even greater, and that’s when this bill becomes effective. It is inappropriate to attempt to bind a future legislature, and it is unfair to do so when the scope of the commitment is unclear. The revised fiscal note on this bill and the financial analysis provided by the prime sponsor differed in important respects, especially in the net cost or saving. A new Medicaid initiative whose cost or saving cannot be determined is imprudent at this time and requires further study.

HB 1598-FN, relative to the use of Temporary Assistance to Needy Families (TANF) funds. **INEXPEDIENT TO LEGISLATE.**

Rep. William S Belvin for Finance: The purpose of HB 1598-FN is to retain any future surplus Temporary Assistance to Needy Families (TANF) funds for the exclusive use of the TANF program in health and human services (HHS); in effect a new dedicated fund. TANF receives federal funds and in the past had a surplus which was applied by HHS to related priorities that affected TANF families. The sponsors outlined the current increased demand for TANF services related to prevailing economic conditions, but HHS opposed the bill and wished to retain flexibility in using federal TANF funds. Further, the bill’s timing has the difficulty of attempting to bind future legislatures. **Vote 21-4.**

HB 1664-FN, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie K Smith for Finance: Based on the most current analysis of the state's finances, the committee believes that the budget gap for fiscal years 2010 and 2011 will be at least \$132 million. This figure will be adjusted as the Ways and Means Committee prepares its revenue estimates, the federal government makes certain decisions that will affect state revenues, and as we benefit from reports on actual revenue and expenditures over the next few months. Meanwhile, honoring our responsibility to make every effort to maintain a balanced budget, the committee voted unanimously to make budget adjustments by eliminating \$47,131,121 of spending. This must be viewed as one step in this difficult process. Unlike the usual experience in budget years, the house will have an opportunity after crossover to continue to work on revenue and expenditure proposals. We tried to have the burden of these cuts shared by everyone in order to minimize the impact on any one group. This bill decreases state contributions towards Municipal Normal Contribution from 25% to 20% for one year only – FY 2011. Beginning in 2012 the state contribution will increase to 35%. In order to balance the increased burden on cities and towns, the bill includes, again for one year only, an increase in the percentage that employees, teachers and permanent police and firefighters will contribute to their own pensions. The department of administrative services will consult with the State Employees Association to develop a plan to achieve \$1,000,000 of savings in the retirees' health insurance plan. These actions will result in an approximately \$11 million decrease in state expenditures. The department of cultural resources will be asked to reduce spending by about \$540 thousand. For fiscal year 2011 only, LCHIP appropriations will be reduced by about \$1 million and that money will go into the general fund in order to limit further reductions in natural resource protection and many other state activities including investment in recreational activities protecting the value of real property in New Hampshire. Appropriations to the department of health and human services were spread among DCYF diversion incentive programs, out of home placements and residential care, social services block grants, the developmental and acquired brain disorder services, certain provider payments and the governor's commission on alcohol and drug abuse prevention. The department of education funding for dropout prevention and local education improvement were reduced, as was funding for the department of information technology, the judicial branch, and the department of environmental services and the department of corrections. This budget adjustment process will continue as we work our way out of the recession. **Vote 24-0.**

HB 1672-FN, making appropriation additions and revenue reductions for fiscal year 2011.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Marjorie K Smith for the **Majority** of Finance: As introduced, this bill would have reversed actions taken by the House and Senate and signed into law less than 9 months ago. It would have initiated several other changes that would have resulted in loss of revenue of \$44.7 million to the highway fund and \$19.1 million to the general fund. The general fund would have lost an additional \$31 million in appropriations. Most of the provisions in the bill either have been addressed in other legislation, for example HB 1445, voted out by the house, which removed campgrounds from the rooms and meals tax, and HB 1607, passed by the house, which established principles of reasonable compensation. Other sections were eliminated from consideration by the sponsors, such as the cut to the highway fund. On March 17th the house sent HB 1607 to interim study. That bill identified several areas of confusion in the way that certain taxes, including the interest and dividends tax on LLCs, are applied to small business. The governor shares some concerns about issues relating to the LLCs and has asked that any repeal of this tax be part of an effort to study all of the state's business taxes. Because taxes are rightly the purview of the Ways and Means Committee, and because the House has already taken action to have Ways and Means study the issues surrounding the LLC tax, the majority supported the motion of ITL. No amendments were brought to the committee. **Vote 14-10.**

Rep. Neal M Kurk for the **Minority** of Finance: Only one major piece of this bill has not yet been addressed on the merits by the House: the LLC tax. The minority believes this tax has adversely impacted small businesses and the number of jobs they create. This tax has harmed New

Hampshire's reputation as a good state in which to do business. As long as this tax is on the books, the state's recovery from the recession will be slowed and the job opportunities for the 7.1% of our fellow citizens who are unemployed will be fewer. The governor has publicly called for the repeal of the LLC tax. The minority agrees with him and believes that it should be done now.

LEGISLATIVE ADMINISTRATION

HB 1693, relative to the powers of the joint committee on legislative facilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen J Shurtleff for the **Majority** of Legislative Administration: This bill would have overturned a decision of the Joint Legislative Facilities Committee that banned weapons in the State House complex. The right to bear arms has never been completely unrestricted.

Historically, the decision to allow or not allow guns in the State House complex has always been left to the facilities committee. The committee policy banned weapons in the complex from September of 1996 until March of 2006. The committee lifted the ban on March 28, 2006, and reinstated it on December 21, 2009. Indeed, the committee had a policy in place banning guns in the State House complex while the sponsor of this bill was the Speaker of the New Hampshire House. Proponents argued that the facilities committee decision should be overturned because the House voted earlier this year to reject a bill that would have prohibited, by statute, the carrying of guns in the State House. However, the majority notes that that bill would also have made the carrying of a gun into the State House complex a Class B felony, and would have required the installation of metal detectors at great expense, measures the majority did not believe were advisable. The majority believes the balance struck by the facilities committee was the most appropriate one. Forty six other State Houses have gun bans. School children visiting the State House should not be confronted by firearms. Legislators should not have to fear intimidation from gun-carrying members of the public. Security personnel should have the ability to ask a person carrying a weapon in the complex to leave. Most importantly, the majority believes that this decision should remain where it has always belonged, with the Joint Committee on Legislative Facilities. We should not be using the legislative process to circumvent the facilities committee's rules. **Vote 10-7.**

Rep. John B Hunt for the **Minority** of Legislative Administration: This piece of legislation is about one issue: the rights of the citizens of our state to bear arms. On December 21, 2009, eight members of the Joint Legislative Facilities Committee voted, without public notice or even announced on their agenda, to unilaterally remove the right of citizens to bear arms in the State House complex (the State House, the Upham Walker House and the Legislative Office Building). A request was made to the Rules committee to introduce legislation to deal with this issue; it was denied as the vote of the Facilities committee was up for reconsideration, which failed. Another request of the rules committee was made to introduce this legislation and this time the committee unanimously agreed to allow for late drafting and introduction. Unfortunately, and disappointingly due to timing the public hearing could not be scheduled prior to March 15 – a hearing which was heavily attended. Members from the public testified in support of the bill along with members from second amendment advocacy groups. Gun Owners of New Hampshire advertised support of the bill on their website and one of their board members offered support in testimony and the NRA supported this legislation in an action alert. Opponents mentioned feeling unsafe during a contentious debate last year in which a few members of the public were said to be openly carrying firearms in the gallery of the House. House Rules prevent anyone from carrying firearms on the House floor, in the anterooms and in the gallery. This rule was NOT enforced that day, as it could have been, and this bill does not attempt to deal with that House rule which has been in effect since 1971 and would remain in effect upon passage of this bill. Nothing in this bill would allow the carrying of firearms or other weapons on the House floor or in the gallery. Had that rule been enforced, we are sure that many of the complaints addressed by the sponsors of the two bills banning weapons in all public buildings and installing metal detectors in the State House would not have been raised. This bill fundamentally restores the rights of people to carry weapons in the building they have bought, paid for and belongs to them.

PUBLIC WORKS AND HIGHWAYS

SB 305, naming a bridge in Lisbon in honor of Specialist Alan J. Burgess. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edmond D Gionet for Public Works and Highways: Senate Bill 305 is to honor Specialist Alan J. Burgess who was killed on October 15, 2004 while on patrol duty in Mosul, Iraq. This bill was amended to include the state designated number 094-114, locally known as the Salmon Hole Bridge on Route 302 and 10 in the town of Lisbon. **Vote 13-0.**

HB 2010, relative to the state 10-year transportation improvement program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B Campbell for Public Works and Highways: This bill is the Ten-Year Transportation Improvement Plan for the State of New Hampshire, covering the period from 2011-2020. The plan contains projects in the following categories and estimated total figures: highway funding - \$2.6 billion; turnpike improvements - \$464 million; airports - \$260 million; federal transportation funding - \$196 million and rail - \$225 million. Many of these projects were submitted by municipalities, via regional planning offices and went through a six month series of 37 statewide public hearings by the GACIT Committee (Governor's Advisory Commission on Intermodal Transportation), which consists of the Governor and Council and the commissioner of transportation. Their final proposal was submitted to the committee, which held a public hearing and numerous work sessions. This plan, for the second time, includes an assumed inflation factor of 3% for projects in the plan. The highway funded projects totaling 2.6 billion dollars (including betterment, state aid to bridge and highways, and all state highways and bridges) are over-programmed by \$451 million or 17%. The committee accepted this because, since the governor signed SB 450 six weeks ago, there is now a process for the first time, to remove projects from the Ten-Year Plan when they become non-permittable or environmentally, economically or otherwise unfeasible. Over ten years a certain percentage of projects currently in the plan will be eliminated. The committee's work and the resulting amendment focused priority on financial considerations and transparency. The highway fund (already over-programmed) assumes level funding from the gas tax and motor vehicle fees, even though over 40 million dollars a year in motor vehicle registration fees will be sunsetted on July 1, 2011. Significantly, the project to improve and widen I-93 between Exit 3 in Windham and I-293 in Manchester is underfunded by over \$250 million. Also, this plan assumes all state match for federal projects utilizes turnpike toll credits for the state fund share instead of a cash contribution. This results in \$27 million a year less in actual road and bridge projects and maintenance. According to the commissioner of DOT, several turnpike projects that are in the plan, including the conversion to overhead tolls in Bedford and Hooksett, and the Spaulding Turnpike improvements north of Dover are unfunded without an overall increase in toll revenues. Additionally, many highway, turnpike, aeronautic, mass transit and congestion mitigation projects are partially or exclusively funded by federal dollars. The plan assumes level federal funding. Sections 2, 3 and 4 of the amendment make it clear that without additional highway fund revenue to replace the lost registration revenue, and without an increase in the turnpike toll revenue, and if there is any reduction in federal aid, then many of the projects listed in this Ten-Year Plan will be eliminated or delayed. Reiterating current law, the amendment makes the widening of I-93 to four lanes in each direction between Salem and Manchester the plan's top priority, and authorizes additional expenditures on I-93 and its \$250 million shortfall should more revenue become available. The committee amendment also establishes legislative budgeting oversight of the potential extension of passenger rail service into the state. Prior to the expenditure of any state or federal dollars on any construction or operation of passenger rail service in the state, both its capital and operations budgets must be legislatively approved by the General Court. The expenditure of federal money on planning or studies related to passenger rail is exempted. Finally, the amendment directs the commissioner to conduct two studies related to the Franconia Notch Parkway and the F. E. Everett Turnpike between Nashua and Manchester. **Vote 18-0.**

WAYS AND MEANS

HB 271, relative to relevant information in a workers' compensation claim. **OUGHT TO PASS.**
Rep. William G Johnson for Ways and Means: This bill establishes a \$25 penalty for violations involving the submission of non-relevant medical records in workers' compensation claims. The maximum penalty, commensurate with other insurance industry penalties, will only apply to aggressive violations. The committee heard no opposition to the bill and the penalty, including from a representative of the insurance companies. **Vote 10-3.**

HB 507-FN, relative to taxes, fees, and credits under the insurance laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dennis P Vachon for the **Majority** of Ways and Means: This bill increases certain insurance fees and taxes to the benefit of the general fund. The committee amendment only reinstates the insurance company application fee increase from \$300 to \$1,000 as initially requested by the New Hampshire insurance department. The department requested this fee increase in order to discourage companies from making applications that they do not then follow through with. It costs the department in excess of \$1,000 when it has to repeatedly review applications and request that carriers submit complete data, and those costs are necessarily passed on to those insurance companies who do business in the state because they fund the operations of the department. The committee felt that the purpose of discouraging frivolous applications could not be met by a small increase. The bill as already passed would also increase various filing fees for licensed carriers by \$25 when they submit certain charter documents. The increase in the application and charter document fees is expected to have minimal impact on revenues. More importantly, the bill would increase the premium tax for foreign insurance companies that insure surplus lines (unusual items such as ferris wheels and Xtreme sport players) from 2% to 3%, which is estimated to generate an additional \$840,000 in premium taxes annually. Two-thirds of states, including the other New England ones, have the premium tax law that applies to other carriers applicable to ocean marine insurance. The latter change is expected to generate approximately \$96,000 in FY 2011, \$79,000 in FY 2012, and \$80,000 in FY 2013. Finally, the bill clarifies that title insurance is subject to the tax on insurance premiums to reflect current practice; this is not expected to have any impact on state revenues. **Vote 10-9.**

Rep. David J Bettencourt for the **Minority** of Ways and Means: This legislation raises the fee on insurance policies issued by out-of-state insurance companies. This increase will almost certainly be passed onto consumers. This means, an increase in the cost of policies on New Hampshire policy holders. In addition, these fee increases represent a disincentive to do business in New Hampshire. The minority believes increasing these fees is a bad policy.

HB 558-FN, establishing a procedure for leasing state parks. **OUGHT TO PASS.**

Rep. Gilman Shattuck for Ways and Means: This bill has had a very complicated history both in its policy committee and on the floor of the house. Both that committee and the house now agree on policy for leasing state parks. All lease payments resulting from the passage of this bill shall be deposited in the state park fund and therefore will have no impact on general fund revenue. The minority vote was a vote on the policy already decided on the floor. The bill, as amended, has no issues for the ways and means committee. **Vote 10-6.**

HB 630-FN-A, relative to live racing in New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William G Johnson for the **Majority** of Ways and Means: The subject matter of this bill is only focused on live dog racing, a policy issue already settled by the policy committee and the House. Horse racing is totally unaffected. The prohibition of live dog racing is supported by the state agency and the dog tracks. The state and the tracks save money. The bill is revenue neutral. **Vote 12-5.**

Rep. Dennis P Vachon for the **Minority** of Ways and Means: The minority believes that the legislature is being penny wise and pound foolish with the outlawing of live greyhound racing. Although the House voted to kill the attempt to make live greyhound racing optional at the track two years ago, budget writers squirreled the policy into the budget for this biennium. While the committee has confirmed the approximate \$430,000 in annual savings by not having to regulate live dog racing, the lack of oversight from having state personnel on the premises at tracks will

leave the door open for activities that may have a much larger impact on state revenues. Further, the policy leaves pari-mutuel regulations solely at the expense of revenues raised at the state's only horse racing track. Rockingham Park has announced that it will cease live horse racing and the simulcast association governing horse racing is expected to pull their license to simulcast horse racing. The loss of revenue from racing may prove to be substantial for the state and many more times the amount saved by budget writers.

HB 1239, relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for the **Majority** of Ways and Means: The purpose of this bill is to encourage compliance regarding dredge and fill activity in wetlands partly by increasing the fine to \$5000 from its current \$2000. The current fine has been in place for decades and it is believed it no longer is enough to discourage serious violations. The committee heard testimony from a representative of developers that their primary concern with this bill is that the department not have the ability to impose the fine more than once for the same infraction, i.e., daily-\$5000 times the number of days not in compliance. The committee amended the bill to add language that clearly stated the fine could only be applied once and the industry was satisfied. The department agreed. This bill also allows the department to suspend review of an application if the applicant has a violation that is applicable to this section. The department can hold the suspension in place until the subject of the enforcement action is corrected. This is in consideration of the requirement for the department to return 25% of the application fee if the department has not acted upon an application within an acceptable time frame. **Vote 17-3.**

Rep. Jordan G Ulery for the **Minority** of Ways and Means: Despite the general approval of a definite, certain fine by the home builders association, this huge increase is untenable. The amendment clarifies that the fine is per violation, not per day, which is essential. Despite that improvement, we have no business increasing a fine by such a percentage and it is totally outrageous.

HB 1286, requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ron J Mack for Ways and Means: The policy committee felt that nonpublic schools and public academies should obtain criminal record checks for part time substitute teachers, student teachers, student interns and volunteers. The committee felt an additional \$25 fee for administrative costs was excessive and removed the fee from the bill. The criminal records check cost itself can be a burden to those teachers and some objected on these grounds to the original policy. **Vote 15-3.**

HB 1520, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan W Almy for the **Majority** of Ways and Means: Our state parks have regulations about littering, reckless skiing, using an ATV on unauthorized trails, camping where we shouldn't, and more. But there are no reasonable penalties that police can apply to violators, only fairly draconian ones. The consequence is sometimes serious harm to our parks and their attractiveness to visitors. The policy committee developed an arrangement to split fines with local police, since there are no longer park enforcement staff, and allowed DRED to set fines up to \$2000 in rules. After reviewing the offenses and the fines that should be applied, the department realized that \$2000 was much too high. The committee amendment lowers this maximum to \$250, and sunsets the fining authority in three years to allow review of the policy. The criminal justice committee was consulted on their aspects of the bill and agree with the role of the police and the option to charge violation or misdemeanor. **Vote 12-8.**

Rep. Russell T Ober for the **Minority** of Ways and Means: This bill would amend RSA 12-A:1-d which defines the police powers of the department of resources and economic development (DRED). Current police powers are limited to the enforcement of state laws and rules of DRED by employees of DRED on state property. The ostensible solution to this problem is to allow

municipal officials to use the summons procedure under RSA 31:39-d to cite individuals for violations of DRED rules. Those municipalities which perform these functions will receive 50% of the fines for their enforcement. This means that local police can cite citizens for violations of DRED rules (fines up to \$250) and retain half of the money. Some police departments would not be interested in using manpower to enforce DRED rules on state-owned property, others would perhaps see a new source of income. Is this one more step towards a police state in New Hampshire? This bill should not be passed.

HB 1534, relative to the issuance of air permits and certain fees relative to air permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gilman Shattuck for Ways and Means: This bill is at the request of the department of environmental services. Its intent is to clarify and streamline current law and modify current law to be consistent with federal law. It is the public policy of the state of New Hampshire under RSA Chapter 125 to achieve and maintain a reasonable degree of purity of the air resources of the state. Revenue collected under this chapter is deposited in the air resources fund and is used to carry out this policy. Fees are used to recover costs of permit applications and costs of overseeing implementation and enforcement of permits. Setting fees in rules was questioned by the office of legislative services, so the department is requesting the legislature's authorization. This bill establishes in law explicit criteria to be used by the department to set the fees. These fees currently are imposed annually. A change proposed in this bill would allow permit-by-notification for minor sources of air pollutants. The committee amendment allows for a one-time fee payable when such a permit is issued, rather than annual fees. The committee heard testimony from the New Hampshire association of contractors that this legislation is acceptable, especially as amended. **Vote 12-5.**

HB 1613-FN, relative to the general banking laws of the state. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert M Walsh for the **Majority** of Ways and Means: This bill was requested by the N.H. banking department to revise its schedule of application fees for charter savings banks and trust companies. The banking department functions solely on the fees generated from the banks it supervises. Should the banking department revenues be inadequate for application examinations, then all other banks are assessed to cover the inadequate revenues. Recent cost analyses by the department have shown significant excesses of costs over current fee assessments. This bill will allow the banking department to implement an enhanced fee structure and cover its application examinations. **Vote 14-5.**

Rep. David J Bettencourt for the **Minority** of Ways and Means: The minority of the committee believes that a fee increase of this magnitude will discourage banking institutions from coming to New Hampshire, which will decrease competition and hurt the free market system.

LAI D ON TABLE

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

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

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

HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses. (Pending question is Ought to Pass.)

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

HOUSE BILLS AMENDED BY THE SENATE

HB 154, relative to truancy. (SJ 1/13/10)

HB 216-FN, relative to fees for legal services rendered to worker' compensation claimants. (SJ

1/21/10)

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases. (SJ 1/27/10)

HB 587-FN, establishing an information and analysis center within the department of safety. (SJ 1/21/10)

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers. (SJ 1/6/10)

HB 621, relative to establishing procedures for identifying criminal defendants who may have mental illness. (SJ 1/27/10)

HB 651-FN, relative to regulations of private investigative agencies and security services. (SJ 1/21/10)

COMMITTEE MEETINGS

MONDAY, MARCH 22

COMMISSION TO EXAMINE DRIVING WHILE IMPAIRED EDUCATION AND INTERVENTION PROGRAMS (HB 1311, Chapter 256:10, Laws of 2008), Room 202, LOB
1:00 p.m. Regular meeting.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 305, LOB
1:00 p.m. Subcommittee meeting.
3:00 p.m. Subcommittee meeting.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB
9:00 a.m. Regular meeting.

TUESDAY, MARCH 23

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

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB
10:00 a.m. Informational briefing by the Insurance Department on telemedicine.
11:00 a.m. **SB 368**, relative to notice required under the retail selling statute.
11:30 a.m. **SB 339**, excluding certain governmental and nonprofit entities from certain licensing requirements as mortgage bankers, brokers, or services.
1:00 p.m. **SB 307**, relative to voting by members of voluntary corporations and associations.
1:30 p.m. **SB 455-FN**, relative to New Hampshire HealthFirst.
2:00 p.m. **SB 452-FN**, relative to jurisdiction over certain health insurers.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB
10:30 a.m. **SB 322**, allowing the director of the division of state police to place an employee on administrative leave in extraordinary circumstances.
11:15 a.m. **SB 470-FN**, relative to retirement system service credit for employment as a full-time police officer with the university system of New Hampshire.
1:00 p.m. **SB 491**, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors.
1:45 p.m. **SB 493-FN**, relative to the use of best value contracting by state agencies and establishing a best value procurement commission.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB
10:00 a.m. Rescheduled public hearing on **SB 318**, relative to the authority to dispense therapeutic contact lenses.

- 11:00 a.m. Rescheduled public hearing on **SB 410**, establishing a committee to study New Hampshire's rate of infant mortality and develop proposals for remediation.
- 1:00 p.m. **SB 343-FN**, relative to Medicaid managed care.
- 2:00 p.m. Executive session on **SB 306**, extending the commission to develop a legislative plan to meet the needs of certain adults with developmental disabilities, **SB 310**, relative to studies of case management and sign language interpreters for the deaf and hard of hearing, **SB 320**, relative to occupational exposure to the human immunodeficiency virus, **SB 331**, establishing a governor's commission task force on substance use disorder treatment for Medicaid eligible individuals.
- 2:45 p.m. Subcommittee work session on **SB 427**, adding duties to the oversight committee on health and human services.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:15 a.m. Full committee meeting on Department of Environmental Services stream crossing rules and public works projects.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. **SB 73-FN**, requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.
- 11:00 a.m. **SB 424**, relative to the consumer advocate's access to confidential information provided to the public utilities commission.
- 1:00 p.m. **SB 433**, relative to underground facility damage prevention and establishing the position of director of safety and security of the public utilities commission.
- 1:45 p.m. **SB 327**, relative to disclosure of electric service energy sources and environmental characteristics.
- 3:00 p.m. Continued briefing by the PUC on utility pole attachments.

TRANSPORTATION, Room 203, LOB

- 9:00 a.m. Ad hoc committee on number plates.
- 10:30 a.m. Executive session on **SB 302**, relative to notice of driver's license expiration, **SB 303**, relative to motor vehicle dealers, transporters, and repairers, **SB 321**, relative to the state coordinating council for community transportation in New Hampshire, **SB 326**, relative to certain extensions for temporary plates, **SB 362**, relative to giving swimmers and kayakers the right of way, **SB 363**, requiring the suspension of boating privileges for refusing a blood alcohol test, **SB 364**, recognizing Canadian boating safety education certificates.

THURSDAY, MARCH 25

COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House

- 1:00 p.m. Rescheduled regular meeting.

FRIDAY, MARCH 26

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 109 Pleasant Street, Concord

- 9:30 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB

- 10:00 a.m. Regular meeting.

TASK FORCE TO STUDY EMPLOYEE MISCLASSIFICATION (SB 500, Chapter 378:7, Laws of 2008), Room 307, LOB

1:30 p.m. Regular meeting.

MONDAY, MARCH 29

AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION (RSA 195-I:2), Room 303, LOB

1:00 p.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

1:00 p.m. Non-public session of the Complaint Review Committee.

3:00 p.m. Special meeting.

TUESDAY, MARCH 30

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. Subcommittee work session on ***SB 463-FN***, relative to regulation of mental health practitioners by the board of mental health practice.

FRIDAY, APRIL 2

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Continued regular meeting.

CITIZEN-FUNDED ELECTION TASK FORCE (HB 513, Chapter 237:1, Laws of 2009), Room 103, State House

2:00 p.m. Regular meeting.

JOINT COMMITTEE ON ADDRESS, Rooms 206-208, LOB

10:00 a.m. Organizational meeting on ***HA 1***, for the removal of Michael Garner, marital master in the judicial branch family division in Laconia, Belknap county, from his said office, ***HA 2***, for the removal of Lucinda Sadler, district court judge, from her said office and ***HA 3***, for the removal of Philip Cross, marital master in the judicial branch family division in the Derry District Court, from his said office.

MONDAY, APRIL 5

CITIZENS TRADE POLICY COMMISSION (RSA 19-L), Room 307, LOB

9:00 a.m. Regular meeting.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 305, LOB

10:00 a.m. Regular meeting.

COMMISSION TO STUDY THE ISSUE OF STORMWATER MANAGEMENT (HB 1295, Chapter 71:1, Laws of 2008), Room 305, LOB

1:00 p.m. Regular meeting.

COMMITTEE TO STUDY THE LIST OF NON-REGULATORY BOARDS, COMMISSIONS, COUNCILS, ADVISORY COMMITTEES, AND TASK FORCES UNDER PARAGRAPH I (HB 2, Chapter 144:87, II (a), Laws of 2009), Room 306, LOB

1:00 p.m. Regular meeting.

STATE COMMITTEE ON AGING (RSA161-F:7), Brown Building, 129 Pleasant Street, Concord

10:00 a.m. Regular meeting.

TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007), Room

206, LOB

1:15 p.m. Regular meeting.

TUESDAY, APRIL 6

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **SB 384**, authorizing the department of health and human services to provide private adoption agencies access to founded reports of abuse and neglect maintained by the department.

10:45 a.m. **SB 407**, relative to records maintained by the department of health and human services in abuse and neglect cases.

11:30 a.m. **SB 484**, allowing the New Hampshire children's trust fund to become a private not-for-profit entity.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. **SB 56**, expanding the duties of the commission to study issues relative to groundwater withdrawals.

1:00 p.m. **SB 411**, relative to permitting of large groundwater withdrawals.

THURSDAY, APRIL 8

COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House

1:00 p.m. Rescheduled regular meeting.

FRIDAY, APRIL 9

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Public Utilities Commission, Room A, 21 South Fruit Street, Concord

9:00 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

10:00 a.m. Non-public session of the Complaint Review Committee.

1:00 p.m. Regular meeting.

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB

9:30 a.m. Regular meeting.

VOLUNTEER NH (RSA 19-H), Greater Manchester Chapter of the American Red Cross, 1800 Elm Street, Manchester

9:00 a.m. Regular meeting.

MONDAY, APRIL 12

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

1:30 p.m. Subcommittee meeting.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

9:00 a.m. Regular business.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB

1:00 p.m. Regular meeting.

FRIDAY, APRIL 16

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Regular meeting and complaint hearing.

CITIZEN-FUNDED ELECTION TASK FORCE (HB 513, Chapter 237:1, Laws of 2009), Room 103, State House

2:00 p.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 305-307, LOB

9:30 a.m. Regular meeting.

MONDAY, APRIL 19

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

1:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House

9:00 a.m. Regular meeting.

THURSDAY, APRIL 22

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Department of Education, Walker Building, Room 100, 21 South Fruit Street, Concord

3:00 p.m. Regular meeting.

COMMISSION TO DEVELOP ALTERNATIVES TO THE DISPOSAL OF MEDICAL SHARPS IN HOUSEHOLD WASTE (HB 1502, Chapter 259:2, Laws of 2008), Room 304, LOB

1:30 p.m. Regular meeting.

COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House

1:00 p.m. Rescheduled regular meeting.

FRIDAY, APRIL 23

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in executive session on Monday, **March 22**, 2010 at 9:00 a.m. to work on the County Budget. The meeting will take place in the Carroll County Administration Building, Delegation Room, at 95 Water Village Road, Ossipee. The Delegation

will also consider and act upon any other business that may properly be brought before the meeting. The Executive Committee meeting will be followed by a meeting of the County Convention to vote on any recommendations or other business.

Rep. Karen C. Umberger, Clerk
Carroll County Delegation

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will be meeting on **Friday March 26, 2010** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown, NH.

Rep. Maurice Pilotte, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Rockingham County Delegation Audit Committee will meet on Monday, **March 29** at 4:00 p.m. at the Delegation Office, Rockingham County Complex Brentwood.

Rep. David A. Welch, Clerk
Rockingham County Delegation

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

Rep. David A. Welch, Clerk
Rockingham County Executive Committee

REVISED FISCAL NOTES

The following House Bills have revised fiscal notes: HBs 133, 213, 216, 218, 232, 286, 425, 507, 558, 561, 564, 569, 579, 629, 646, 651, 660, 662, 681, 1128, 1149, 1155, 1166, 1168, 1170, 1239, 1281, 1293, 1334, 1378, 1380, 1428, 1441, 1452, 1495, 1506, 1508, 1513, 1515, 1537, 1541, 1566, 1569, 1586, 1602, 1603, 1606, 1611, 1643, 1649, 1651, 1653, 1664, 1668, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1683; SBs 72, 157, 166, 181, 365, 394, 463.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

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

Rep. Jordan G. Ulery

Any one interested in joining the Bi-Partisan group to oppose new tolls on Route 93 contact Rep.

Frank Sapareto at sapareto@comcast.net.

Rep. Frank V. Sapareto

The next meeting of the Rockingham County Democrats will be held at the Loaf & Ladle Restaurant in Exeter on Monday evening, **March 22**. The social hour will be from 6:30 to 7:00 p.m., and the meeting will run from 7:00-8:00 p.m. Guest speaker will be Peggo Hodes, wife of current 2nd District Congressman and US Senate candidate Paul Hodes. Meetings are held the fourth Monday of each month and all Rockingham Democrats are encouraged to attend.

Reps. Maureen Mann and Donna Schlachman

The Red Cross Bloodmobile will be parked in front of the State House and ready for donations on Tuesday, **March 23rd**, from 9:00 a.m. until 3:00 p.m. Please contact Health Services (x 2575) to set up an appointment. We hope that we can make a significant donation to aid the Red Cross in their work here and abroad.

Rep. Gene G. Chandler

The members of NAIFA (National Association of Insurance and Financial Advisors) together with the Coalition of Insurance and Financial Producers cordially invite all House members and staff to a reception in the State House cafeteria on Wednesday, **March 24** from 7:30 a.m. to 9:30 a.m. where breakfast will be served. Look forward to seeing you there.

Reps. Mary Jane Wallner and Sherman A. Packard

Progressive Legislative Briefing: Breakfast and Cross-Over Politics! All legislators and staff are cordially invited to mingle with a diverse selection of NH's leading labor, environmental, social and citizen advocacy organizations on Wednesday, **March 24th** from 8:00 to 9:30 a.m. in State House Room 100. Staff and key leaders will be on hand to discuss issue priorities and legislative briefings on cross-over bills. A light breakfast and drinks will be served. For a listing of organizations, visit <http://www.granitestateprogress.org/page/s/legbreakfast10>

Rep. Tara Sad

All legislators are cordially invited to join the New Hampshire State Alliance of YMCAs in the State House cafeteria on Wednesday, **March 24** during the lunch break for an informal luncheon reception. Sandwiches, hot and cold drinks, and dessert will be provided.

Rep. Larry Emerton

You and your family are cordially invited to join Jennifer Horn, Republican Candidate for Congress, for a spaghetti supper at Norton's Classis Café, Main Street, Nashua on Wednesday, **March 24** from 5:30 p.m. to 7:30 p.m. Suggested donation: \$15 per person, \$25 per family. RSVP to David Tille at 369-0272 or tilleco@aol.com.

Rep. Carl Seidel

The Dover Democratic Committee will hold its annual Franklin Roosevelt Dinner on Saturday, **March 27** at 7:00 p.m. in the Niles Community Center, Union Street, off Court Street, near downtown Dover. Special guest, Rep. Paul Hodes. Tickets are \$15 (\$5 for children). For more information and reservations, contact carole.appel@comcast.net, 749-7344.

Rep. David Watters.

All legislators and legislative staff are invited to the annual New Hampshire Water Pollution Control Association (NHWPCA) Legislative Breakfast on **March 31st** 7:00 to 8:30 a.m. at the Holiday Inn in Concord. Come learn about waste-water treatment, biosolids management and advances toward sustainability. Wastewater treatment facilities are critical to protection of public health and the environment, and their upkeep and the advancement of their programs impacts budgets state-wide – even in non-sewered communities, which depend on them for septage disposal. Presentations will highlight continued funding needs and current efforts toward making these facilities more sustainable. Policy for wastewater treatment must forge a balance between environmental protection, societal support, and cost effectiveness.

Reps. Burton W. Williams and Susan Wiley

Lincoln Reagan Dinner sponsored by Grafton County Republican Committee will be held on Thursday, **April 1** at the Indian Head Resort, Lincoln. Social Hour: 5:30 to 6:30 p.m. Cash Bar. Buffet dinner 6:30 p.m. \$40 per person, reservations paid after March 22 are \$50 per person. Checks payable to Grafton County Republican Committee. Mail to: Barb Dutile, 39 Slate Ridge Drive, Haverhill, NH 03765. Keynote speaker will be Gary Earl Johnson, former Governor of New Mexico. Meet and greet republican candidates for US Senate: Kelley Ayotte, Jim Bender, Bill Binnie and Ovide Lamontagne. US Congressional District 2: Charlie Bass, Bob Guida and Jennifer Horne. NH Governor: Jack Kimball, John Stephen and Karen Testerman. Each candidate will have four minutes, if time allows there will be a Q & A.

Rep. Edmond Gionet

The New Hampshire City and Town Clerk's Association cordially invites all members of the New Hampshire Legislature for a legislative breakfast to be held Tuesday, **April 6** from 8:00 a.m. to 10:00 a.m. in the State House Cafeteria.

Rep. Mary Cooney

University of New Hampshire President Mark W. Huddleston and the UNH Alumni Association are pleased to invite members of the New Hampshire General Court and staff to the Annual UNH Legislative Breakfast on Wednesday, **April 7th** from 7:30 to 9:00 a.m. at St. Paul's Church, Park Street, Concord. Join President Huddleston as he shares his strategic vision for UNH in 2020 and its growing impact as an economic engine for the state. Learn from UNH students about their experiences working with NH organizations.

Rep. Marjorie K. Smith

Come celebrate National Public Health Week with the New Hampshire Public Health Association. All legislators and staff are invited to attend NHPHA's Annual Meeting held at the Red River Theatre in Concord on Wednesday, **April 7th** from 4:30 to 7:00 p.m. The cost for

legislators is \$20. Please RSVP by emailing info@nhpha.org or calling 228-2983.

Rep. James P. Pilliod

All legislators and staff are welcome to a free massage in Room 201, LOB on **April 13** from 9:00 a.m. to 2:00 p.m. sponsored by the New Hampshire Chapter of the National Association of Massage Therapists.

Rep. Benjamin C. Barody

Nominate and Register! On Tuesday, May 11th, The Governor's Conference on Volunteerism will be held at the NH Technical Institute in Concord. The day will be full with registration and coffee time, morning session, luncheon with Keynote Speaker Alex Ray of "The Common Man" restaurants, Governor Lynch's presentation of the Outstanding Volunteer Manager of the Year Award, afternoon session, and new this year - an end of day networking reception. CEU's from NHTI are available. To make a nomination for the Outstanding Volunteer Manager of the Year Award, please visit www.volunteernh.org before **April 16th**. For more conference information, send an email to registration@volunteernh.org with "Governor's Conference 2010" typed in the subject line, or call Voice TTY 1-800-780-8058.

Rep. Joy K. Tilton

Bring the whole family to the grounds of the NH Fish and Game Department Headquarters, 11 Hazen Drive in Concord on Saturday, **April 17** from 10:00 a.m. to 3:00 p.m. for Discover WILD New Hampshire Day. The annual community conservation education event is being sponsored in conjunction with the NH Department of Environmental Services. It's a free fun-filled day of activities for the whole family, with lots to see – and even more to do. Try your hand at archery, learn to cast a fishing line, or find your way with a map and compass. Build a duck box, tie a fly, do a wildlife craft activity, take a nature walk or learn how to landscape for wildlife. The list is endless. Visit the Discovery Room and see if you can discover the various wildlife mounts including a mother moose and her calf. Meet Smokey Bear, trained falcons, live trout and salmon and numerous types of wildlife. More than 35 exhibitors from an array of nature, environmental and conservation organizations will be on hand, rain or shine, to help you learn about NH's wildlife, habitat and natural resources. Remember: Free admission. For more information call 271-3211 or visit www.wildNH.com

Rep. Robert J. L'Heureux

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

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

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

Rep. Cynthia J. Dokmo

State House Visitation Schedule

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

Please contact the Visitor Center concerning school tour booking information.

Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Deborah Rivers, Public Information Administrator

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Group#/Grade</u>
March 22	9:00	Broken Ground School – Concord	25/4
March 22	10:00/11:30 SH/SC	Stratham Memorial School	60/4
March 23	10:30	Lamprey River Elementary School – Raymond	60/4
March 23	9:00	Greenland Central School	45/4
March 24	8:15	Hollis Townfolks	
March 24	9:45/11:00 SH/HM	Hooksett Memorial School	88/4
March 24	12:15	Wheelock Elementary School – Keene	38/4
March 25	9:45/11:00 SH/HM	Hooksett Memorial School	88/4
March 26	9:30	Jaffrey Grade School	50/4
March 26	10:30	East Kingston Elementary School	45/4
March 29	9:30/10:45 SH/HM	Pembroke Hill School	95/4
March 29	3:00	Teen Pact	30/HS
March 30	9:00	Stevens High School –German Exchange Students – Claremont	20/HS
March 30	10:00/11:30 SH/HM	Marston Elementary School – Hampton	80/4
March 31	10:00/11:30 SH/HM	Marston Elementary School – Hampton	60/4
April 1	9:00/10:30 SH/HM	Barnstead Elementary School	65/4
April 1	11:00	Hopkinton High School –French Exchange students	35/HS
April 2	9:00/10:30 SH/F&G	Henry Moore School – Candia	100/4
April 2	11:00	Disnard School – Claremont	40/4
April 2	11:30	Teen Pact	32/4
April 2	12:30/1:45 SH/HM	Woodbury School – Salem	90/8
April 5	9:00	French Exchange Students – Nashua	40/HS
April 5	10:00/11:15 SH/F&G	Mastway School – Lee	80/4
April 6	9:30/11:00 SH/HM	Maple Ave. School – Goffstown	105/4
April 7	10:00/11:30	Newmarket Elementary School	80/4
April 8	9:00	Nashua Christian Academy	17/4
April 8	10:00	Henniker Community School	30/4

April 8	11:30	Ossipee Central School	53/4
April 9	9:30	Lisbon Regional School	36/4
April 9	11:15	Moultonborough Elementary School	47/4
April 9	2:00	Lighthouse Home School- Loudon	35/3-5
April 12	9:30/11:00 SH/HM	Thornton's Ferry School – Merrimack	75/4
April 13	9:30	Thornton's Ferry School – Merrimack	50/4
April 13	11:00	Rollinsford Grade School	40/3&4
April 13	1:00	Wakefield, Brookfield, & Effingham Home Schoolers	50
April 14	10:00/11:30 SH/HM	Crescent Lake School - Wolfeboro	80/4
April 15	10:00/11:30	Garrison School – Dover	100/4
April 15	1:45	Vesta Roy for Excellence Group	15
April 15	11:45	Paul School – Wakefield	58/4
April 16	9:30/10:30 SH/HM	DAR	100
April 16	10:00/11:30 SH/SC	Symonds Elementary School- Keene	64/4
April 19	11:15/12:15	Little Harbor School – Portsmouth	78/4
April 19	9:15	Presentation of Mary Academy – Hudson	50/4
April 19	10:30	St. Anthony's School – Manchester	20/4
April 20	9:30/11:00 SH/HM	Epsom Central School	60/4
April 21	9:30	Girls Day at the State House	50
April 21	10:30/12:00 SH/HM	Nottingham West School – Hudson	70/4
April 22	9:30	Chester Academy	32/8
April 22	10:30/12:00 SH/HM	Nottingham West School – Hudson	70/4

WEDNESDAY, MARCH 24

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2010-0915h

Amendment to HB 507-FN

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

Amend RSA 400-A:29, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Application [~~\$300~~] ***\$1,000***

2010-0878h

Floor Amendment to HB 558-FN

Proposed by Rep. Swinford

Amend RSA 216-A:6-d, III as inserted by section 1 of the bill by inserting after subparagraph (k) the following new subparagraph:

(l) If the lease involves any portion of Franconia Notch state park, the lease shall include a provision requiring that, pursuant to 1925, 260, the portion of Franconia Notch state park known as the Franconia Notch forest reservation and memorial park, which was dedicated

as a memorial to the men and women of New Hampshire who have served the nation in times of war, shall be undisturbed except for necessary care and maintenance, that no burial site located in the memorial park shall be moved or disturbed in any way, except for necessary care and maintenance, and that the memorial park shall remain free of charge to visitors.

2010-0513h

Amendment to HB 626-FN

Proposed by the Committee on Ways and Means - C

Amend the bill by deleting sections 1-2 and renumbering the original sections 3-8 to read as 1-6, respectively.

Amend the bill by replacing section 1 with the following:

1 New Section; Voter Identification Card. Amend RSA 654 by inserting after section 13 the following new section:

654:13-a Voter Identification Card.

I. The town or city clerk shall issue a voter identification card made available by the secretary of state, upon request, to any person who is registered to vote in the town or city. The town or city clerk shall issue a voter identification card to every person whose name is added to the checklist after June 30, 2012. The town or city shall determine the method of distribution.

II. Each voter identification card shall bear a unique identification number assigned by the secretary of state.

III. Cards shall be issued on paper of a uniform weight, size, and color provided by the secretary of state. Voter identification cards shall be in substantially the following form:

VOTER IDENTIFICATION CARD

Identification No. _____
_____, NH
(city/town)

Date _____

I hereby verify that _____
(name of registered voter)

(street address of registered voter)

is a registered voter in the city/town of _____, county of _____, state of New Hampshire, United States of America, since

_____.
(state seal)

(election officer signature)

(voter's signature)

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 1 of this act shall take effect June 30, 2012.

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

2010-0771h

Amendment to HB 1226

Proposed by the Committee on Finance - R

Amend RSA 161-F:78 as inserted by section 1 of the bill by replacing it with the following:

161-F:78 Administration; Services. Subject to available federal, state and local funding, the department shall administer this subdivision and shall coordinate caregiver support services with existing services to caregivers and older adults. Caregiver support services shall be provided in a manner which develops person-centered, comprehensive, responsive and flexible support to caregivers in their role as the primary caregivers for aging family members.

2010-0996h

Amendment to HB 1239

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

Amend RSA 482-A:13 as inserted by section 2 of the bill by replacing it with the following:

482-A:13 Administrative Fine. The commissioner, after notice and hearing in accordance with the procedures set forth in RSA 541-A, is empowered to impose an administrative fine of up to ~~[\$2,000]~~ **\$5,000** for each ~~[offense]~~ **violation, irrespective of the duration of violation**, upon any person who violates any provision of this chapter. This fine is appealable under RSA 541. Any administrative fine imposed under this section will not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be placed in the nonlapsing fund authorized in RSA 482-A:14, III.

2010-0899h

Amendment to HB 1286

Proposed by the Committee on Ways and Means - R

Amend RSA 189:13-a, IX as inserted by section 1 of the bill by deleting subparagraph (c).

2010-0560h

Amendment to HB 1292-FN

Proposed by the Committee on Ways and Means - C

Amend RSA 146-E:6, I as inserted by section 6 of the bill by replacing it with the following:

I. The fuel oil discharge cleanup fund shall be available to owners of on-premise-use facilities and bulk storage facilities which are in compliance with this chapter, or owners of land where compliant bulk storage facilities were located, or owners of land where compliant on-premise-use facilities are or were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of bulk storage facilities or land where compliant bulk storage facilities were located shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II. Owners of on-premise-use facilities or land where compliant on-premise-use facilities are or were located shall be liable to the fund for the lesser of the initial \$500 of cleanup costs or the balance of the prior owner's initial cost liability, to the extent such amount is expended from the fund, or for such lesser amount as is expended.

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-9 to read as 8-10, respectively:

7 Fuel Oil Discharge Cleanup Fund Initial Cleanup Costs. Amend RSA 146-E, 6, II to read as follows:

II. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of on-site and off-site cleanup of fuel oil discharges in amounts not to exceed a total of \$500,000, incurred on or after October 1, 1992. Owners of on-premise-use facilities or land eligible under this chapter who have demonstrated financial need, may apply for reimbursement of costs to meet the requirements of RSA 146-E:4, I and II in amounts not to exceed a total of \$1,500 and may apply for reimbursement of underground storage tank abandonment or removal costs in amounts not to exceed a total of \$2,500, incurred on or after the effective date of this paragraph. ***For such owners who have demonstrated financial need, the amount of initial cleanup cost liability under paragraph I of this section shall be reduced to \$100.***

AMENDED ANALYSIS

This bill:

I. Removes provisions necessitating periodic re-issuance of underground storage tank facility permits and removes provisions which limit transfer of oil cleanup fund coverage.

II. Makes owners of eligible facilities liable for the lesser of the initial \$500 of cleanup costs or the balance of the cleanup cost.

III. Allows moneys of eligible facilities with financial difficulty to have a reduced liability.

2010-0995h

Amendment to HB 1293-FN

Proposed by the Committee on Ways and Means - C

Amend section 1 of the bill by deleting paragraph IV.

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

2 Commissioner of Safety; Rulemaking; Oil Import Records. Amend RSA 21-P:14, V(q) to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3, RSA 146-E:3, ***RSA 146-F:3***, and RSA 146-G:7 after consultation with the department of environmental services and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the department of environmental services.

3 Commissioner of Safety, Rulemaking, Oil Import Records; Version Effective July 1, 2015. Amend RSA 21-P:14, V(q) to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b ~~[and]~~, RSA 146-E:3, ***and RSA 146-F:3*** after consultation with the department of environmental services and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the department of environmental services.

4 Payment of Road Toll; Motor Oil Discharge Cleanup Fund. Amend RSA 260:38, IV to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b, RSA 146-D:3, RSA 146-E:3, ***RSA 146-F:3***, and RSA 146-G:7 and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services and the oil fund disbursement board. The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services.

5 Payment of Road Toll; Motor Oil Discharge Cleanup Fund Version Effective July 1, 2015. Amend RSA 260:38, IV to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b ~~[and]~~, RSA 146-E:3, ***and RSA 146-F:3*** and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services and the oil fund disbursement board. The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services.

6 Effective Date.

II. Sections 3 and 5 of this act shall take effect July 1, 2015 at 12:02 a.m.

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

AMENDED ANALYSIS

This bill repeals several sections of law enacted in 1995 relative to the oil discharge cleanup fund.

This bill also inserts cross references to the motor oil discharge clean up fund.

This bill is a request of the department of environmental services and the oil fund disbursement board.

2010-1026h

Amendment to HB 1441

Proposed by the Committee on Ways and Means - C

Amend RSA 21-M:8-h, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. Any person who was a victim of a crime under investigation by the cold case homicide unit as established in New Hampshire Laws 2009, 269:1 shall be eligible for victim's compensation regardless of the date of the crime. Compensation under this paragraph shall be limited to counseling expenses and expenses associated with the victim's participation in pre- and post-conviction proceedings incurred after the effective date of this paragraph. Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Victims' Assistance Commission. Amend RSA 21-M:8-g by inserting after paragraph III the following new paragraph:

IV. No later than September 15, 2010, and annually thereafter, the commission shall submit a written report detailing the number of claims for compensation made from the victims' assistance fund and the total amount of compensation granted from the fund for the preceding fiscal year, and the balance of the fund as of the end of the preceding fiscal year, to the chairpersons of the house and senate ways and means committees, the house criminal justice and public safety committee, and the senate judiciary committee.

AMENDED ANALYSIS

This bill provides that a victim of a crime under investigation by the cold case homicide unit shall be eligible for victim's compensation, regardless of the date of the crime, which are incurred after the effective date of this act.

The bill also requires that the victims' assistance commission submit a report on the number of claims and amount of compensation granted from the victims' assistance fund and the balance of the fund at the end of each fiscal year.

2010-0910h

Amendment to HB 1495

Proposed by the Committee on Finance - R

Amend the bill by replacing section 2 with the following:

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

2010-0921h

Amendment to HB 1513-FN

Proposed by the Committee on Ways and Means - C

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

AN ACT relative to fees collected by the secretary of state.

Amend the bill by replacing all after section 2 with the following:

3 Office Fees. Amend RSA 5:10 to read as follows:

5:10 Office Fees. Except as otherwise provided, the following fees shall be paid to the secretary of state for the use of the state: For every commission issued to a justice of the peace or to a notary public, \$75, \$25 of which shall be deposited into the fund established by RSA ~~660:31 for the use of the secretary of state and the attorney general as provided by RSA 455:17~~ **5:10-b**; for every certificate pertaining to the existence of a corporation, trade name, or other business entity, or writ served on the same, \$5; for every such certificate in long form, \$10; for every apostille provided under the Hague Convention of 1961 and for every certificate for a notary public or justice of the peace, \$10; for every other certificate under seal of the state, \$5; for engrossing private acts, \$1 for each page of 240 words; for expedited service of every 10 documents or any part thereof, \$25.

4 New Section; Notary Fee Account. Amend RSA 5 by inserting after section 10-a the following new section:

5:10-b Notary Fee Account. There is established in the state treasury a separate account to be known as the notary fee account. All fees which are credited to this account shall be continually appropriated to the secretary of state. The account shall be used by the secretary of state to fulfill the duties established by RSA 455:17. Twenty-five dollars of every application fee for a commission as a notary public or justice of the peace under RSA 5:10 shall be credited to this

account. The fund shall be nonlapsing, except that any balance remaining in the account over \$100,000 at the end of a fiscal biennium shall lapse to the general fund.

5 Application of Receipts. Amend RSA 6:12, I(b)(41) to read as follows:

(41) The fees collected by the secretary of state under RSA 660:1 ~~[and the designated portion of fees collected under RSA 5:10]~~ which shall be credited to the recount administrative ~~[and fee]~~ account established under RSA 660:31.

6 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (299) the following new subparagraph:

(300) The designated portion of fees collected under RSA 5:10 which shall be credited to the notary fee account established by RSA :10-b.

7 Use of Notary Fees. Amend RSA 455:17, II to read as follows:

II. The secretary of state may use the funds from the portion of the fees paid by applicants for commissions as a notary public or a justice of the peace deposited into the fund established in RSA ~~[660:31]~~ **5:10-b** for the preparation, printing, and distribution of a notary public/justice of the peace manual, other education of notaries public/justices of the peace, or both, and the acquisition, development, and maintenance of electronic records systems that will enhance the efficiency of the management of public records maintained by his or her office and to enhance the ease of submitting applications and renewals. The secretary of state shall enter into an agreement with the attorney general to provide funds from the fund established in RSA ~~[660:31]~~ **5:10-b** for the use of the attorney general for legal services related to the notary public/justice of the peace manual and for the enforcement of laws relating to notary public or justice of the peace misconduct.

8 Recount and Administrative Fee Account. Amend RSA 660:31 to read as follows:

660:31 Depositing Fees and Assessments. There is established in the state treasury a separate nonlapsing account to be known as the recount administrative ~~[and fee]~~ account. The account shall be used by the secretary of state for the administration of recounts under RSA 660 ~~[and to fulfill the duties established by RSA 455:17]~~. Notwithstanding any other provision of law, all fees which are paid to the secretary of state under RSA 660:1 ~~[and the portion of application fees for commissions as a notary public or justice of the peace under RSA 5:10]~~ shall be credited to this account. All fees which are credited to this account shall be continually appropriated to the secretary of state.

9 Transfer of Funds. The treasurer shall transfer all funds deposited in the general fund pursuant to RSA 654:31, V, as amended by 2009, 144:219, to the election fund established pursuant to RSA 5:6-d.

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

AMENDED ANALYSIS

This bill:

- I. Directs fees collected by the secretary of state for checklist information to the election fund.
- II. Requires a specified balance in the election fund prior to expenditures from the fund.
- III. Establishes a separate notary fee account.

2010-0946h

Amendment to HB 1520

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

Amend the introductory paragraph of RSA 12-A:2-c, IV as inserted by section 5 of the bill by replacing it with the following:

IV. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$250 for each offense upon any person who violates any provision of the department's administrative rules. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under RSA 227-J. The commissioner shall adopt rules, under RSA 541-A, relative to:

Amend the introductory paragraph of RSA 215-A:3-b, I as inserted by section 7 of the bill by replacing it with the following:

I. The commissioner of the department of resources and economic development, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$250 for each offense upon any person who violates any provision of the department's administrative rules. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under RSA 227-J. The commissioner shall adopt rules, under RSA 541-A, relative to:

Amend RSA 215-C:3, III as inserted by section 8 of the bill by replacing it with the following:

III. Imposition of administrative fines under RSA 215-C:3-a.

Amend the introductory paragraph of RSA 215-C:3-a, I as inserted by section 9 of the bill by replacing it with the following:

I. The commissioner of the department of resources and economic development, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$250 for each offense upon any person who violates any provision of the department's administrative rules. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under RSA 227-J. The commissioner shall adopt rules, under RSA 541-A, relative to:

Amend the bill by replacing all after section 9 with the following:

10 Rulemaking. The section heading of RSA 12-A:2-c is repealed and reenacted to read as follows:

12-A:2-c Rulemaking.

11 Rulemaking. RSA 12-A:2-c, III is repealed and reenacted to read as follows:

III. If so specified in any rule, persons violating that rule may be evicted from the property and shall be guilty of a misdemeanor.

12 Repeal. The following are repealed:

I. RSA 12-A:1-d, II relative to police powers.

II. RSA 12-A:2-c, II(f), relative imposition of administrative fines.

III. RSA 12-A:2-c, IV and V, relative to administrative fines.

IV. RSA 215-A:3-a, IV, relative to imposition of administrative fines.

V. RSA 215-A:3-b, relative to administrative fines.

VI. RSA 215-C:3, III, relative to imposition of fines.

VII. RSA 215-C:3-a, relative to administrative fines.

13 Effective Date.

I. Sections 10-12 of this act shall take effect 3 years after its passage.

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

AMENDED ANALYSIS

This bill authorizes additional rulemaking by the department of resources and economic development and allows the department to assess administrative fines for a period of 3 years.

2010-0918h

Amendment to HB 1534

Proposed by the Committee on Ways and Means - R

Amend RSA 125-C:12, IV-c as inserted by section 3 of the bill by replacing it with the following:

IV-c. In lieu of the annual emissions fee specified in IV-b, as a condition of any permit or authorization required, the commissioner may require payment of a one-time fee sufficient to cover the costs of implementing or enforcing the permit program authorized by this chapter including the provisions specified in paragraph IV-b.

IV-d. The commissioner shall adopt rules relative to a fee schedule for applicants and the collection of fees under the schedule. All fees and monetary grants, gifts, donations, or interest generated by these funds shall be deposited with the state treasurer in a special nonlapsing fund

to be known as the air resources fund and shall be continually appropriated to the department for the administration of this chapter.

Amend the bill by replacing sections 6 and 7 with the following:

6 Cross Reference Change. Amend RSA 125-C:4, I(i) to read as follows:

(i) Fees for permit application and review, as authorized by RSA ~~[125-C:12, IV]~~ **125-C:12, IV-d.**

7 Cross Reference Change. Amend RSA 6:12, I(b)(34) to read as follows:

(34) Moneys received under RSA ~~[125-C:12, IV]~~ **125-C:12, IV-d** and V which shall be credited to the air resources fund established in RSA ~~[125-C:12, IV]~~ **125-C:12, IV-d.**

2010-0907h

Floor Amendment to HB 1544-FN

Proposed by Rep. Theberge

Amend RSA 227-G:10 as inserted by section 1 of the bill by replacing it with the following:

227-G:10 Enhanced Penalty. A court may, upon separate petition of the attorney general, or in connection with a petition for equity relief filed by the attorney general, levy upon any person who meets the requirements for enhanced penalties as defined in departmental rule, a civil penalty in an amount not to exceed \$10,000 per violation, along with any other injunctive relief deemed necessary by the court. The proceeds of any civil penalty levied pursuant to this section shall be deposited by the commissioner into the forest management and protection fund established under RSA 227-G:5, I.

2010-0913h

Floor Amendment to HB 1579-FN

Proposed by Reps. Fields, Cushing and Schmidt

Amend RSA 659:44-a, II as inserted by section 1 of the bill by replacing it with the following:

II. No public employee shall knowingly electioneer for or against a candidate for public office or political party using public resources at any time, or using time when that employee is being paid to be at his or her government job.

Amend RSA 659:44-a, IV(a) as inserted by section 1 of the bill by replacing it with the following:

IV.(a) Except as provided in this section, no public employee shall knowingly use public resources at any time, or time when being paid to be at his or her government job to electioneer for or against a question.

2010-1078h

Amendment to HB 1664-FN

Proposed by the Committee on Finance - R

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

1 2011 Operating Budget. Amend the estimated sources of funds for accounting unit 01, 14, 14, 140010, 1356 for fiscal year 2011 to read as follows:

FY 2011

01 GENERAL GOVERNMENT

14 DEPT ADMINISTRATIVE SERVICES

14 ADMINISTRATIVE SERV, DEPT OF

140010 COMMISSIONER'S OFFICE

1356 RETIREES HEALTH INSURANCE

101 Medical Payments to Providers

~~[45,301,895]~~ **44,301,895**

TOTAL

~~[85,031,052]~~ **84,031,052**

ESTIMATED SOURCE OF FUNDS FOR

RETIREES HEALTH INSURANCE

001 Transfer from Other Agencies

25,512,984

008 Agency Income

14,577,238

009 Agency Income

2,541,240

GENERAL FUND	[42,399,590]	41,399,590
TOTAL	[85,031,052]	<u>84,031,052</u>

2 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 01, 34, 34, 340010, 6990 for fiscal year 2011 to read as follows:

FY 2011

01 GENERAL GOVERNMENT		
34 DEPT OF CULTURAL RESOURCES		
34 CULTURAL RESOURCES, DEPT OF		
340010 OFFICE OF THE COMMISSIONER		
6990 NH FILM COMMISSION		
010 Personal Services-Perm. Classi	[50,666]	<u>0</u>
020 Current Expenses	[6,723]	<u>1</u>
026 Organizational Dues	[1,750]	<u>0</u>
060 Benefits	[33,282]	<u>0</u>
069 Promotional - Marketing Expenses	[10,000]	<u>0</u>
070 In-State Travel Reimbursement	[800]	<u>0</u>
102 Contracts for program services	[10,300]	<u>0</u>
TOTAL	[113,221]	<u>1</u>
ESTIMATED SOURCE OF FUNDS FOR		
NH FILM COMMISSION		
GENERAL FUND	[113,221]	<u>1</u>
TOTAL	[113,221]	<u>1</u>

3 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 01, 34, 34, 341010, 1250 for fiscal year 2011 to read as follows:

FY 2011

01 GENERAL GOVERNMENT		
34 DEPT OF CULTURAL RESOURCES		
34 CULTURAL RESOURCES, DEPT OF		
341010 DIVISION OF THE ARTS		
1250 STATE ARTS DEVELOPMENT		
073 Grants-Non Federal	[428,000]	<u>1</u>
TOTAL	[618,197]	<u>190,198</u>
ESTIMATED SOURCE OF FUNDS FOR		
STATE ARTS DEVELOPMENT		
GENERAL FUND	[618,197]	<u>190,198</u>
TOTAL	[618,197]	<u>190,198</u>

4 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 01, 38, 38, 382010, 1390 for fiscal year 2011 to read as follows:

FY 2011

01 GENERAL GOVERNMENT		
38 STATE TREASURY		
38 TREASURY- DEPT OF		
382010 LCHIP		
1390 LCHIP		
076 LCHIP	[1,721,579]	<u>721,579</u>
TOTAL	[1,721,579]	<u>721,579</u>
ESTIMATED SOURCE OF FUNDS FOR		
LCHIP		
009 Agency Income	[1,721,579]	<u>721,579</u>
TOTAL	[1,721,579]	<u>721,579</u>

5 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 01, 59, 59, 590510, 1052 for fiscal year 2011 to read as follows:

FY 2011

01 GENERAL GOVERNMENT	
59 NH RETIREMENT SYSTEM	
59 NH RETIREMENT SYSTEM	
590510 STATE CONTRIBUTIONS	
1052 STATE CONTRIBUTIONS	
064 Ret-Pension Bene-Health Ins	[46,837,853] <u>37,470,277</u>

TOTAL	[46,837,853] <u>37,470,277</u>
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ESTIMATED SOURCE OF FUNDS FOR
STATE CONTRIBUTIONS

GENERAL FUND	[46,837,853] <u>37,470,277</u>
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TOTAL	[46,837,853] <u>37,470,277</u>
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6 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 03, 44, 44, 440010, 1002 for fiscal year 2011 to read as follows:

FY 2011

03 RESOURCE PROTECTION & DEVELOPMENT

44 DEPT OF ENVIRONMENTAL SERVICES

44 DES:ENVIRONMENTAL SERV,DEPT OF

440010 DEPT. ENVIRONMENTAL SERVICES

1002 ADMINISTRATION – SUPPORT

102 Contracts for program services	[220,000] <u>0</u>
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TOTAL	[3,149,555] <u>2,929,555</u>
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ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION - SUPPORT

001 Transfer from Other Agencies	929,422
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GENERAL FUND	[2,220,133] <u>2,000,133</u>
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TOTAL	[3,149,555] <u>2,929,555</u>
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7 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 05, 95, 40, 403010, 5857 for fiscal year 2011 to read as follows:

FY 2011

05 HEALTH AND SOCIAL SERVICES

95 DEPT OF HEALTH AND HUMAN SVCS

40 HHS: CHILDREN AND YOUTH

403010 SERV FOR CHILD AND FAMILIES

5857 DCYF - PREVENTION PROGRAMS

073 Grants-Non Federal	[2,344,517] <u>1,559,606</u>
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TOTAL	[2,344,517] <u>1,559,606</u>
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ESTIMATED SOURCE OF FUNDS FOR
DCYF - PREVENTION PROGRAMS

GENERAL FUND	[2,344,517] <u>1,559,606</u>
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8 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 05, 95, 40, 404010, 5847 for fiscal year 2011 to read as follows:

FY 2011

05 HEALTH AND SOCIAL SERVICES

95 DEPT OF HEALTH AND HUMAN SVCS

40 HHS: CHILDREN AND YOUTH

404010 FEDERAL GRANT PROGRAMS

5847 PROMOTING SAFE-STABLE FAMILIES

527 Family Resource Centers	[120,000] <u>0</u>
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TOTAL	[991,195] <u>871,195</u>
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ESTIMATED SOURCE OF FUNDS FOR
PROMOTING SAFE-STABLE FAMILIES

FEDERAL FUNDS	871,195
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GENERAL FUND	[120,000]	<u>0</u>
TOTAL	[991,195]	<u>871,195</u>

9 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 05, 95, 40, 403010, 5855 for fiscal year 2011 to read as follows:

FY 2011

05 HEALTH AND SOCIAL SERVICES		
95 DEPT OF HEALTH AND HUMAN SVCS		
40 HHS: CHILDREN AND YOUTH		
403010 SERV FOR CHILD AND FAMILIES		
5855 CHILD - FAMILY SERVICES		
535 Out-Of-Home Placements	[28,684,647]	<u>24,684,647</u>
TOTAL	[63,881,759]	<u>59,881,759</u>

ESTIMATED SOURCE OF FUNDS FOR
CHILD - FAMILY SERVICES

007 Agency Income	3,038,378	
FEDERAL FUNDS	[26,598,788]	<u>24,598,788</u>
GENERAL FUND	[34,244,593]	<u>32,244,593</u>
TOTAL	[63,881,759]	<u>59,881,759</u>

10 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 05, 95, 48, 481010, 9255 for fiscal year 2011 to read as follows:

FY 2011

05 HEALTH AND SOCIAL SERVICES		
95 DEPT OF HEALTH AND HUMAN SVCS		
48 HHS: ELDERLY - ADULT SERVICES		
481010 GRANTS TO LOCALS		
9255 SOCIAL SERVICES BLOCK GRANT		
543 Adult In Home Care	[4,485,970]	<u>3,985,970</u>
TOTAL	[10,841,532]	<u>10,341,532</u>

ESTIMATED SOURCE OF FUNDS FOR
SOCIAL SERVICES BLOCK GRANT

FEDERAL FUNDS	5,225,001	
GENERAL FUND	[5,616,531]	<u>5,116,531</u>
TOTAL	[10,841,532]	<u>10,341,532</u>

11 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 05, 95, 90, 902010, 2223 for fiscal year 2011 to read as follows:

FY 2011

05 HEALTH AND SOCIAL SERVICES		
95 DEPT OF HEALTH AND HUMAN SVCS		
90 HHS: DIVISION OF PUBLIC HEALTH		
902010 BUREAU OF COMM & HEALTH SERV		
2223 BOSTON EMA TITLE I		
568 Ti Hiv Care Boston Ema	[1,024,586]	<u>624,586</u>
TOTAL	[1,028,362]	<u>628,362</u>

ESTIMATED SOURCE OF FUNDS FOR
BOSTON EMA TITLE I

005 Private Local Funds	448,362	
GENERAL FUND	[580,000]	<u>180,000</u>
TOTAL	[1,028,362]	<u>628,362</u>

12 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 05, 95, 93, 930010, 7100 for fiscal year 2011 to read as follows:

FY 2011

05 HEALTH AND SOCIAL SERVICES	
95 DEPT OF HEALTH AND HUMAN SVCS	

93 HHS:DEVELOPMENTAL SERV- DIV OF
930010 DIV OF DEVELOPMENTAL SVCS
7100 DEVELOPMENTAL SERVICES

558 Waitlist

[20,000,000] **14,000,000**

TOTAL

[185,253,748] **179,253,748**

ESTIMATED SOURCE OF FUNDS FOR
DEVELOPMENTAL SERVICES

001 Transfer from Other Agencies

50,000

FEDERAL FUNDS

[93,066,082] **90,066,082**

GENERAL FUND

[92,137,666] **89,137,666**

TOTAL

[185,253,748] **179,253,748**

13 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 05, 95, 93, 930010, 7016 for fiscal year 2011 to read as follows:

FY 2011

05 HEALTH AND SOCIAL SERVICES

95 DEPT OF HEALTH AND HUMAN SVCS

93 HHS:DEVELOPMENTAL SERV- DIV OF

930010 DIV OF DEVELOPMENTAL SVCS

7016 ACQUIRED BRAIN DISORDER SERVIC

558 Waitlist

[2,600,000] **1,200,000**

TOTAL

[20,165,406] **18,765,406**

ESTIMATED SOURCE OF FUNDS FOR
ACQUIRED BRAIN DISORDER SERVIC

FEDERAL FUNDS

[10,357,631] **9,657,631**

GENERAL FUND

[9,807,775] **9,107,775**

TOTAL

[20,165,406] **18,765,406**

14 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 05, 95, 95, 956010, 6147 for fiscal year 2011 to read as follows:

FY 2011

05 HEALTH AND SOCIAL SERVICES

95 DEPT OF HEALTH AND HUMAN SVCS

95 HHS:COMMISSIONER

956010 OFF MEDICAID & BUSINESS POLICY

6147 PROVIDER PAYMENTS

041 Audit Fund Set Aside

[169,635] **168,235**

101 Medical Payments to Providers

[248,781,885] **246,780,230**

559 Catastrophic Aid

[2,800,000] **0**

565 Outpatient Hospital

81,485,398

TOTAL

[333,236,918] **328,433,863**

ESTIMATED SOURCE OF FUNDS FOR
PROVIDER PAYMENTS

FEDERAL FUNDS

[167,334,549] **164,725,035**

GENERAL FUND

[165,902,369] **163,708,828**

TOTAL

[333,236,918] **328,433,863**

15 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 05, 95, 95, 958410, 1388 for fiscal year 2011 to read as follows:

FY 2011

05 HEALTH AND SOCIAL SERVICES

95 DEPT OF HEALTH AND HUMAN SVCS

95 HHS: COMMISSIONER

958410 DCBCS TREATMENT & PREVENTION

1388 GOVERNOR

102 Contracts for program services

[3,800,000] **3,610,000**

TOTAL	[3,800,000] <u>3,610,000</u>
ESTIMATED SOURCE OF FUNDS FOR GOVERNOR	[3,800,000] <u>3,610,000</u>
GENERAL FUND	[3,800,000] <u>3,610,000</u>
TOTAL	

16 2011 Operating Budget. Amend the following classes and estimated sources of funds for accounting unit 06, 56, 56, 561010, 6019 for fiscal year 2011 to read as follows:

FY 2011

06 EDUCATION	
56 DEPARTMENT OF EDUCATION	
56 EDUCATION, DEPT OF	
561010 FINANCIAL AID TO DISTRICTS	
6019 OTHER STATE AID	
606 Dropout Prevention	[1,750,000] <u>750,000</u>
609 Local Ed Improvement	[500,000] <u>250,000</u>
TOTAL	[41,650,807] <u>40,400,807</u>
ESTIMATED SOURCE OF FUNDS FOR OTHER STATE AID	
GENERAL FUND	[41,650,807] <u>40,400,807</u>
TOTAL	[41,650,807] <u>40,400,807</u>

17 Recording Surcharge. Amend 2009, 144:232 to read as follows:

144:232 Recording Surcharge. Notwithstanding the provisions of RSA 478:17-g, II(c), for the fiscal year ending June 30, 2011, ~~[50 percent of]~~ **\$2,721,579 of** the funds received by the treasurer for the recording surcharge assessed by registers of deeds under RSA 478:17-g, II(a) shall be deposited in the ~~[trust fund for the land and community heritage investment program under RSA 227 M:7 and 50 percent of funds received for such surcharge shall be deposited in the]~~ general fund. ~~[The funds collected under this section shall remain in the custody of the land and community heritage investment program during the fiscal year ending June 30, 2011 and shall be transferred to the general fund at the end of such fiscal year.]~~

18 New Hampshire Retirement System; Member Contribution Rates; Fiscal Year 2011. Amend RSA 100-A:16, I(a) to read as follows:

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

Employees [of employers other than the state 5.00]	<u>7.00</u>
[Employees of the state hired on or before June 30, 2009 5.00]	
[Employees of the state hired after June 30, 2009 7.00]	
Teachers [5.00]	<u>7.00</u>
Permanent Policemen [9.30]	<u>11.00</u>
Permanent Firemen [9.30]	<u>11.00</u>

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members with creditable service in excess of 40 years as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member with creditable service in excess of 40 years, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of

compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

19 New Hampshire Retirement System; Member Contribution Rates; Fiscal Year 2012. Amend RSA 100-A:16, I(a) to read as follows:

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

Employees ~~[7.00]~~ **5.00**

Teachers ~~[7.00]~~ **5.00**

Permanent Policemen ~~[11.00]~~ **9.30**

Permanent Firemen ~~[11.00]~~ **9.30**

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

20 New Hampshire Retirement System. State Share of Municipal Normal Contribution. Amend RSA 100-A:16, II(b)-(c) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that any employer, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay ~~[75]~~ **80** percent of such total contributions, and ~~[25]~~ **20** percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided that, in the case of compensation attributable to extra or special duty, the employer shall pay the full amount

of such total contributions; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

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

21 New Hampshire Retirement System; Recalculation of Employer Rates. Amend 2009, 144:56 to read as follows:

144:56 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall recalculate employer contribution rates for the state fiscal ~~[years 2010 and]~~ year 2011 to reflect the requirements of RSA 100-A:16, II(b) and (c) as amended by this act. ***The retirement system shall utilize the sums attributable to the increase in member contribution rates under RSA 100-A:16, I(a) as amended by this act to reduce previously certified employer contribution rates for state fiscal year 2011.*** Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective for the ~~[biennium]~~ ***fiscal year*** beginning July 1, ~~[2009]~~ 2010, and the recertification of employer contribution percentages, applicable beginning July 1, ~~[2009]~~ 2010, shall be provided to each employer within a reasonable period of time not to exceed 30 days from the effective date of this section. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the ~~[biennium]~~ ***fiscal year*** beginning July 1, ~~[2009]~~ 2010.

22 Savings from Changes to State Retiree Health Plan. For the fiscal year ending June 30, 2011, the department of administrative services shall, in consultation with the State Employees Association of New Hampshire, implement benefit changes to the state retiree health plan resulting in general fund savings of \$1,000,000.

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

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

24 Department of Health and Human Services; Direct and Indirect Graduate Education

Payments. 2009, 144:24 is repealed and reenacted to read as follows:

144:24 Department of Health and Human Services; Direct and Indirect Graduate Medical Education. The commissioner shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to cease the provision of direct and indirect graduate medical education payments to hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) to be effective July 1, 2010. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of direct and indirect graduate medical education are suspended for the fiscal year ending June 30, 2011.

25 Operating Budget; Department of Environmental Services. The department of environmental services shall reduce state general fund appropriations by \$2,000,000 for the fiscal year ending June 30, 2011. The department shall not reduce the general fund appropriations for state aid programs to meet this required reduction. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.

26 Department of Justice; General Fund Appropriation Reductions. The department of justice shall reduce state general fund appropriations by \$600,000 for the fiscal year ending June 30, 2011. The consumer protection bureau, accounting unit 02-20-20-2005-2611, shall not contribute a disproportionate share of the state general fund appropriation reduction required by this section. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.

27 Operating Budget; Department of Corrections. The department of corrections shall reduce state general fund appropriations by \$1,858,818 for the fiscal year ending June 30, 2011. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.

28 Operating Budget; Department of Information Technology. Notwithstanding 2009, 143:12, the department, in consultation with the department of administrative services, shall reduce class lines of the department by an amount that will result in additional general fund reductions of \$5,617,263 for the fiscal year ending June 30, 2011. The appropriation reductions required under this section shall be allocated based on statewide prioritization recommended by the department of information technology and approved by the fiscal committee of the general court and governor and council.

29 Operating Budget; Judicial Branch. In addition to any other sums reduced in 2009, 143:18, the judicial branch shall reduce state general fund appropriations by \$4,787,793 for the fiscal year ending June 30, 2011. The accounting unit 02-10-10-100010-1880, class 049, transfer to the department of administrative services for court facilities, shall not be reduced unless the reduction is agreed to by the commissioner of administrative services and the chief justice for the supreme court. The director of the administrative office of the courts shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2011.

30 Adjustment of Totals. The legislative budget assistant is authorized to adjust any totals as made necessary by the passage of this act.

31 Effective Date.

I. Section 19 of this act shall take effect July 1, 2011.

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

AMENDED ANALYSIS

This bill makes appropriations reductions for fiscal year 2011.

This bill also:

1. Requires a portion of the recording surcharge assessed by the register of deeds to be deposited in the general fund for fiscal year 2011.

2. Increases the state retirement system member contribution rate for fiscal year 2011 and reduces the municipal normal contribution rate.

3. Reduces the amount distributed as juvenile diversion incentive funds.

4. Suspends the catastrophic illness program for fiscal year 2011.
5. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to suspend the provision of direct and indirect graduate medical education payments to hospitals.
6. Requires certain executive branch departments and the judicial branch to reduce general fund appropriations for fiscal year 2011.

2010-1088h

Amendment to HB 1672-FN

Proposed by the Minority of the Committee on Finance - R

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

AN ACT making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

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

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

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

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

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

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

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

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

77:14-c Members of Partnership or Limited Liability Company Outside the State. An inhabitant of this state who is a member of a partnership or limited liability company having no usual place of business in this state, who receives income from such partnership or limited liability company derived from such a source that it would be taxable if received directly from such source by such partner or member, shall as to such income be subject to the taxes imposed by this chapter.

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

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

- 5 Applicability. This act shall apply for taxable periods ending on or after December 31, 2010.

- 6 Effective Date. This act shall take effect July 1, 2010.

AMENDED ANALYSIS

This bill makes distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

2010-0984h

Floor Amendment to HB 1693

Proposed by Rep. Itse

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

1 Legislative Facilities Committee; Powers; Carrying of Firearms. Amend RSA 17-E:5-a, VIII to read as follows:

VIII. **(a)** To establish policies regarding the use of the facilities under control of the legislature in the state house, the legislative office building, the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.

(b) Notwithstanding subparagraph (a), the committee shall not adopt or implement any rule, policy, or procedure that prohibits or governs the carrying of firearms or other dangerous or deadly weapons into the state house, legislative office building, or Upham Walker house, or the screening of members of the public entering the state house, legislative office building, or Upham Walker house. All such rules, policies, and procedures adopted prior to the effective date of this subparagraph are rescinded.

(c) The committee shall not establish policies which proscribe or regulate otherwise lawful acts of members of the public.

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

AMENDED ANALYSIS

This bill prohibits the legislative facilities committee from adopting a rule, policy, or procedure concerning the carrying of a firearm or dangerous or deadly weapon into the state house, legislative office building, or Upham Walker house. The bill rescinds any such current rule, policy, or procedure.

2010-1071h

Amendment to HB 2010

Proposed by the Committee on Public Works and Highways - R

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

2 Highway Fund Shortfall. The general court recognizes and appreciates the excellent work of our local communities, the regional planning commissions, the department of transportation and GACIT in developing the State of New Hampshire Ten Year Transportation Improvement Plan for 2011-2020. However, the general court recognizes that there is significant shortfall in the highway fund that will not allow the completion of all the projects contained in the plan. This will, in the absence of additional revenues, require the delay or elimination of many of the projects in this and future Ten-Year Transportation Improvement Plans. The general court desires that citizens recognize that this revenue shortfall exists and that many listed highway projects may be significantly delayed or eliminated.

3 Turnpike Fund Shortfall. The department of transportation has informed the general court that in order to fully fund and complete the projects listed under the New Hampshire Turnpike System, an increase in toll rates needs to be approved by the governor and council. If a toll increase is not enacted, some of the listed turnpike projects will be delayed or eliminated, including but not limited to open road tolling in Bedford and Hooksett, and the Spaulding Turnpike improvements north of Dover.

4 Federal Funding. Many of the highway, turnpike, aeronautic, mass transit, congestion mitigation and other projects listed in the State of New Hampshire Ten Year Transportation Improvement Plan rely on differing amounts of federal funding, the receipt of which is uncertain. Any reduction in the amounts of federal funds listed in this plan will require a dollar-for-dollar reduction in spending and, accordingly, the delay or elimination of certain projects.

5 Interstate Route-93 Priority. Pursuant to 2000, 273:1 as amended by 2008, 329:1, the general court reiterates that the state of New Hampshire's top priority is the reconstruction and widening of Interstate Route 93 from the Massachusetts border to Interstate Route 293 in Manchester to 4 lanes in both directions within the time frame of New Hampshire Ten-Year State Transportation Improvement Plan. The general court further understands that the projected revenue is presently inadequate to fully fund the entire project, specifically, capacity improvements north of exit 3. To the extent alternative or additional funding becomes available for the reconstruction and widening of Interstate Route 93 from Salem to Manchester, the expenditure of such funds is hereby authorized.

6 Legislative Appropriation of Passenger Railroad Expenditures. Prior to the expenditure of any state or federal moneys by the state of New Hampshire, or its representatives, on the construction or reconstruction of any passenger railroad infrastructure, or the operation of passenger railroad service, the department of transportation and the New Hampshire rail transit authority shall first receive approval from the general court for both the capital and operating budgets related to passenger rail service. Said legislation should, pursuant to house and senate rules, be sent to the public works and highways and finance committees in the house of representatives and the transportation and interstate cooperation and finance committees in the senate, prior to its being acted on by the respective legislative bodies. This section shall not apply to federal money received or expended for planning purposes or studies related to passenger rail service.

7 Integration of Mass Transit. The department of transportation shall integrate other forms of mass transit, including intra-city, intercity, and interstate bus service into the planning and implementation of any passenger railroad service in the state of New Hampshire.

8 Study of the F.E. Everett Turnpike. The commissioner of the department of transportation shall study the best location of the southbound and northbound mainline open road toll lanes on the F.E. Everett Turnpike. The study shall include the locations to be tolled, the recommended rate, the feasibility of eliminating of one or more tolls at the exit ramps in Merrimack, and the necessity and feasibility of widening the 2-lane segments of the turnpike to 3 lanes in each direction. Said study shall be completed and reported to the governor, GACIT, and the general court on or before January 15, 2011.

9 Study of Franconia Notch Parkway. The commissioner of the department of transportation shall study the general feasibility of widening the segment of Interstate Route 93 known as the Franconia Notch parkway that passes through the towns of Lincoln and Franconia. The environmental feasibility of any widening shall be determined prior to the full study. Said study shall be completed and reported to the governor, GACIT, and the general court on or before November 15, 2011.

10 State Transportation Improvement Plan. Amend RSA 240:2 to read as follows:

240:2 Project Priority. To the extent practicable the projects shall be implemented in the order shown in the ~~report~~ **plan**.

11 New Section; Plan. Amend RSA 240 by inserting after section 2 the following new section:

240:2-a Plan. In this chapter a plan means the "State of New Hampshire Ten-Year Transportation Improvement Plan 2011-2020" and any succeeding plan adopted by the general court pursuant to RSA 228:99 and RSA 240 of the laws of New Hampshire.

12 Implementation of Plan. Amend RSA 240:3, IV and the introductory paragraph of paragraph V to read as follows:

IV. The ~~department~~ **governor** shall transmit the plan to the general court by January 15 of each even-numbered year. Projects listed in the plan shall be listed by the year the funds are to be expended and the 10 years of the plan shall be financially constrained.

V. Projects listed in the plan, except projects which are solely for infrastructure preservation **or which stem from statewide transportation programs included in the plan**, shall be prioritized based on a department of transportation methodology that examines the certainty of a project relative to its scope, cost, constructability, ~~permissibility~~ **permitability**, and public support, provided that the project has the following:

13 Implementation of Plan. Amend RSA 240:3, VII(b) to read as follows:

(b) Is no longer financially ~~and~~ **or** environmentally feasible; or

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

AMENDED ANALYSIS

This bill:

I. Adopts the 10-year transportation improvement plan for 2011-2020.

II. Requires the general court to approve capital and operating budgets prior to an expenditure by the department of transportation and the New Hampshire rail transit authority of any state or federal money for the construction of any passenger rail infrastructure.

III. Requires the department of transportation to integrate other forms of mass transit into implementation of any passenger rail service.

IV. Requires the commissioner of the department of transportation to study issues related to open road tolling lanes on the F.E. Everett Turnpike and the feasibility of widening a certain segment of Interstate Route 93.

2010-0852h

Amendment to SB 305

Proposed by the Committee on Public Works and Highways - R

Amend the bill by replacing section 1 with the following:

1 Town of Lisbon; Bridge Number 094-114. Pursuant to RSA 4:43, bridge number 094-114 in the town of Lisbon which crosses over routes 302 and 10 and the Ammonoosuc river is hereby named the Specialist Alan J. Burgess Memorial Bridge in honor of Specialist Alan J. Burgess who was killed on October 15, 2004 while on patrol duty in Mosul, Iraq. Appropriate signage or markers may be placed at the site of the bridge.

AMENDED ANALYSIS

This bill names bridge number 094-114 in the town of Lisbon in honor of Specialist Alan J. Burgess who was killed in Iraq.