

# State of New Hampshire

# HOUSE RECORD

## First Year of the 161<sup>st</sup> General Court Calendar and Journal of the 2009 Session

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Vol. 31

Concord, NH

Wednesday, April 8, 2009

No. 26C

Contains: Additional Floor Amendments.

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### ADDENDUM TO HOUSE CALENDAR NO. 26

WEDNESDAY, APRIL 8

### ADDITIONAL FLOOR AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2009-1226h

#### Floor Amendment to HB 1-A

##### **Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by inserting after section 19 the following and renumbering the original sections 20-21 to read as sections 21-22, respectively:

20 Department of Education; School Building Aid. In addition to any other appropriations made to the department of education accounting unit 06-56-56-561010-6019, class 77, building aid-education, the sum of \$41,650,566 for the fiscal year ending June 30, 2010 and the sum of \$41,650,566 for the fiscal year ending June 30, 2011 are hereby appropriated to the department for the purpose of distributing school building aid grants. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2009-1220h

#### Floor Amendment to HB 1-A

##### **Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by replacing section 19 with the following:

##### **19 Reduction In General Fund Appropriation.**

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 3.63 percent in fiscal year 2010 and 3.59 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

2009-1221h

#### Floor Amendment to HB 1-A

**Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by inserting after section 19 the following and renumbering the original sections 20 and 21 to read as 21 and 22:

20 General Fund Appropriation; Revenue Sharing. The sum of \$25,612,057 for the fiscal year ending June 30, 2010 and the sum of \$25,612,057 for the fiscal year ending June 30, 2011 are hereby appropriated to the treasurer for the purpose of funding state revenue sharing under accounting unit 01-38-38-380010-8023. These appropriations are in addition to any other funds appropriated to the treasurer. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2009-1218h

**Floor Amendment to HB 1-A**

**Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by replacing section 19 with the following:

**19 Reduction In General Fund Appropriation.**

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 2.56 percent in fiscal year 2010 and 2.55 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

2009-1222h

**Floor Amendment to HB 1-A**

**Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by replacing section 19 with the following:

**19 Reduction In General Fund Appropriation.**

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 2.16 percent in fiscal year 2010 and 2.18 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

2009-1223h

**Floor Amendment to HB 1-A**

**Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by replacing section 19 with the following:

**19 Reduction In General Fund Appropriation.**

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 2.52 percent in fiscal year 2010 and 4.14 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

2009-1217h

**Floor Amendment to HB 1-A**

**Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by replacing section 19 with the following:

**19 Reduction In General Fund Appropriation.**

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 0.86 percent in fiscal year 2010 and 1.52 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

2009-1219h

**Floor Amendment to HB 1-A**

**Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by replacing section 19 with the following:

**19 Reduction In General Fund Appropriation.**

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 2.90 percent in fiscal year 2010 and 2.58 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

2009-1236h

**Floor Amendment to HB 1-A**

**Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by replacing section 19 with the following:

**19 Reduction In General Fund Appropriation.**

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 0.86 percent in fiscal year 2010 and 1.20 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

2009-1215h

**Floor Amendment to HB 1-A**

**Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by replacing section 19 with the following:

**19 Reduction In General Fund Appropriation.**

I. The commissioner of administrative services in consultation with the administrative head of each department, agency, and branch, including the university system of New Hampshire shall reduce the general fund appropriations contained in section 1 of this act by 1.39 percent in fiscal year 2010 and 1.39 percent in fiscal year 2011.

II. General fund moneys appropriated for debt service payments shall be excluded from the total general fund appropriation for purposes of paragraph I.

III. Reductions under this section shall not be applied against any general fund appropriations that represent a state matching requirement.

IV. Beginning in August, 2009 and monthly thereafter, the commissioner of administrative services shall provide a report of the reductions made under this section to the fiscal committee of the general court.

2009-1235h

**Floor Amendment to HB 2-FN-A-LOCAL  
Proposed by Rep. Osborne**

Amend the bill by replacing section 18 with the following:

**18 Department of Health and Human Services; Bureau of Elderly and Adult Services; County Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments.** Amend RSA 167:18-a, II to read as follows:

II.(a) The total billings to all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal years 2009-~~2010~~ **2012**:

(1) State fiscal year 2009, \$103,000,000.

(2) State fiscal year 2010, \$105,000,000.

**(3) State fiscal year 2011, \$105,000,000.**

**(4) State fiscal year 2012, \$105,000,000.**

(b) The caps on total billings for fiscal years after fiscal year ~~2010~~ **2012** shall be established by the legislature on a biennial basis.

2009-1224h

**Floor Amendment to HB 2-FN-A-LOCAL**

**Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by deleting section 9 and renumbering the original sections 10-197 to read as 9-196, respectively.

Amend the bill by replacing section 46 with the following:

**46 Retirement System; Recalculation of Employer Rates; Re-Certification by Board of Trustees.** 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 section 45 of this act to reduce previously certified employer contribution rates for state fiscal years 2010 and 2011. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees shall recalculate and re-certify employer contribution rates for the state fiscal years 2010 and 2011.

Amend the bill by replacing section 98 with the following:

**98 Applicability.** The fees established in RSA 284:6-a, VI as inserted by section 89 of this act shall apply to licenses issued on or after January 1, 2010.

Amend the bill by replacing section 193 with the following:

**193 Application.** The provisions of sections 185-192 of this act shall apply to and be in effect on account of taxable periods ending on or after January 1, 2010.

Amend the bill by replacing section 196 with the following:

**196 Effective Date.**

I. Section 1, paragraph III of section 25, and sections 45-46, 115, and 156 of this act shall take effect June 30, 2009.

II. Section 47 of this act shall take effect June 30, 2011.

III. Section 50 of this act shall take effect June 1, 2009.

IV. RSA 284:6-a, VI as inserted by section 89 of this act, section 174, and sections 180-184 of this act shall take effect January 1, 2010.

V. Sections 119-130 of this act shall take effect January 1, 2011.

VI. Sections 131-136 and 178-179 of this act shall take effect 60 days after its passage.

VII. Section 137 of this act shall take effect July 1, 2015.

VIII. Section 155 of this act shall take effect July 1, 2009 at 12:01 a.m.

IX. The remainder of this act shall take effect July 1, 2009.

#### AMENDED ANALYSIS

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.
2. Increases the tobacco tax.
3. Establishes a tax on gambling winnings.
4. Increases the meals and rooms tax and suspends the distribution of meals and rooms tax revenues collected for the biennium ending June 30, 2011 to cities and towns.
5. Funds revenue sharing with cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.
6. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.
7. Increases the fees for motor vehicle records charged to insurance companies and drivers.
8. Authorizes the commissioner of safety to make certain personnel reallocations.
9. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.
10. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.
11. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.
12. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.
13. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.
14. Requires all gross revenues from the sale of liquor and related products, or from license fees, to be deposited into the liquor commission fund for the biennium ending June 30, 2011.
15. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of terminating direct graduate medical education payments to hospitals.
16. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).
17. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos and Grafton counties.
18. Requires the department of health and human services to establish a medical home pilot program.
19. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.
20. Clarifies what moneys are to be credited to the lead poisoning prevention fund.
21. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified positions that are being unfunded.
22. Changes the percentage of the amount appropriated for certain juvenile programs under the law regarding services for children, youth and families.
23. Makes changes in the residential child care facilities rate setting.
24. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
25. Repeals the funeral expenses to certain recipients of public assistance and repeals certain other reimbursement for care of an assisted person.
26. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.

27. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

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

29. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.

30. Increases the percentage of certain outstanding loan principal balances used to pay the costs of administering the state water pollution control and drinking water revolving loan funds.

31. Increases the fee for department review of subsurface plans and subdivisions.

32. Establishes the subsurface systems fund and requires a quarterly report relative to the administration of the subsurface systems program.

33. Establishes a motor vehicle air pollution abatement fund, increases the fee for motor vehicle inspection stickers, and requires that a portion of the increase be used by the department of environmental services to reduce air pollution in the state from motor vehicles registered for on-road use.

34. Increases the contribution rates for retirement system members only for the biennium beginning July 1, 2009, and requires the retirement system to recalculate and the board of trustees to re-certify employer contribution rates.

35. Changes the state share of payment of the retirement system annual employer contribution.

36. Requires premium contribution amounts from retired state employees for retiree health insurance.

37. Changes the retirement system certification of the state cost of other post-employment benefits.

38. Consolidates certain district courts.

39. Creates a committee to study closing the Claremont, Colebrook, and Milford district courts.

40. Establishes conditions under which a prisoner may be released from his or her state sentence and into the custody and control of the United States Immigration and Customs Enforcement, and specifies conditions for the prisoner's return to the custody and control of the department of corrections.

41. Suspends bumping rights for classified employees.

42. Provides criteria for rehiring of laid off state employees.

43. Changes the amount of the reserve that the state is required to maintain to pay claims and administrative costs under a self-insured group health plan.

44. Establishes the position of deputy commissioner in the department of administrative services and provides that the position shall be unfunded for the biennium ending June 30, 2011, provided that the commissioner of the department of administrative services, if funding becomes available during the biennium, may request fiscal committee approval to fund the position.

45. Changes the letter grade classification for the director of plant and property management in the department of administrative services.

46. Allows the real estate commission to determine how to provide notice of any proposed rulemaking undertaken by the commission.

47. Creates a director of policy and administration in the department of transportation.

48. Authorizes the department of transportation to convey and the New Hampshire bureau of turnpikes to acquire, expand, and make improvements to a portion of I-95 in Portsmouth, defines certain highways, redefines the eastern New Hampshire turnpike, and increases the aggregate amount of bonds the state may issue.

49. Adds appropriations for the purpose of carrying out certain highway construction and improvement projects.

50. Authorizes the commissioner of the department of transportation to enter into reciprocal agreements with other jurisdictions to assist in the administration and enforcement of the E-Z pass system.

51. Authorizes the commissioner of transportation to commercialize rest areas, welcome centers, and state liquor store sites along the highways and turnpikes.

52. Suspends the deposit of moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits in the game management account. Such moneys shall be deposited in the fish and game fund and used for its general purposes.

53. Suspends certain requirements for state government waste reduction, recycling, and recycled products purchase.

54. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch. The bill also requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces.

55. Establishes a committee to study the consolidation of administrative and adjudicative functions of boards, commissions, and councils regulating occupations and licensing professionals to provide for increased efficiency and cost savings.

56. Establishes the state workforce opportunity council within the department of resources and economic development.

57. Requires the insurance department to seek governor and council approval for an agreement with the university system of New Hampshire for support of the New Hampshire Citizens Health Initiative.

58. Requires the legislative branch and the judicial branch to lapse funds in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.

59. Allows the real estate commission to collect a handling charge for fees paid electronically.

60. Allows simulcasting without conducting live horse or dog racing. The bill requires the racing and charitable gaming commission to establish and adjust annual fees for licensees conducting live racing to generate revenue that approximates the direct costs of administering live racing.

61. Establishes the position of chief multi-state auditor for the department of revenue administration.

62. Establishes a judicial branch information technology fund to be funded by a percentage of court entry fees and by an increase in the penalty assessment on court fines.

63. Exempts the liquor commission from state purchasing requirements, eliminates certain restrictions on the closing of state liquor stores, and establishes temporary limitations on the licensing of new agency liquor stores.

64. Repeals a provision that eliminated an eligibility requirement for certain discounts on wine purchased from the liquor commission.

65. Requires the department of safety and department of health and human services to negotiate a reduced fee for criminal record checks performed on behalf of the department of health and human services.

66. Requires the department of safety to impose a \$100 fee for researching and correcting the criminal history record of a petitioner who is granted an annulment.

67. Establishes a recreational saltwater license issued by the fish and game department to individuals, charter boats, and party boats for taking finfish in coastal and estuarine waters.

68. Increases boating registration and license fees.

69. Increases the road toll; establishes a dedicated account for roads and bridges in the highway fund; limits the uses of road toll revenues; and establishes a commission to study revenue sources for funding improvements to highways and bridges.

70. Requires the department of transportation to erect signs advertising state liquor stores.

71. Limits the average daily membership in attendance of chartered public schools for the 2010 and 2011 fiscal years. Requires the commissioner of the department of education to obtain approval from the fiscal committee of the general court, and from the governor and council, for funding for any chartered public school approved between July 1, 2009 and June 30, 2011.

72. Requires the department of health and human services to study the cost and service efficiencies that could be realized through a coordination of resources, facilities, and personnel between the Tobey School and the Philbrook Center.

73. Requires the department of health and human services, division of family assistance, to issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011.

74. Requires the department of health and human services to prepare an amendment to the state Medicaid plan relative to the Medicaid classification for Children's Hospital at Dartmouth-Hitchcock.

75. Requires the department of health and human services to submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.
76. Nullifies the provisions of HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).
77. Requires that unused appropriations for nursing services and home health services be paid to providers.
78. Transfers responsibility for enforcing alcoholic beverage laws from the liquor commission to the department of safety.
79. Provides that it is the intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from the United States Department of Education under the provisions of the American Recovery and Reinvestment Act of 2009 into the education trust fund established in RSA 198:39 for the purpose of funding increases in adequacy and equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.
80. Authorizes the department of safety to charge a fee for certification of reduced ignition propensity cigarettes and provides that the funds shall be used to support fire safety education.
81. Adds cigars, excluding premium cigars, and snuff to the definition of tobacco products and increases the tax rate for tobacco products other than cigarettes.
82. Freezes the insurance premium tax for a certain period beginning January 1, 2010 and requires the insurance commissioner and the commissioner of the department of resources and economic development to present a report to the house and senate ways and means committees relative to jobs and certain insurance revenues.
83. Changes the rate of the New Hampshire estate tax to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds \$2,000,000.
84. Requires taxation of capital gains under the interest and dividends tax. The bill also increases the standard exemption under the interest and dividends tax.
85. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.
86. Prohibits the creation and reclassification of positions in order to establish new management positions specifically to replace abolished management positions at the Lakes Region facility.

2009-1229h

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

#### **Proposed by Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by deleting section 7 and renumbering the original sections 8-197 to read as 7-196, respectively.

Amend the bill by replacing section 46 with the following:

46 Retirement System; Recalculation of Employer Rates; Re-Certification by Board of Trustees. 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 section 45 of this act to reduce previously certified employer contribution rates for state fiscal years 2010 and 2011. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees shall recalculate and re-certify employer contribution rates for the state fiscal years 2010 and 2011.

Amend the bill by replacing section 98 with the following:

98 Applicability. The fees established in RSA 284:6-a, VI as inserted by section 89 of this act shall apply to licenses issued on or after January 1, 2010.

Amend the bill by replacing section 193 with the following:

193 Application. The provisions of sections 185-192 of this act shall apply to and be in effect on account of taxable periods ending on or after January 1, 2010.

Amend the bill by replacing section 196 with the following:

196 Effective Date.

I. Section 1, paragraph III of section 25, and sections 45-46, 115, and 156 of this act shall take effect June 30, 2009.

II. Section 47 of this act shall take effect June 30, 2011.

III. Section 50 of this act shall take effect June 1, 2009.

IV. RSA 284:6-a, VI as inserted by section 89 of this act, section 174, and sections 180-184 of this act shall take effect January 1, 2010.

V. Sections 119-130 of this act shall take effect January 1, 2011.

VI. Sections 131-136 and 178-179 of this act shall take effect 60 days after its passage.

VII. Section 137 of this act shall take effect July 1, 2015.

VIII. Section 155 of this act shall take effect July 1, 2009 at 12:01 a.m.

IX. The remainder of this act shall take effect July 1, 2009.

#### AMENDED ANALYSIS

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.
2. Increases the tobacco tax.
3. Establishes a tax on gambling winnings.
4. Suspends the distribution of meals and rooms tax revenues collected for the biennium ending June 30, 2011 to cities and towns.
5. Funds revenue sharing with cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.
6. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.
7. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.
8. Increases the fees for motor vehicle records charged to insurance companies and drivers.
9. Authorizes the commissioner of safety to make certain personnel reallocations.
10. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.
11. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.
12. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.
13. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.
14. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.
15. Requires all gross revenues from the sale of liquor and related products, or from license fees, to be deposited into the liquor commission fund for the biennium ending June 30, 2011.
16. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of terminating direct graduate medical education payments to hospitals.
17. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).
18. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos and Grafton counties.
19. Requires the department of health and human services to establish a medical home pilot program.
20. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.
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24. Makes changes in the residential child care facilities rate setting.
25. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
26. Repeals the funeral expenses to certain recipients of public assistance and repeals certain other reimbursement for care of an assisted person.

27. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.

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

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34. Establishes a motor vehicle air pollution abatement fund, increases the fee for motor vehicle inspection stickers, and requires that a portion of the increase be used by the department of environmental services to reduce air pollution in the state from motor vehicles registered for on-road use.

35. Increases the contribution rates for retirement system members only for the biennium beginning July 1, 2009, and requires the retirement system to recalculate and the board of trustees to re-certify employer contribution rates.

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41. Establishes conditions under which a prisoner may be released from his or her state sentence and into the custody and control of the United States Immigration and Customs Enforcement, and specifies conditions for the prisoner's return to the custody and control of the department of corrections.

42. Suspends bumping rights for classified employees.

43. Provides criteria for rehiring of laid off state employees.

44. Changes the amount of the reserve that the state is required to maintain to pay claims and administrative costs under a self-insured group health plan.

45. Establishes the position of deputy commissioner in the department of administrative services and provides that the position shall be unfunded for the biennium ending June 30, 2011, provided that the commissioner of the department of administrative services, if funding becomes available during the biennium, may request fiscal committee approval to fund the position.

46. Changes the letter grade classification for the director of plant and property management in the department of administrative services.

47. Allows the real estate commission to determine how to provide notice of any proposed rulemaking undertaken by the commission.

48. Creates a director of policy and administration in the department of transportation.

49. Authorizes the department of transportation to convey and the New Hampshire bureau of turnpikes to acquire, expand, and make improvements to a portion of I-95 in Portsmouth, defines certain highways, redefines the eastern New Hampshire turnpike, and increases the aggregate amount of bonds the state may issue.

50. Adds appropriations for the purpose of carrying out certain highway construction and improvement projects.

51. Authorizes the commissioner of the department of transportation to enter into reciprocal agreements with other jurisdictions to assist in the administration and enforcement of the E-Z pass system.

52. Authorizes the commissioner of transportation to commercialize rest areas, welcome centers, and state liquor store sites along the highways and turnpikes.

53. Suspends the deposit of moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits in the game management account. Such moneys shall be deposited in the fish and game fund and used for its general purposes.

54. Suspends certain requirements for state government waste reduction, recycling, and recycled products purchase.

55. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch. The bill also requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces.

56. Establishes a committee to study the consolidation of administrative and adjudicative functions of boards, commissions, and councils regulating occupations and licensing professionals to provide for increased efficiency and cost savings.

57. Establishes the state workforce opportunity council within the department of resources and economic development.

58. Requires the insurance department to seek governor and council approval for an agreement with the university system of New Hampshire for support of the New Hampshire Citizens Health Initiative.

59. Requires the legislative branch and the judicial branch to lapse funds in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.

60. Allows the real estate commission to collect a handling charge for fees paid electronically.

61. Allows simulcasting without conducting live horse or dog racing. The bill requires the racing and charitable gaming commission to establish and adjust annual fees for licensees conducting live racing to generate revenue that approximates the direct costs of administering live racing.

62. Establishes the position of chief multi-state auditor for the department of revenue administration.

63. Establishes a judicial branch information technology fund to be funded by a percentage of court entry fees and by an increase in the penalty assessment on court fines.

64. Exempts the liquor commission from state purchasing requirements, eliminates certain restrictions on the closing of state liquor stores, and establishes temporary limitations on the licensing of new agency liquor stores.

65. Repeals a provision that eliminated an eligibility requirement for certain discounts on wine purchased from the liquor commission.

66. Requires the department of safety and department of health and human services to negotiate a reduced fee for criminal record checks performed on behalf of the department of health and human services.

67. Requires the department of safety to impose a \$100 fee for researching and correcting the criminal history record of a petitioner who is granted an annulment.

68. Establishes a recreational saltwater license issued by the fish and game department to individuals, charter boats, and party boats for taking finfish in coastal and estuarine waters.

69. Increases boating registration and license fees.

70. Increases the road toll; establishes a dedicated account for roads and bridges in the highway fund; limits the uses of road toll revenues; and establishes a commission to study revenue sources for funding improvements to highways and bridges.

71. Requires the department of transportation to erect signs advertising state liquor stores.

72. Limits the average daily membership in attendance of chartered public schools for the 2010 and 2011 fiscal years. Requires the commissioner of the department of education to obtain approval from the fiscal committee of the general court, and from the governor and council, for funding for any chartered public school approved between July 1, 2009 and June 30, 2011.

73. Requires the department of health and human services to study the cost and service efficiencies that could be realized through a coordination of resources, facilities, and personnel between the Tobey School and the Philbrook Center.

74. Requires the department of health and human services, division of family assistance, to issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011.

75. Requires the department of health and human services to prepare an amendment to the state Medicaid plan relative to the Medicaid classification for Children's Hospital at Dartmouth-Hitchcock.

76. Requires the department of health and human services to submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.
77. Nullifies the provisions of HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).
78. Requires that unused appropriations for nursing services and home health services be paid to providers.
79. Transfers responsibility for enforcing alcoholic beverage laws from the liquor commission to the department of safety.
80. Provides that it is the intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from the United States Department of Education under the provisions of the American Recovery and Reinvestment Act of 2009 into the education trust fund established in RSA 198:39 for the purpose of funding increases in adequacy and equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.
81. Authorizes the department of safety to charge a fee for certification of reduced ignition propensity cigarettes and provides that the funds shall be used to support fire safety education.
82. Adds cigars, excluding premium cigars, and snuff to the definition of tobacco products and increases the tax rate for tobacco products other than cigarettes.
83. Freezes the insurance premium tax for a certain period beginning January 1, 2010 and requires the insurance commissioner and the commissioner of the department of resources and economic development to present a report to the house and senate ways and means committees relative to jobs and certain insurance revenues.
84. Changes the rate of the New Hampshire estate tax to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds \$2,000,000.
85. Requires taxation of capital gains under the interest and dividends tax. The bill also increases the standard exemption under the interest and dividends tax.
86. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.
87. Prohibits the creation and reclassification of positions in order to establish new management positions specifically to replace abolished management positions at the Lakes Region facility.

2009-1237h

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

#### **Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by replacing all after section 186 with the following:

187 New Paragraph; Taxable Income; Capital Gains. Amend RSA 77:4 by inserting after paragraph V the following new paragraph:

V-a. The capital gain reported on Schedule D of the taxpayer's federal income tax return.

188 Exemptions. Amend RSA 77:5, I to read as follows:

I. Income of [~~\$2,400~~] **\$5,000**.

189 Returns and Declaration. Amend RSA 77:18, IV to read as follows:

IV. Notwithstanding the provisions of paragraphs I-III, the following individuals shall not be required to file a return and shall not be considered to have gross or net taxable income for the purposes of this chapter:

(a) Every individual whose total interest and dividend income is less than [~~\$2,400~~] **\$5,000** for a taxable period.

(b) For joint filers whose total interest and dividend income is less than [~~\$4,800~~] **\$10,000** for a taxable period.

190 Application. The provisions of section 186 of this act shall apply to and be in effect on account of taxable periods ending on or after January 1, 2010.

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

192 Department of Corrections; Management Positions. For the biennium ending June 30, 2011, no new positions shall be created and no existing positions shall be reclassified in order to establish new management positions specifically to replace abolished management positions at the Lakes Region facility.

193 Effective Date.

I. Section 1, paragraph III of section 26, and sections 46-47, 116, and 157 of this act shall take effect June 30, 2009.

II. Section 48 of this act shall take effect June 30, 2011.

III. Section 51 of this act shall take effect June 1, 2009.

IV. RSA 284:6-a, VI as inserted by section 90 of this act, section 175, and sections 181-185 of this act shall take effect January 1, 2010.

V. Sections 120-131 of this act shall take effect January 1, 2011.

VI. Sections 132-137 and 179-180 of this act shall take effect 60 days after its passage.

VII. Section 138 of this act shall take effect July 1, 2015.

VIII. Section 156 of this act shall take effect July 1, 2009 at 12:01 a.m.

IX. The remainder of this act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.

2. Increases the tobacco tax.

3. Establishes a tax on gambling winnings.

4. Increases the meals and rooms tax and suspends the distribution of meals and rooms tax revenues collected for the biennium ending June 30, 2011 to cities and towns.

5. Funds revenue sharing with cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.

6. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.

7. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.

8. Increases the fees for motor vehicle records charged to insurance companies and drivers.

9. Authorizes the commissioner of safety to make certain personnel reallocations.

10. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.

11. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.

12. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.

13. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.

14. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.

15. Requires all gross revenues from the sale of liquor and related products, or from license fees, to be deposited into the liquor commission fund for the biennium ending June 30, 2011.

16. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of terminating direct graduate medical education payments to hospitals.

17. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).

18. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos and Grafton counties.

19. Requires the department of health and human services to establish a medical home pilot program.

20. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.

21. Clarifies what moneys are to be credited to the lead poisoning prevention fund.

22. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified positions that are being unfunded.

23. Changes the percentage of the amount appropriated for certain juvenile programs under the law regarding services for children, youth and families.
24. Makes changes in the residential child care facilities rate setting.
25. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
26. Repeals the funeral expenses to certain recipients of public assistance and repeals certain other reimbursement for care of an assisted person.
27. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.
28. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
29. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.
30. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.
31. Increases the percentage of certain outstanding loan principal balances used to pay the costs of administering the state water pollution control and drinking water revolving loan funds.
32. Increases the fee for department review of subsurface plans and subdivisions.
33. Establishes the subsurface systems fund and requires a quarterly report relative to the administration of the subsurface systems program.
34. Establishes a motor vehicle air pollution abatement fund, increases the fee for motor vehicle inspection stickers, and requires that a portion of the increase be used by the department of environmental services to reduce air pollution in the state from motor vehicles registered for on-road use.
35. Increases the contribution rates for retirement system members only for the biennium beginning July 1, 2009, and requires the retirement system to recalculate and the board of trustees to re-certify employer contribution rates.
36. Changes the state share of payment of the retirement system annual employer contribution.
37. Requires premium contribution amounts from retired state employees for retiree health insurance.
38. Changes the retirement system certification of the state cost of other post-employment benefits.
39. Consolidates certain district courts.
40. Creates a committee to study closing the Claremont, Colebrook, and Milford district courts.
41. Establishes conditions under which a prisoner may be released from his or her state sentence and into the custody and control of the United States Immigration and Customs Enforcement, and specifies conditions for the prisoner's return to the custody and control of the department of corrections.
42. Suspends bumping rights for classified employees.
43. Provides criteria for rehiring of laid off state employees.
44. Changes the amount of the reserve that the state is required to maintain to pay claims and administrative costs under a self-insured group health plan.
45. Establishes the position of deputy commissioner in the department of administrative services and provides that the position shall be unfunded for the biennium ending June 30, 2011, provided that the commissioner of the department of administrative services, if funding becomes available during the biennium, may request fiscal committee approval to fund the position.
46. Changes the letter grade classification for the director of plant and property management in the department of administrative services.
47. Allows the real estate commission to determine how to provide notice of any proposed rulemaking undertaken by the commission.
48. Creates a director of policy and administration in the department of transportation.
49. Authorizes the department of transportation to convey and the New Hampshire bureau of turnpikes to acquire, expand, and make improvements to a portion of I-95 in Portsmouth, defines certain highways, redefines the eastern New Hampshire turnpike, and increases the aggregate amount of bonds the state may issue.

50. Adds appropriations for the purpose of carrying out certain highway construction and improvement projects.

51. Authorizes the commissioner of the department of transportation to enter into reciprocal agreements with other jurisdictions to assist in the administration and enforcement of the E-Z pass system.

52. Authorizes the commissioner of transportation to commercialize rest areas, welcome centers, and state liquor store sites along the highways and turnpikes.

53. Suspends the deposit of moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits in the game management account. Such moneys shall be deposited in the fish and game fund and used for its general purposes.

54. Suspends certain requirements for state government waste reduction, recycling, and recycled products purchase.

55. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch. The bill also requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces.

56. Establishes a committee to study the consolidation of administrative and adjudicative functions of boards, commissions, and councils regulating occupations and licensing professionals to provide for increased efficiency and cost savings.

57. Establishes the state workforce opportunity council within the department of resources and economic development.

58. Requires the insurance department to seek governor and council approval for an agreement with the university system of New Hampshire for support of the New Hampshire Citizens Health Initiative.

59. Requires the legislative branch and the judicial branch to lapse funds in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.

60. Allows the real estate commission to collect a handling charge for fees paid electronically.

61. Allows simulcasting without conducting live horse or dog racing. The bill requires the racing and charitable gaming commission to establish and adjust annual fees for licensees conducting live racing to generate revenue that approximates the direct costs of administering live racing.

62. Establishes the position of chief multi-state auditor for the department of revenue administration.

63. Establishes a judicial branch information technology fund to be funded by a percentage of court entry fees and by an increase in the penalty assessment on court fines.

64. Exempts the liquor commission from state purchasing requirements, eliminates certain restrictions on the closing of state liquor stores, and establishes temporary limitations on the licensing of new agency liquor stores.

65. Repeals a provision that eliminated an eligibility requirement for certain discounts on wine purchased from the liquor commission.

66. Requires the department of safety and department of health and human services to negotiate a reduced fee for criminal record checks performed on behalf of the department of health and human services.

67. Requires the department of safety to impose a \$100 fee for researching and correcting the criminal history record of a petitioner who is granted an annulment.

68. Establishes a recreational saltwater license issued by the fish and game department to individuals, charter boats, and party boats for taking finfish in coastal and estuarine waters.

69. Increases boating registration and license fees.

70. Increases the road toll; establishes a dedicated account for roads and bridges in the highway fund; limits the uses of road toll revenues; and establishes a commission to study revenue sources for funding improvements to highways and bridges.

71. Requires the department of transportation to erect signs advertising state liquor stores.

72. Limits the average daily membership in attendance of chartered public schools for the 2010 and 2011 fiscal years. Requires the commissioner of the department of education to obtain approval from the fiscal committee of the general court, and from the governor and council, for funding for any chartered public school approved between July 1, 2009 and June 30, 2011.

73. Requires the department of health and human services to study the cost and service efficiencies that could be realized through a coordination of resources, facilities, and personnel between the Tobey School and the Philbrook Center.

74. Requires the department of health and human services, division of family assistance, to issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011.

75. Requires the department of health and human services to prepare an amendment to the state Medicaid plan relative to the Medicaid classification for Children's Hospital at Dartmouth-Hitchcock.

76. Requires the department of health and human services to submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.

77. Nullifies the provisions of HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).

78. Requires that unused appropriations for nursing services and home health services be paid to providers.

79. Transfers responsibility for enforcing alcoholic beverage laws from the liquor commission to the department of safety.

80. Provides that it is the intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from the United States Department of Education under the provisions of the American Recovery and Reinvestment Act of 2009 into the education trust fund established in RSA 198:39 for the purpose of funding increases in adequacy and equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.

81. Authorizes the department of safety to charge a fee for certification of reduced ignition propensity cigarettes and provides that the funds shall be used to support fire safety education.

82. Adds cigars, excluding premium cigars, and snuff to the definition of tobacco products and increases the tax rate for tobacco products other than cigarettes.

83. Freezes the insurance premium tax for a certain period beginning January 1, 2010 and requires the insurance commissioner and the commissioner of the department of resources and economic development to present a report to the house and senate ways and means committees relative to jobs and certain insurance revenues.

84. Changes the rate of the New Hampshire estate tax to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds \$2,000,000.

85. Increases the standard exemption under the interest and dividends tax.

86. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

87. Prohibits the creation and reclassification of positions in order to establish new management positions specifically to replace abolished management positions at the Lakes Region facility.

2009-1211h

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

#### **Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by deleting sections 181-185 and renumbering the remaining sections 186-197 to read as 181-192, respectively.

Amend the bill by replacing section 192 with the following:

192 Effective Date.

I. Section 1, paragraph III of section 26, and sections 46-47, 116, and 157 of this act shall take effect June 30, 2009.

II. Section 48 of this act shall take effect June 30, 2011.

III. Section 51 of this act shall take effect June 1, 2009.

IV. RSA 284:6-a, VI as inserted by section 90 of this act, and section 175 of this act shall take effect January 1, 2010.

V. Sections 120-131 of this act shall take effect January 1, 2011.

VI. Sections 132-137 and 179-180 of this act shall take effect 60 days after its passage.

VII. Section 138 of this act shall take effect July 1, 2015.

VIII. Section 156 of this act shall take effect July 1, 2009 at 12:01 a.m.

IX. The remainder of this act shall take effect July 1, 2009.

#### **AMENDED ANALYSIS**

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.

2. Increases the tobacco tax.
3. Establishes a tax on gambling winnings.
4. Increases the meals and rooms tax and suspends the distribution of meals and rooms tax revenues collected for the biennium ending June 30, 2011 to cities and towns.
5. Funds revenue sharing with cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.
6. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.
7. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.
8. Increases the fees for motor vehicle records charged to insurance companies and drivers.
9. Authorizes the commissioner of safety to make certain personnel reallocations.
10. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.
11. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.
12. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.
13. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.
14. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.
15. Requires all gross revenues from the sale of liquor and related products, or from license fees, to be deposited into the liquor commission fund for the biennium ending June 30, 2011.
16. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of terminating direct graduate medical education payments to hospitals.
17. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).
18. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos and Grafton counties.
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20. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.
21. Clarifies what moneys are to be credited to the lead poisoning prevention fund.
22. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified positions that are being unfunded.
23. Changes the percentage of the amount appropriated for certain juvenile programs under the law regarding services for children, youth and families.
24. Makes changes in the residential child care facilities rate setting.
25. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
26. Repeals the funeral expenses to certain recipients of public assistance and repeals certain other reimbursement for care of an assisted person.
27. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.
28. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
29. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.

30. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.
31. Increases the percentage of certain outstanding loan principal balances used to pay the costs of administering the state water pollution control and drinking water revolving loan funds.
32. Increases the fee for department review of subsurface plans and subdivisions.
33. Establishes the subsurface systems fund and requires a quarterly report relative to the administration of the subsurface systems program.
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35. Increases the contribution rates for retirement system members only for the biennium beginning July 1, 2009, and requires the retirement system to recalculate and the board of trustees to re-certify employer contribution rates.
36. Changes the state share of payment of the retirement system annual employer contribution.
37. Requires premium contribution amounts from retired state employees for retiree health insurance.
38. Changes the retirement system certification of the state cost of other post-employment benefits.
39. Consolidates certain district courts.
40. Creates a committee to study closing the Claremont, Colebrook, and Milford district courts.
41. Establishes conditions under which a prisoner may be released from his or her state sentence and into the custody and control of the United States Immigration and Customs Enforcement, and specifies conditions for the prisoner's return to the custody and control of the department of corrections.
42. Suspends bumping rights for classified employees.
43. Provides criteria for rehiring of laid off state employees.
44. Changes the amount of the reserve that the state is required to maintain to pay claims and administrative costs under a self-insured group health plan.
45. Establishes the position of deputy commissioner in the department of administrative services and provides that the position shall be unfunded for the biennium ending June 30, 2011, provided that the commissioner of the department of administrative services, if funding becomes available during the biennium, may request fiscal committee approval to fund the position.
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47. Allows the real estate commission to determine how to provide notice of any proposed rulemaking undertaken by the commission.
48. Creates a director of policy and administration in the department of transportation.
49. Authorizes the department of transportation to convey and the New Hampshire bureau of turnpikes to acquire, expand, and make improvements to a portion of I-95 in Portsmouth, defines certain highways, redefines the eastern New Hampshire turnpike, and increases the aggregate amount of bonds the state may issue.
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58. Requires the insurance department to seek governor and council approval for an agreement with the university system of New Hampshire for support of the New Hampshire Citizens Health Initiative.
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73. Requires the department of health and human services to study the cost and service efficiencies that could be realized through a coordination of resources, facilities, and personnel between the Tobey School and the Philbrook Center.
74. Requires the department of health and human services, division of family assistance, to issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011.
75. Requires the department of health and human services to prepare an amendment to the state Medicaid plan relative to the Medicaid classification for Children's Hospital at Dartmouth-Hitchcock.
76. Requires the department of health and human services to submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.
77. Nullifies the provisions of HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).
78. Requires that unused appropriations for nursing services and home health services be paid to providers.
79. Transfers responsibility for enforcing alcoholic beverage laws from the liquor commission to the department of safety.
80. Provides that it is the intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from the United States Department of Education under the provisions of

the American Recovery and Reinvestment Act of 2009 into the education trust fund established in RSA 198:39 for the purpose of funding increases in adequacy and equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.

81. Authorizes the department of safety to charge a fee for certification of reduced ignition propensity cigarettes and provides that the funds shall be used to support fire safety education.

82. Adds cigars, excluding premium cigars, and snuff to the definition of tobacco products and increases the tax rate for tobacco products other than cigarettes.

83. Freezes the insurance premium tax for a certain period beginning January 1, 2010 and requires the insurance commissioner and the commissioner of the department of resources and economic development to present a report to the house and senate ways and means committees relative to jobs and certain insurance revenues.

84. Requires taxation of capital gains under the interest and dividends tax. The bill also increases the standard exemption under the interest and dividends tax.

85. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

86. Prohibits the creation and reclassification of positions in order to establish new management positions specifically to replace abolished management positions at the Lakes Region facility.

2009-1228h

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

##### **Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by deleting sections 2 and 3 and renumbering the original sections 4 through 197 to read as 2 through 195, respectively.

Amend the bill by replacing section 45 with the following:

45 Retirement System; Recalculation of Employer Rates; Re-Certification by Board of Trustees. 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 section 44 of this act to reduce previously certified employer contribution rates for state fiscal years 2010 and 2011. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees shall recalculate and re-certify employer contribution rates for the state fiscal years 2010 and 2011.

Amend the bill by replacing section 97 with the following:

97 Applicability. The fees established in RSA 284:6-a, VI as inserted by section 88 of this act shall apply to licenses issued on or after January 1, 2010.

Amend the bill by replacing section 192 with the following:

192 Application. The provisions of sections 184-191 of this act shall apply to and be in effect on account of taxable periods ending on or after January 1, 2010.

Amend the bill by replacing section 195 with the following:

195 Effective Date.

I. Section 1, paragraph III of section 24, and sections 44-45, 114, and 155 of this act shall take effect June 30, 2009.

II. Section 46 of this act shall take effect June 30, 2011.

III. Section 49 of this act shall take effect June 1, 2009.

IV. RSA 284:6-a, VI as inserted by section 88 of this act, section 173, and sections 179-183 of this act shall take effect January 1, 2010.

V. Sections 118-129 of this act shall take effect January 1, 2011.

VI. Sections 130-135 and 177-178 of this act shall take effect 60 days after its passage.

VII. Section 136 of this act shall take effect July 1, 2015.

VIII. Section 154 of this act shall take effect July 1, 2009 at 12:01 a.m.

IX. The remainder of this act shall take effect July 1, 2009.

#### **AMENDED ANALYSIS**

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.

2. Establishes a tax on gambling winnings.

3. Increases the meals and rooms tax and suspends the distribution of meals and rooms tax revenues collected for the biennium ending June 30, 2011 to cities and towns.

4. Funds revenue sharing with cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.

5. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.
6. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.
7. Increases the fees for motor vehicle records charged to insurance companies and drivers.
8. Authorizes the commissioner of safety to make certain personnel reallocations.
9. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.
10. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.
11. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.
12. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.
13. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.
14. Requires all gross revenues from the sale of liquor and related products, or from license fees, to be deposited into the liquor commission fund for the biennium ending June 30, 2011.
15. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of terminating direct graduate medical education payments to hospitals.
16. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).
17. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos and Grafton counties.
18. Requires the department of health and human services to establish a medical home pilot program.
19. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.
20. Clarifies what moneys are to be credited to the lead poisoning prevention fund.
21. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified positions that are being unfunded.
22. Changes the percentage of the amount appropriated for certain juvenile programs under the law regarding services for children, youth and families.
23. Makes changes in the residential child care facilities rate setting.
24. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
25. Repeals the funeral expenses to certain recipients of public assistance and repeals certain other reimbursement for care of an assisted person.
26. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.
27. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
28. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.
29. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.
30. Increases the percentage of certain outstanding loan principal balances used to pay the costs of administering the state water pollution control and drinking water revolving loan funds.
31. Increases the fee for department review of subsurface plans and subdivisions.

32. Establishes the subsurface systems fund and requires a quarterly report relative to the administration of the subsurface systems program.

33. Establishes a motor vehicle air pollution abatement fund, increases the fee for motor vehicle inspection stickers, and requires that a portion of the increase be used by the department of environmental services to reduce air pollution in the state from motor vehicles registered for on-road use.

34. Increases the contribution rates for retirement system members only for the biennium beginning July 1, 2009, and requires the retirement system to recalculate and the board of trustees to re-certify employer contribution rates.

35. Changes the state share of payment of the retirement system annual employer contribution.

36. Requires premium contribution amounts from retired state employees for retiree health insurance.

37. Changes the retirement system certification of the state cost of other post-employment benefits.

38. Consolidates certain district courts.

39. Creates a committee to study closing the Claremont, Colebrook, and Milford district courts.

40. Establishes conditions under which a prisoner may be released from his or her state sentence and into the custody and control of the United States Immigration and Customs Enforcement, and specifies conditions for the prisoner's return to the custody and control of the department of corrections.

41. Suspends bumping rights for classified employees.

42. Provides criteria for rehiring of laid off state employees.

43. Changes the amount of the reserve that the state is required to maintain to pay claims and administrative costs under a self-insured group health plan.

44. Establishes the position of deputy commissioner in the department of administrative services and provides that the position shall be unfunded for the biennium ending June 30, 2011, provided that the commissioner of the department of administrative services, if funding becomes available during the biennium, may request fiscal committee approval to fund the position.

45. Changes the letter grade classification for the director of plant and property management in the department of administrative services.

46. Allows the real estate commission to determine how to provide notice of any proposed rulemaking undertaken by the commission.

47. Creates a director of policy and administration in the department of transportation.

48. Authorizes the department of transportation to convey and the New Hampshire bureau of turnpikes to acquire, expand, and make improvements to a portion of I-95 in Portsmouth, defines certain highways, redefines the eastern New Hampshire turnpike, and increases the aggregate amount of bonds the state may issue.

49. Adds appropriations for the purpose of carrying out certain highway construction and improvement projects.

50. Authorizes the commissioner of the department of transportation to enter into reciprocal agreements with other jurisdictions to assist in the administration and enforcement of the E-Z pass system.

51. Authorizes the commissioner of transportation to commercialize rest areas, welcome centers, and state liquor store sites along the highways and turnpikes.

52. Suspends the deposit of moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits in the game management account. Such moneys shall be deposited in the fish and game fund and used for its general purposes.

53. Suspends certain requirements for state government waste reduction, recycling, and recycled products purchase.

54. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch. The bill also requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces.

55. Establishes a committee to study the consolidation of administrative and adjudicative functions of boards, commissions, and councils regulating occupations and licensing professionals to provide for increased efficiency and cost savings.

56. Establishes the state workforce opportunity council within the department of resources and economic development.

57. Requires the insurance department to seek governor and council approval for an agreement with the university system of New Hampshire for support of the New Hampshire Citizens Health Initiative.
58. Requires the legislative branch and the judicial branch to lapse funds in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.
59. Allows the real estate commission to collect a handling charge for fees paid electronically.
60. Allows simulcasting without conducting live horse or dog racing. The bill requires the racing and charitable gaming commission to establish and adjust annual fees for licensees conducting live racing to generate revenue that approximates the direct costs of administering live racing.
61. Establishes the position of chief multi-state auditor for the department of revenue administration.
62. Establishes a judicial branch information technology fund to be funded by a percentage of court entry fees and by an increase in the penalty assessment on court fines.
63. Exempts the liquor commission from state purchasing requirements, eliminates certain restrictions on the closing of state liquor stores, and establishes temporary limitations on the licensing of new agency liquor stores.
64. Repeals a provision that eliminated an eligibility requirement for certain discounts on wine purchased from the liquor commission.
65. Requires the department of safety and department of health and human services to negotiate a reduced fee for criminal record checks performed on behalf of the department of health and human services.
66. Requires the department of safety to impose a \$100 fee for researching and correcting the criminal history record of a petitioner who is granted an annulment.
67. Establishes a recreational saltwater license issued by the fish and game department to individuals, charter boats, and party boats for taking finfish in coastal and estuarine waters.
68. Increases boating registration and license fees.
69. Increases the road toll; establishes a dedicated account for roads and bridges in the highway fund; limits the uses of road toll revenues; and establishes a commission to study revenue sources for funding improvements to highways and bridges.
70. Requires the department of transportation to erect signs advertising state liquor stores.
71. Limits the average daily membership in attendance of chartered public schools for the 2010 and 2011 fiscal years. Requires the commissioner of the department of education to obtain approval from the fiscal committee of the general court, and from the governor and council, for funding for any chartered public school approved between July 1, 2009 and June 30, 2011.
72. Requires the department of health and human services to study the cost and service efficiencies that could be realized through a coordination of resources, facilities, and personnel between the Tobey School and the Philbrook Center.
73. Requires the department of health and human services, division of family assistance, to issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011.
74. Requires the department of health and human services to prepare an amendment to the state Medicaid plan relative to the Medicaid classification for Children's Hospital at Dartmouth-Hitchcock.
75. Requires the department of health and human services to submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.
76. Nullifies the provisions of HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).
77. Requires that unused appropriations for nursing services and home health services be paid to providers.
78. Transfers responsibility for enforcing alcoholic beverage laws from the liquor commission to the department of safety.
79. Provides that it is the intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from the United States Department of Education under the provisions of the American Recovery and Reinvestment Act of 2009 into the education trust fund established in RSA 198:39 for the purpose of funding increases in adequacy and equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.
80. Authorizes the department of safety to charge a fee for certification of reduced ignition propensity cigarettes and provides that the funds shall be used to support fire safety education.

81. Adds cigars, excluding premium cigars, and snuff to the definition of tobacco products and increases the tax rate for tobacco products other than cigarettes.

82. Freezes the insurance premium tax for a certain period beginning January 1, 2010 and requires the insurance commissioner and the commissioner of the department of resources and economic development to present a report to the house and senate ways and means committees relative to jobs and certain insurance revenues.

83. Changes the rate of the New Hampshire estate tax to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds \$2,000,000.

84. Requires taxation of capital gains under the interest and dividends tax. The bill also increases the standard exemption under the interest and dividends tax.

85. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

86. Prohibits the creation and reclassification of positions in order to establish new management positions specifically to replace abolished management positions at the Lakes Region facility.

2009-1227h

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

##### **Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by deleting sections 179-180 and renumbering the original sections 181-197 to read as 179-195, respectively.

Amend the bill by replacing 195 with the following:

195 Effective Date.

I. Section 1, paragraph III of section 26, and sections 46-47, 116, and 157 of this act shall take effect June 30, 2009.

II. Section 48 of this act shall take effect June 30, 2011.

III. Section 51 of this act shall take effect June 1, 2009.

IV. RSA 284:6-a, VI as inserted by section 90 of this act, section 175, and sections 179-183 of this act shall take effect January 1, 2010.

V. Sections 120-131 of this act shall take effect January 1, 2011.

VI. Sections 132-137 of this act shall take effect 60 days after its passage.

VII. Section 138 of this act shall take effect July 1, 2015.

VIII. Section 156 of this act shall take effect July 1, 2009 at 12:01 a.m.

IX. The remainder of this act shall take effect July 1, 2009.

#### **AMENDED ANALYSIS**

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.

2. Increases the tobacco tax.

3. Establishes a tax on gambling winnings.

4. Increases the meals and rooms tax and suspends the distribution of meals and rooms tax revenues collected for the biennium ending June 30, 2011 to cities and towns.

5. Funds revenue sharing with cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.

6. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.

7. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.

8. Increases the fees for motor vehicle records charged to insurance companies and drivers.

9. Authorizes the commissioner of safety to make certain personnel reallocations.

10. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.

11. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.

12. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.

13. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.
14. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.
15. Requires all gross revenues from the sale of liquor and related products, or from license fees, to be deposited into the liquor commission fund for the biennium ending June 30, 2011.
16. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of terminating direct graduate medical education payments to hospitals.
17. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).
18. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos and Grafton counties.
19. Requires the department of health and human services to establish a medical home pilot program.
20. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.
21. Clarifies what moneys are to be credited to the lead poisoning prevention fund.
22. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified positions that are being unfunded.
23. Changes the percentage of the amount appropriated for certain juvenile programs under the law regarding services for children, youth and families.
24. Makes changes in the residential child care facilities rate setting.
25. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
26. Repeals the funeral expenses to certain recipients of public assistance and repeals certain other reimbursement for care of an assisted person.
27. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.
28. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
29. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.
30. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.
31. Increases the percentage of certain outstanding loan principal balances used to pay the costs of administering the state water pollution control and drinking water revolving loan funds.
32. Increases the fee for department review of subsurface plans and subdivisions.
33. Establishes the subsurface systems fund and requires a quarterly report relative to the administration of the subsurface systems program.
34. Establishes a motor vehicle air pollution abatement fund, increases the fee for motor vehicle inspection stickers, and requires that a portion of the increase be used by the department of environmental services to reduce air pollution in the state from motor vehicles registered for on-road use.
35. Increases the contribution rates for retirement system members only for the biennium beginning July 1, 2009, and requires the retirement system to recalculate and the board of trustees to re-certify employer contribution rates.
36. Changes the state share of payment of the retirement system annual employer contribution.
37. Requires premium contribution amounts from retired state employees for retiree health insurance.
38. Changes the retirement system certification of the state cost of other post-employment benefits.
39. Consolidates certain district courts.

40. Creates a committee to study closing the Claremont, Colebrook, and Milford district courts.
41. Establishes conditions under which a prisoner may be released from his or her state sentence and into the custody and control of the United States Immigration and Customs Enforcement, and specifies conditions for the prisoner's return to the custody and control of the department of corrections.
42. Suspends bumping rights for classified employees.
43. Provides criteria for rehiring of laid off state employees.
44. Changes the amount of the reserve that the state is required to maintain to pay claims and administrative costs under a self-insured group health plan.
45. Establishes the position of deputy commissioner in the department of administrative services and provides that the position shall be unfunded for the biennium ending June 30, 2011, provided that the commissioner of the department of administrative services, if funding becomes available during the biennium, may request fiscal committee approval to fund the position.
46. Changes the letter grade classification for the director of plant and property management in the department of administrative services.
47. Allows the real estate commission to determine how to provide notice of any proposed rulemaking undertaken by the commission.
48. Creates a director of policy and administration in the department of transportation.
49. Authorizes the department of transportation to convey and the New Hampshire bureau of turnpikes to acquire, expand, and make improvements to a portion of I-95 in Portsmouth, defines certain highways, redefines the eastern New Hampshire turnpike, and increases the aggregate amount of bonds the state may issue.
50. Adds appropriations for the purpose of carrying out certain highway construction and improvement projects.
51. Authorizes the commissioner of the department of transportation to enter into reciprocal agreements with other jurisdictions to assist in the administration and enforcement of the E-Z pass system.
52. Authorizes the commissioner of transportation to commercialize rest areas, welcome centers, and state liquor store sites along the highways and turnpikes.
53. Suspends the deposit of moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits in the game management account. Such moneys shall be deposited in the fish and game fund and used for its general purposes.
54. Suspends certain requirements for state government waste reduction, recycling, and recycled products purchase.
55. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch. The bill also requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces.
56. Establishes a committee to study the consolidation of administrative and adjudicative functions of boards, commissions, and councils regulating occupations and licensing professionals to provide for increased efficiency and cost savings.
57. Establishes the state workforce opportunity council within the department of resources and economic development.
58. Requires the insurance department to seek governor and council approval for an agreement with the university system of New Hampshire for support of the New Hampshire Citizens Health Initiative.
59. Requires the legislative branch and the judicial branch to lapse funds in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.
60. Allows the real estate commission to collect a handling charge for fees paid electronically.
61. Allows simulcasting without conducting live horse or dog racing. The bill requires the racing and charitable gaming commission to establish and adjust annual fees for licensees conducting live racing to generate revenue that approximates the direct costs of administering live racing.
62. Establishes the position of chief multi-state auditor for the department of revenue administration.
63. Establishes a judicial branch information technology fund to be funded by a percentage of court entry fees and by an increase in the penalty assessment on court fines.

64. Exempts the liquor commission from state purchasing requirements, eliminates certain restrictions on the closing of state liquor stores, and establishes temporary limitations on the licensing of new agency liquor stores.

65. Repeals a provision that eliminated an eligibility requirement for certain discounts on wine purchased from the liquor commission.

66. Requires the department of safety and department of health and human services to negotiate a reduced fee for criminal record checks performed on behalf of the department of health and human services.

67. Requires the department of safety to impose a \$100 fee for researching and correcting the criminal history record of a petitioner who is granted an annulment.

68. Establishes a recreational saltwater license issued by the fish and game department to individuals, charter boats, and party boats for taking finfish in coastal and estuarine waters.

69. Increases boating registration and license fees.

70. Increases the road toll; establishes a dedicated account for roads and bridges in the highway fund; limits the uses of road toll revenues; and establishes a commission to study revenue sources for funding improvements to highways and bridges.

71. Requires the department of transportation to erect signs advertising state liquor stores.

72. Limits the average daily membership in attendance of chartered public schools for the 2010 and 2011 fiscal years. Requires the commissioner of the department of education to obtain approval from the fiscal committee of the general court, and from the governor and council, for funding for any chartered public school approved between July 1, 2009 and June 30, 2011.

73. Requires the department of health and human services to study the cost and service efficiencies that could be realized through a coordination of resources, facilities, and personnel between the Tobey School and the Philbrook Center.

74. Requires the department of health and human services, division of family assistance, to issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011.

75. Requires the department of health and human services to prepare an amendment to the state Medicaid plan relative to the Medicaid classification for Children's Hospital at Dartmouth-Hitchcock.

76. Requires the department of health and human services to submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.

77. Nullifies the provisions of HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).

78. Requires that unused appropriations for nursing services and home health services be paid to providers.

79. Transfers responsibility for enforcing alcoholic beverage laws from the liquor commission to the department of safety.

80. Provides that it is the intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from the United States Department of Education under the provisions of the American Recovery and Reinvestment Act of 2009 into the education trust fund established in RSA 198:39 for the purpose of funding increases in adequacy and equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.

81. Authorizes the department of safety to charge a fee for certification of reduced ignition propensity cigarettes and provides that the funds shall be used to support fire safety education.

82. Adds cigars, excluding premium cigars, and snuff to the definition of tobacco products and increases the tax rate for tobacco products other than cigarettes.

83. Changes the rate of the New Hampshire estate tax to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds \$2,000,000.

84. Requires taxation of capital gains under the interest and dividends tax. The bill also increases the standard exemption under the interest and dividends tax.

85. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

86. Prohibits the creation and reclassification of positions in order to establish new management positions specifically to replace abolished management positions at the Lakes Region facility.

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

### **Proposed by Reps. Packard, Kurk, W.D. Scamman, Wendelboe and Jasper**

Amend the bill by deleting sections 4 through 6 and renumbering the original sections 7 through 197 to read as 4 through 194, respectively.

Amend the bill by replacing section 44 with the following:

44 Retirement System; Recalculation of Employer Rates; Re-Certification by Board of Trustees. 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 section 43 of this act to reduce previously certified employer contribution rates for state fiscal years 2010 and 2011. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees shall recalculate and re-certify employer contribution rates for the state fiscal years 2010 and 2011.

Amend the bill by replacing section 96 with the following:

96 Applicability. The fees established in RSA 284:6-a, VI as inserted by section 87 of this act shall apply to licenses issued on or after January 1, 2010.

Amend the bill by replacing section 191 with the following:

191 Application. The provisions of sections 183-190 of this act shall apply to and be in effect on account of taxable periods ending on or after January 1, 2010.

Amend the bill by replacing section 194 with the following:

194 Effective Date.

I. Section 1, paragraph III of section 23, and sections 43-44, 113, and 154 of this act shall take effect June 30, 2009.

II. Section 45 of this act shall take effect June 30, 2011.

III. Section 48 of this act shall take effect June 1, 2009.

IV. RSA 284:6-a, VI as inserted by section 87 of this act, section 172, and sections 178-182 of this act shall take effect January 1, 2010.

V. Sections 117-128 of this act shall take effect January 1, 2011.

VI. Sections 129-134 and 176-177 of this act shall take effect 60 days after its passage.

VII. Section 135 of this act shall take effect July 1, 2015.

VIII. Section 153 of this act shall take effect July 1, 2009 at 12:01 a.m.

IX. The remainder of this act shall take effect July 1, 2009.

### **AMENDED ANALYSIS**

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.

2. Increases the tobacco tax.

3. Increases the meals and rooms tax and suspends the distribution of meals and rooms tax revenues collected for the biennium ending June 30, 2011 to cities and towns.

4. Funds revenue sharing with cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.

5. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.

6. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.

7. Increases the fees for motor vehicle records charged to insurance companies and drivers.

8. Authorizes the commissioner of safety to make certain personnel reallocations.

9. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.

10. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.

11. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.

12. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.

13. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.

14. Requires all gross revenues from the sale of liquor and related products, or from license fees, to be deposited into the liquor commission fund for the biennium ending June 30, 2011.
15. Requires the department of health and human services to submit a Medicaid state plan amendment for the purposes of terminating direct graduate medical education payments to hospitals.
16. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).
17. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos and Grafton counties.
18. Requires the department of health and human services to establish a medical home pilot program.
19. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.
20. Clarifies what moneys are to be credited to the lead poisoning prevention fund.
21. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified positions that are being unfunded.
22. Changes the percentage of the amount appropriated for certain juvenile programs under the law regarding services for children, youth and families.
23. Makes changes in the residential child care facilities rate setting.
24. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
25. Repeals the funeral expenses to certain recipients of public assistance and repeals certain other reimbursement for care of an assisted person.
26. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.
27. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
28. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.
29. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.
30. Increases the percentage of certain outstanding loan principal balances used to pay the costs of administering the state water pollution control and drinking water revolving loan funds.
31. Increases the fee for department review of subsurface plans and subdivisions.
32. Establishes the subsurface systems fund and requires a quarterly report relative to the administration of the subsurface systems program.
33. Establishes a motor vehicle air pollution abatement fund, increases the fee for motor vehicle inspection stickers, and requires that a portion of the increase be used by the department of environmental services to reduce air pollution in the state from motor vehicles registered for on-road use.
34. Increases the contribution rates for retirement system members only for the biennium beginning July 1, 2009, and requires the retirement system to recalculate and the board of trustees to re-certify employer contribution rates.
35. Changes the state share of payment of the retirement system annual employer contribution.
36. Requires premium contribution amounts from retired state employees for retiree health insurance.
37. Changes the retirement system certification of the state cost of other post-employment benefits.
38. Consolidates certain district courts.
39. Creates a committee to study closing the Claremont, Colebrook, and Milford district courts.
40. Establishes conditions under which a prisoner may be released from his or her state sentence and into the custody and control of the United States Immigration and Customs Enforcement, and specifies conditions for the prisoner's return to the custody and control of the department of corrections.

41. Suspends bumping rights for classified employees.
42. Provides criteria for rehiring of laid off state employees.
43. Changes the amount of the reserve that the state is required to maintain to pay claims and administrative costs under a self-insured group health plan.
44. Establishes the position of deputy commissioner in the department of administrative services and provides that the position shall be unfunded for the biennium ending June 30, 2011, provided that the commissioner of the department of administrative services, if funding becomes available during the biennium, may request fiscal committee approval to fund the position.
45. Changes the letter grade classification for the director of plant and property management in the department of administrative services.
46. Allows the real estate commission to determine how to provide notice of any proposed rulemaking undertaken by the commission.
47. Creates a director of policy and administration in the department of transportation.
48. Authorizes the department of transportation to convey and the New Hampshire bureau of turnpikes to acquire, expand, and make improvements to a portion of I-95 in Portsmouth, defines certain highways, redefines the eastern New Hampshire turnpike, and increases the aggregate amount of bonds the state may issue.
49. Adds appropriations for the purpose of carrying out certain highway construction and improvement projects.
50. Authorizes the commissioner of the department of transportation to enter into reciprocal agreements with other jurisdictions to assist in the administration and enforcement of the E-Z pass system.
51. Authorizes the commissioner of transportation to commercialize rest areas, welcome centers, and state liquor store sites along the highways and turnpikes.
52. Suspends the deposit of moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits in the game management account. Such moneys shall be deposited in the fish and game fund and used for its general purposes.
53. Suspends certain requirements for state government waste reduction, recycling, and recycled products purchase.
54. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch. The bill also requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces.
55. Establishes a committee to study the consolidation of administrative and adjudicative functions of boards, commissions, and councils regulating occupations and licensing professionals to provide for increased efficiency and cost savings.
56. Establishes the state workforce opportunity council within the department of resources and economic development.
57. Requires the insurance department to seek governor and council approval for an agreement with the university system of New Hampshire for support of the New Hampshire Citizens Health Initiative.
58. Requires the legislative branch and the judicial branch to lapse funds in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.
59. Allows the real estate commission to collect a handling charge for fees paid electronically.
60. Allows simulcasting without conducting live horse or dog racing. The bill requires the racing and charitable gaming commission to establish and adjust annual fees for licensees conducting live racing to generate revenue that approximates the direct costs of administering live racing.
61. Establishes the position of chief multi-state auditor for the department of revenue administration.
62. Establishes a judicial branch information technology fund to be funded by a percentage of court entry fees and by an increase in the penalty assessment on court fines.
63. Exempts the liquor commission from state purchasing requirements, eliminates certain restrictions on the closing of state liquor stores, and establishes temporary limitations on the licensing of new agency liquor stores.
64. Repeals a provision that eliminated an eligibility requirement for certain discounts on wine purchased from the liquor commission.

65. Requires the department of safety and department of health and human services to negotiate a reduced fee for criminal record checks performed on behalf of the department of health and human services.
66. Requires the department of safety to impose a \$100 fee for researching and correcting the criminal history record of a petitioner who is granted an annulment.
67. Establishes a recreational saltwater license issued by the fish and game department to individuals, charter boats, and party boats for taking finfish in coastal and estuarine waters.
68. Increases boating registration and license fees.
69. Increases the road toll; establishes a dedicated account for roads and bridges in the highway fund; limits the uses of road toll revenues; and establishes a commission to study revenue sources for funding improvements to highways and bridges.
70. Requires the department of transportation to erect signs advertising state liquor stores.
71. Limits the average daily membership in attendance of chartered public schools for the 2010 and 2011 fiscal years. Requires the commissioner of the department of education to obtain approval from the fiscal committee of the general court, and from the governor and council, for funding for any chartered public school approved between July 1, 2009 and June 30, 2011.
72. Requires the department of health and human services to study the cost and service efficiencies that could be realized through a coordination of resources, facilities, and personnel between the Tobey School and the Philbrook Center.
73. Requires the department of health and human services, division of family assistance, to issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011.
74. Requires the department of health and human services to prepare an amendment to the state Medicaid plan relative to the Medicaid classification for Children's Hospital at Dartmouth-Hitchcock.
75. Requires the department of health and human services to submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.
76. Nullifies the provisions of HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).
77. Requires that unused appropriations for nursing services and home health services be paid to providers.
78. Transfers responsibility for enforcing alcoholic beverage laws from the liquor commission to the department of safety.
79. Provides that it is the intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from the United States Department of Education under the provisions of the American Recovery and Reinvestment Act of 2009 into the education trust fund established in RSA 198:39 for the purpose of funding increases in adequacy and equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.
80. Authorizes the department of safety to charge a fee for certification of reduced ignition propensity cigarettes and provides that the funds shall be used to support fire safety education.
81. Adds cigars, excluding premium cigars, and snuff to the definition of tobacco products and increases the tax rate for tobacco products other than cigarettes.
82. Freezes the insurance premium tax for a certain period beginning January 1, 2010 and requires the insurance commissioner and the commissioner of the department of resources and economic development to present a report to the house and senate ways and means committees relative to jobs and certain insurance revenues.
83. Changes the rate of the New Hampshire estate tax to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds \$2,000,000.
84. Requires taxation of capital gains under the interest and dividends tax. The bill also increases the standard exemption under the interest and dividends tax.
85. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.
86. Prohibits the creation and reclassification of positions in order to establish new management positions specifically to replace abolished management positions at the Lakes Region facility.

### **Proposed by Reps. Butynski and Hunt**

Amend the bill by deleting sections 158-173 and renumbering the original sections 174-197 to read as 158-181, respectively.

Amend the bill by replacing section 178 with the following:

178 Application. The provisions of sections 170-177 of this act shall apply to and be in effect on account of taxable periods ending on or after January 1, 2010.

Amend the bill by replacing all after section 180 with the following:

181 Commission to Study Alcoholic Beverage Sales and Enforcement.

I. There is established a commission to study alcoholic beverage sales and enforcement.

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

(a) Six members of the house of representatives, appointed by the speaker of the house of representatives. The speaker shall appoint one member each from the following committees: commerce and consumer affairs; executive departments and administration; health, human services, and elderly affairs; local and regulated revenues; finance; and ways and means.

(b) Five members appointed by the governor as follows:

(1) One member representing the liquor commission.

(2) One member representing the department of safety.

(3) One member representing manufacturers and retailers of alcoholic beverages.

(4) One member representing alcoholism prevention and treatment providers.

(5) One member representing local police chiefs.

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

IV. The commission shall study:

(a) Enforcement of alcoholic beverage laws, including policy considerations and a determination of which state agency is best suited for enforcement responsibilities.

(b) Marketing and sales practices of the liquor commission and recommendations for practices to increase state revenue while protecting the public from alcohol-related problems.

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

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

182 Effective Date.

I. Section 1, paragraph III of section 26, and sections 46-47, 116, and 157 of this act shall take effect June 30, 2009.

II. Section 48 of this act shall take effect June 30, 2011.

III. Section 51 of this act shall take effect June 1, 2009.

IV. RSA 284:6-a, VI as inserted by section 90 of this act, section 159, and sections 165-169 of this act shall take effect January 1, 2010.

V. Sections 120-131 of this act shall take effect January 1, 2011.

VI. Sections 132-137 and 163-164 of this act shall take effect 60 days after its passage.

VII. Section 138 of this act shall take effect July 1, 2015.

VIII. Section 156 of this act shall take effect July 1, 2009 at 12:01 a.m.

IX. The remainder of this act shall take effect July 1, 2009.2009

### **AMENDED ANALYSIS**

This bill:

1. Transfers \$110,000,000 from the New Hampshire Medical Malpractice Joint Underwriting Association Post-1985 Account to the general fund.

2. Increases the tobacco tax.

3. Establishes a tax on gambling winnings.

4. Increases the meals and rooms tax and suspends the distribution of meals and rooms tax revenues collected for the biennium ending June 30, 2011 to cities and towns.

5. Funds revenue sharing with cities and towns for each fiscal year of the biennium ending June 30, 2011 at no more than the fiscal year 2009 level of distribution.

6. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2011.

7. Authorizes the state to bond \$40,000,000 of school building aid expenses in the capital budget for the 2009 fiscal year.
8. Increases the fees for motor vehicle records charged to insurance companies and drivers.
9. Authorizes the commissioner of safety to make certain personnel reallocations.
10. Allows the department of safety to transfer funds appropriated for the biennium ending June 30, 2011 within the budget of the division of state police.
11. Allows the commissioner of the department of health and human services to fill unfunded positions under certain circumstances.
12. Requires the commissioner of the department of health and human services and the commissioner of the department of revenue administrative services to renew their memorandum of understanding for the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and Temporary Assistance to Needy Families.
13. Requires the bureau of behavioral health, department of health and human services, to maintain a limit on benefits for adults with low service utilization of community mental health services.
14. Amends the law regarding total billings to counties for the purposes of persons eligible to receive nursing home services.
15. Requires all gross revenues from the sale of liquor and related products, or from license fees, to be deposited into the liquor commission fund for the biennium ending June 30, 2011.
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17. Requires the commissioner of the department of health and human services to adopt rules under RSA 541-A to adjust premiums for the State Children's Health Insurance Program (SCHIP).
18. Requires the department of health and human services to submit a Medicaid state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos and Grafton counties.
19. Requires the department of health and human services to establish a medical home pilot program.
20. Repeals the law relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services.
21. Clarifies what moneys are to be credited to the lead poisoning prevention fund.
22. Establishes 7 unclassified pharmacist positions in the department of health and human services to replace classified positions that are being unfunded.
23. Changes the percentage of the amount appropriated for certain juvenile programs under the law regarding services for children, youth and families.
24. Makes changes in the residential child care facilities rate setting.
25. Eliminates certain reimbursements for transportation and for assigned counsel for delinquent children, children under the Child Protection Act, and children in need of services.
26. Repeals the funeral expenses to certain recipients of public assistance and repeals certain other reimbursement for care of an assisted person.
27. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2011.
28. Provides that, for the biennium ending June 30, 2011, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
29. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.
30. Authorizes all departments to advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media.
31. Increases the percentage of certain outstanding loan principal balances used to pay the costs of administering the state water pollution control and drinking water revolving loan funds.
32. Increases the fee for department review of subsurface plans and subdivisions.
33. Establishes the subsurface systems fund and requires a quarterly report relative to the administration of the subsurface systems program.

34. Establishes a motor vehicle air pollution abatement fund, increases the fee for motor vehicle inspection stickers, and requires that a portion of the increase be used by the department of environmental services to reduce air pollution in the state from motor vehicles registered for on-road use.
35. Increases the contribution rates for retirement system members only for the biennium beginning July 1, 2009, and requires the retirement system to recalculate and the board of trustees to re-certify employer contribution rates.
36. Changes the state share of payment of the retirement system annual employer contribution.
37. Requires premium contribution amounts from retired state employees for retiree health insurance.
38. Changes the retirement system certification of the state cost of other post-employment benefits.
39. Consolidates certain district courts.
40. Creates a committee to study closing the Claremont, Colebrook, and Milford district courts.
41. Establishes conditions under which a prisoner may be released from his or her state sentence and into the custody and control of the United States Immigration and Customs Enforcement, and specifies conditions for the prisoner's return to the custody and control of the department of corrections.
42. Suspends bumping rights for classified employees.
43. Provides criteria for rehiring of laid off state employees.
44. Changes the amount of the reserve that the state is required to maintain to pay claims and administrative costs under a self-insured group health plan.
45. Establishes the position of deputy commissioner in the department of administrative services and provides that the position shall be unfunded for the biennium ending June 30, 2011, provided that the commissioner of the department of administrative services, if funding becomes available during the biennium, may request fiscal committee approval to fund the position.
46. Changes the letter grade classification for the director of plant and property management in the department of administrative services.
47. Allows the real estate commission to determine how to provide notice of any proposed rulemaking undertaken by the commission.
48. Creates a director of policy and administration in the department of transportation.
49. Authorizes the department of transportation to convey and the New Hampshire bureau of turnpikes to acquire, expand, and make improvements to a portion of I-95 in Portsmouth, defines certain highways, redefines the eastern New Hampshire turnpike, and increases the aggregate amount of bonds the state may issue.
50. Adds appropriations for the purpose of carrying out certain highway construction and improvement projects.
51. Authorizes the commissioner of the department of transportation to enter into reciprocal agreements with other jurisdictions to assist in the administration and enforcement of the E-Z pass system.
52. Authorizes the commissioner of transportation to commercialize rest areas, welcome centers, and state liquor store sites along the highways and turnpikes.
53. Suspends the deposit of moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits in the game management account. Such moneys shall be deposited in the fish and game fund and used for its general purposes.
54. Suspends certain requirements for state government waste reduction, recycling, and recycled products purchase.
55. Sunsets all non-regulatory boards, commissions, councils, advisory committees, and task forces created by the legislature, by statute or rule, or by the executive branch. The bill also requires the supreme court to eliminate non-essential judicial branch boards, commissions, councils, advisory committees, and task forces.
56. Establishes a committee to study the consolidation of administrative and adjudicative functions of boards, commissions, and councils regulating occupations and licensing professionals to provide for increased efficiency and cost savings.
57. Establishes the state workforce opportunity council within the department of resources and economic development.

58. Requires the insurance department to seek governor and council approval for an agreement with the university system of New Hampshire for support of the New Hampshire Citizens Health Initiative.
59. Requires the legislative branch and the judicial branch to lapse funds in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.
60. Allows the real estate commission to collect a handling charge for fees paid electronically.
61. Allows simulcasting without conducting live horse or dog racing. The bill requires the racing and charitable gaming commission to establish and adjust annual fees for licensees conducting live racing to generate revenue that approximates the direct costs of administering live racing.
62. Establishes the position of chief multi-state auditor for the department of revenue administration.
63. Establishes a judicial branch information technology fund to be funded by a percentage of court entry fees and by an increase in the penalty assessment on court fines.
64. Exempts the liquor commission from state purchasing requirements, eliminates certain restrictions on the closing of state liquor stores, and establishes temporary limitations on the licensing of new agency liquor stores.
65. Repeals a provision that eliminated an eligibility requirement for certain discounts on wine purchased from the liquor commission.
66. Requires the department of safety and department of health and human services to negotiate a reduced fee for criminal record checks performed on behalf of the department of health and human services.
67. Requires the department of safety to impose a \$100 fee for researching and correcting the criminal history record of a petitioner who is granted an annulment.
68. Establishes a recreational saltwater license issued by the fish and game department to individuals, charter boats, and party boats for taking finfish in coastal and estuarine waters.
69. Increases boating registration and license fees.
70. Increases the road toll; establishes a dedicated account for roads and bridges in the highway fund; limits the uses of road toll revenues; and establishes a commission to study revenue sources for funding improvements to highways and bridges.
71. Requires the department of transportation to erect signs advertising state liquor stores.
72. Limits the average daily membership in attendance of chartered public schools for the 2010 and 2011 fiscal years. Requires the commissioner of the department of education to obtain approval from the fiscal committee of the general court, and from the governor and council, for funding for any chartered public school approved between July 1, 2009 and June 30, 2011.
73. Requires the department of health and human services to study the cost and service efficiencies that could be realized through a coordination of resources, facilities, and personnel between the Tobey School and the Philbrook Center.
74. Requires the department of health and human services, division of family assistance, to issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011.
75. Requires the department of health and human services to prepare an amendment to the state Medicaid plan relative to the Medicaid classification for Children's Hospital at Dartmouth-Hitchcock.
76. Requires the department of health and human services to submit a Medicaid state plan amendment relative to the criteria and procedures for catastrophic claims payments under Medicaid.
77. Nullifies the provisions of HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).
78. Requires that unused appropriations for nursing services and home health services be paid to providers.
79. Provides that it is the intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from the United States Department of Education under the provisions of the American Recovery and Reinvestment Act of 2009 into the education trust fund established in RSA 198:39 for the purpose of funding increases in adequacy and equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.
80. Authorizes the department of safety to charge a fee for certification of reduced ignition propensity cigarettes and provides that the funds shall be used to support fire safety education.
81. Adds cigars, excluding premium cigars, and snuff to the definition of tobacco products and increases the tax rate for tobacco products other than cigarettes.

82. Freezes the insurance premium tax for a certain period beginning January 1, 2010 and requires the insurance commissioner and the commissioner of the department of resources and economic development to present a report to the house and senate ways and means committees relative to jobs and certain insurance revenues.

83. Changes the rate of the New Hampshire estate tax to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds \$2,000,000.

84. Requires taxation of capital gains under the interest and dividends tax. The bill also increases the standard exemption under the interest and dividends tax.

85. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

86. Prohibits the creation and reclassification of positions in order to establish new management positions specifically to replace abolished management positions at the Lakes Region facility.

87. Establishes a commission to study alcoholic beverage sales and enforcement.

2009-1233h

**Floor Amendment to HB 415**  
**Proposed by Reps. Palmer, Itse and Greon**

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 Religious Exemptions. Amend RSA 354-A:18 to read as follows:

354-A:18 Exemption for Religious Organizations. Nothing contained in this chapter shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained, ***including hiring practices regarding sexual orientation and gender identity and expression when such hiring practices run counter to a religious organizations beliefs.***

**AMENDED ANALYSIS**

This bill defines gender identity and expression and adds it to the list of classes of people protected from discrimination.

This bill allows an exemption for religious institutions.

2009-1264h

**Floor Amendment to HB 415**  
**Proposed by Rep. Hinkle**

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 State Commission on Human Rights; Definitions; Employer. Amend RSA 354-A:2, VII to read as follows:

VII. "Employer" does not include any employer with fewer than 6 persons in its employ, an exclusively social club, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal Revenue Service or for those not recognized by the Internal Revenue Service, those organizations recognized by the New Hampshire secretary of state. Entities claiming to be religious organizations, including religious educational entities, may file a good faith declaration with the human rights commission that the organization is an organization affiliated with, or its operations are in accordance with the doctrine and teaching of a recognized and organized religion to provide evidence of their religious status. "Employer" shall include the state and all political subdivisions, boards, departments, and commissions thereof. ***For all purposes of matters involving gender identity and expression, "employer" shall not include any employment for which any employer makes a bona fide determination that the person holding such employment shall be a person of either the male or female sex.***

2009-1240h

**Floor Amendment to HB 415**  
**Proposed by Reps. Groen, Hikel, Gagne, Elliot and Dumaine**

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 New Section; Education Exemptions. Amend 354-A by inserting after section 18 the following new section:

354-A:18-a Educational Exemptions. Nothing contained in this chapter shall be construed to require a private or religious educational institution to discontinue the practice of admitting students of one sex only.

#### AMENDED ANALYSIS

This bill defines gender identity and expression and adds it to the list of classes of people protected from discrimination.

This bill allows an exemption for private single sex educational institutions.

2009-1265h

#### Floor Amendment to HB 415

##### Proposed by Rep. Seidel

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

1 New Section; Statutory Construction; Gender Identity and Expression. Amend RSA 21 by inserting after section 50 the following new section:

21:51 Gender Misassignment. "Gender misassignment" means the presence of a medically verifiable abnormal physical condition due to an identifiable abnormality of the chromosomes that determine the manifest sexuality of a person.

2 State Commission for Human Rights; Title and Purposes of Chapter. Amend RSA 354-A:1 to read as follows:

354-A:1 Title and Purposes of Chapter. This chapter shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights. The general court hereby finds and declares that practices of discrimination against any of its inhabitants because of age, sex, **gender misassignment**, race, creed, color, marital status, familial status, physical or mental disability or national origin are a matter of state concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. A state agency is hereby created with power to eliminate and prevent discrimination in employment, in places of public accommodation and in housing accommodations because of age, sex, race, creed, color, marital status, familial status, physical or mental disability or national origin as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes. In addition, the agencies and councils so created shall exercise their authority to assure that no person be discriminated against on account of sexual orientation.

3 New Paragraph; State Commission for Human Rights. Amend RSA 354-A:2 by inserting after paragraph XIV-d the following new paragraph:

XIV-e. "Gender misassignment" means the presence of a medically verifiable abnormal physical condition due to an identifiable abnormality of the chromosomes that determine the manifest sexuality of a person.

4 State Commission for Human Rights; General Powers and Duties of the Commission. Amend RSA 354-A:5, VIII to read as follows:

VIII. To create such advisory agencies and conciliation councils, local, regional or statewide, as in its judgment will aid in effectuating the purpose of this chapter, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination, because of age, sex, **gender misassignment**, race, color, sexual orientation, marital status, familial status, or physical or mental disability, religious creed or national origin, in order to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of the state, and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the commission may make provision for technical clerical assistance to such agencies and councils and for the expenses of such assistance.

5 State Commission for Human Rights; General Powers and Duties of the Commission. Amend RSA 354-A:5, IX to read as follows:

IX. To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of age, sex, ***gender misassignment***, race, color, marital status, familial status, physical or mental disability, religious creed or national origin, and on account of sexual orientation.

6 State Commission for Human Rights; Opportunity for Employment Without Discrimination a Civil Right. Amend RSA 354-A:6 to read as follows:

354-A:6 Opportunity for Employment Without Discrimination a Civil Right. The opportunity to obtain employment without discrimination because of age, sex, ***gender misassignment***, race, creed, color, marital status, physical or mental disability or national origin is hereby recognized and declared to be a civil right. In addition, no person shall be denied the benefits of the rights afforded by this section on account of that person's sexual orientation.

7 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-A:7, I to read as follows:

I. For an employer, because of the age, sex, ***gender misassignment***, race, color, marital status, physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

8 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-A:7, II to read as follows:

II. For a labor organization, because of the age, sex, ***gender misassignment***, race, color, marital status, physical or mental disability, creed, or national origin of any individual, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

9 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-A:7, III to read as follows:

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, race, color, marital status, physical or mental disability, religious creed or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, ***gender misassignment***, race, color, marital status, physical or mental disability, religious creed or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

10 State Commission for Human Rights; Equal Housing Opportunity Without Discrimination a Civil Right. Amend RSA 354-A:8 to read as follows:

354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, ***gender misassignment***, race, creed, color, marital status, familial status, physical or mental disability or national origin is hereby recognized and declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

11 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-A:10 to read as follows:

354-A:10 Unlawful Discriminatory Practices. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or commercial structure or being in the business of selling or renting dwellings or commercial structures:

I. To refuse to sell or rent after the receipt of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or commercial structure to any person because of age, sex, **gender misassignment**, race, color, marital status, familial status, physical or mental disability, religion or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

II. To discriminate against any person in the terms, conditions, or privilege of sale or rental of a dwelling or commercial structure, or in the provision of services or facilities in connection therewith, because of age, sex, **gender misassignment**, race, color, marital status, familial status, physical or mental disability, religion or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

III. To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling or commercial structure that indicates any preference, limitation, or discrimination based on age, sex, **gender misassignment**, race, color, marital status, familial status, physical or mental disability, religion or national origin, or an intention to make any such preference, limitation or discrimination. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

IV. To represent to any person because of age, sex, **gender misassignment**, race, color, marital status, familial status, physical or mental disability, religion or national origin that any dwelling or commercial structure is not available for inspection, sale, or rental when such dwelling is in fact so available. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

V. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular age, sex, **gender misassignment**, race, color, marital status, familial status, physical or mental disability, religion or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

VI. To evict a tenant solely on the grounds that the person has acquired immune deficiency syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.

VII. For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of age, race, color, religion, sex, **gender misassignment**, disability, familial status, marital status, or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

VIII. To deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against that person in the terms or conditions of such access, membership, or participation, on account of age, familial status, sex, **gender misassignment**, race, color, creed, disability, national origin, marital status, or sexual orientation.

12 State Commission for Human Rights; Equal Access to Public Accommodations a Civil Right. Amend RSA 354-A:16 to read as follows:

354-A:16 Equal Access to Public Accommodations a Civil Right. The opportunity for every individual to have equal access to places of public accommodation without discrimination because of age, sex, **gender misassignment**, race, creed, color, marital status, physical or mental disability or national origin is hereby recognized and declared to be a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

13 State Commission for Human Rights; Unlawful Discriminatory Practices in Public Accommodations. Amend RSA 354-A:17 to read as follows:

354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, because of the age, sex, **gender misassignment**, race, creed, color, marital status, physical or mental disability or national origin of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement

to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of age, sex, **gender misassignment**, race, creed, color, marital status, physical or mental disability or national origin; or that the patronage or custom thereof of any person belonging to or purporting to be of any particular age, sex, **gender misassignment**, race, creed, color, marital status, physical or mental disability or national origin is unwelcome, objectionable or acceptable, desired or solicited. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

14 Department of Administrative Services; Division of Personnel. Amend RSA 21-I:42, XVI to read as follows:

XVI. Developing and implementing an equal employment opportunity program that will ensure the employment of all qualified people regardless of age, sex, **gender misassignment**, race, color, sexual orientation, ethnic background, marital status, or physical or mental disability. This program shall include a review and revision of the job classification process and testing process to ensure that they are free from either conscious or inadvertent bias.

15 Department of Administrative Services; Classified Employees; Prohibitions; Penalty. Amend RSA 21-I:52, I to read as follows:

I. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of the person's political opinions, religious beliefs or affiliations, age, sex, **gender misassignment**, or race. In addition, no person shall have any such employment action taken on account of such person's sexual orientation. Nothing in this section shall require the appointment or prevent the dismissal of any person who advocates the overthrow of the government by unconstitutional and violent means. No person shall use, or promise to use directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee in the state classified service shall hold any remunerative elective public office, or have other employment, either of which creates an actual, direct and substantial conflict of interest with the employee's employment, which conflict cannot be alleviated by said employee abstaining from actions directly affecting such classified employment. Determination of such conflict shall be made by the personnel appeals board after the parties are afforded rights to a hearing pursuant to RSA 21-I:58. The burden of proof in establishing such a conflict shall be upon the party alleging it. No action affecting said employee shall be taken by the appointing authority because of such public office or other employment until after a full hearing before and approval of such action by the personnel appeals board. If an actual, direct and substantial conflict of interest, which cannot be alleviated by abstention by the employee, is found by the personnel appeals board, the board must approve any action proposed by the appointing authority; and the employee shall be given a reasonable amount of time to leave the employee's public office or other employment or otherwise end the conflict before the appointing authority initiates that action.

16 Department of Administrative Services; Classified Employees; Appeals. Amend RSA 21-I:58, I to read as follows:

I. Any permanent employee who is affected by any application of the personnel rules, except for those rules enumerated in RSA 21-I:46, I and the application of rules in classification decisions appealable under RSA 21-I:57, may appeal to the personnel appeals board within 15 calendar days of the action giving rise to the appeal. The appeal shall be heard in accordance with the procedures provided for adjudicative proceedings in RSA 541-A. If the personnel appeals board finds that the action complained of was taken by the appointing authority for any reason related to politics, religion, age, sex, **gender misassignment**, race, color, ethnic background, marital status, or disabling condition, or on account of the person's sexual orientation, or was taken in violation of a statute or of rules adopted by the director, the employee shall be reinstated to the employee's former position or a position of like seniority, status, and pay. The employee shall be reinstated without loss of pay, provided that the sum shall be equal to the salary loss suffered during the period of denied compensation less any amount of compensation earned or benefits received from any other source during the period. "Any other source" shall not include compensation earned from continued casual employment during the period if the employee held the position of casual employment prior to the period, except to the extent that the number of hours worked in such casual employment

increases during the period. In all cases, the personnel appeals board may reinstate an employee or otherwise change or modify any order of the appointing authority, or make such other order as it may deem just.

17 Residential Care and Health Facility; Patients' Bill of Rights. Amend RSA 151:21, XVI to read as follows:

XVI. The patient shall not be denied appropriate care on the basis of race, religion, color, national origin, sex, **gender misassignment**, age, disability, marital status, or source of payment, nor shall any such care be denied on account of the patient's sexual orientation.

18 Residential Care and Health Facility; Patients' Bill of Rights. Amend RSA 151:21-b, II(b) to read as follows:

(b) Receive appropriate and professional care without discrimination based on race, color, national origin, religion, sex, **gender misassignment**, disability, or age, nor shall any such care be denied on account of the patient's sexual orientation.

19 Civil Rights Act; Enforcement. Amend RSA 354-B:1, I to read as follows:

I. All persons have the right to engage in lawful activities and to exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire without being subject to actual or threatened physical force or violence against them or any other person or by actual or threatened damage to or trespass on property when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, gender, **gender misassignment**, or disability. "Threatened physical force" and "threatened damage to or trespass on property" is a communication, by physical conduct or by declaration, of an intent to inflict harm on a person or a person's property by some unlawful act with a purpose to terrorize or coerce.

20 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I(f) to read as follows:

(f) Was substantially motivated to commit the crime because of hostility towards the victim's religion, race, creed, sexual orientation as defined in RSA 21:49, national origin ~~[or]~~, sex, **or gender misassignment as defined in RSA 21:51**;

21 Franchising and Regulation of Cable Television Systems; Rights of Individuals. Amend RSA 53-C:3-g to read as follows:

53-C:3-g Rights of Individuals. No cable television system operator shall deny service, deny access, or otherwise discriminate against subscribers, channel users, or any other citizens on the basis of age, race, religion, sex, **gender misassignment, sexual orientation**, physical disability, or country of natural origin.

22 New Hampshire Mental Health Services System; Discrimination Prohibited; Eligibility for Services. Amend RSA 135-C:13 to read as follows:

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

23 New Hampshire Mental Health Services System; Fundamental Rights. Amend RSA 135-C:56, IV to read as follows:

IV. No person receiving mental health services shall be discriminated against in any manner because of race, color, sex, **gender misassignment, sexual orientation**, religion, national origin, age, disability, or degree of disability.

24 New Hampshire Employment Program and Family Assistance Program; Administrative Duties; Rulemaking. Amend RSA 167:83, III(e) to read as follows:

(e) To not be discriminated against because of gender, race, creed, color, sex, **gender misassignment, sexual orientation**, age, disability, political affiliation or beliefs, religion, or national origin.

25 Postsecondary Education Commission; Grants; Discrimination Prohibited. Amend RSA 188-D:35, II to read as follows:

II. No person shall be excluded from participation in, or denied the benefits of, this program because of race, color, age, sex, **gender misassignment, sexual orientation**, or national origin.

26 Loan Corporations; Administration of Loans; No Discrimination. Amend RSA 195-E:14, I to read as follows:

I. The foundation, a qualified educational institution and a loan corporation shall have the full power and authority and be subject to all rights, responsibilities and liabilities for the administration of a loan program and for the distribution and collection of loans to qualified students or their parents, including the determination of who is eligible to receive loans, the amounts of the loans, repayment schedules and interest rates to be charged; provided that the terms are in accordance with law and do not discriminate against any person on account of race, creed, national origin, sex, **gender misassignment, sexual orientation** or age. In the case of student loans made to eligible students or the parents of such students who attend educational institutions that are not qualified educational institutions, the foundation shall have primary responsibility for the administration of such portion of the loan program and the servicing of such loans; provided, however, that this sentence shall not prohibit the foundation from contracting with another entity for assistance in such administration and servicing as agent for the foundation.

27 Housing Finance Authority; Definitions. Amend RSA 204-C:1, X to read as follows:

X. "Eligible persons and families" shall mean a person or persons, and families of 2 or more persons, irrespective of race, creed, national origin, ~~or~~ sex, **gender misassignment, or sexual orientation**, determined by the authority to require assistance under this chapter on account of insufficient personal or family income taking into consideration, without limitation, such factors as follows: (a) the amount of the total income of such persons and families available for housing needs; (b) the size of the family; (c) the cost and condition of housing facilities available; (d) the ability of such persons and families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing; and (e) if appropriate, standards established for various federal programs determining eligibility based on income of such persons and families.

28 Dog and Horse Racing Employees, Elections. Amend RSA 273-C:10, VI(b) to read as follows:

(b) The board shall decertify any employee organization which is found in a judicial proceeding to discriminate with regard to membership, or with regard to the conditions thereof, because of age, sex, **gender misassignment, sexual orientation**, race, color, creed, marital status or national origin; or has systematically failed to allow its membership equal participation in the affairs of the employee organization.

29 Consumer Guaranty Contracts; Prohibited Acts and Terms. Amend RSA 415-C:7, I(h) to read as follows:

(h) Unfairly discriminate based solely on age, place or area of residence, race, color, creed, national origin, ancestry, marital or civil union status, lawful occupation including military service, gender, **gender misassignment, sexual orientation**, religion, or blindness or other disability.

30 Preferred Provider Agreements; Discrimination Prohibited. Amend RSA 420-C:5 to read as follows:

420-C:5 Discrimination Prohibited. No health care insurer shall discriminate against any provider on the basis of religion, race, color, national origin, age, sex, **gender misassignment, sexual orientation**, or marital status. Reasonable terms and conditions including, but not limited to, those based on economic or geographic considerations, certain affiliations, or professional privileges shall not be prohibited under this section.

31 Jurors; Prohibition of Discrimination. Amend RSA 500-A:4 to read as follows:

500-A:4 Prohibition of Discrimination. A citizen of this state shall not be excluded from jury service on account of race, color, religion, sex, ***gender misassignment, sexual orientation,*** national origin or economic status.

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

#### AMENDED ANALYSIS

This bill defines gender misassignment and adds it to the list of classes of people protected from discrimination.

2009-1261h

#### Floor Amendment to HB 415

##### Proposed by Rep. N. Elliott

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 State Commission on Human Rights; Definitions; Place of Public Accommodation. Amend RSA 354-A:2, XIV to read as follows:

XIV. "Place of public accommodation" includes any inn, tavern or hotel, whether conducted for entertainment, the housing or lodging of transient guests, or for the benefit, use or accommodations of those seeking health, recreation or rest, any restaurant, eating house, public conveyance on land or water, bathhouse, barbershop, theater, golf course, sports arena, health care provider, and music or other public hall, store or other establishment which caters or offers its services or facilities or goods to the general public. "Public accommodation" shall not include any institution or club which is in its nature distinctly private ***and shall not, for all purposes of matters involving gender identity and expression, include residents' or patients' rooms in nursing homes, hospices, hospitals and similar health care facilities.***

2009-1263h

#### Floor Amendment to HB 415

##### Proposed by Rep. Mead

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 State Commission on Human Rights; Definitions; Employer. Amend RSA 354-A:2, VII to read as follows:

VII. "Employer" does not include any employer with fewer than 6 persons in its employ, an exclusively social club, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal Revenue Service or for those not recognized by the Internal Revenue Service, those organizations recognized by the New Hampshire secretary of state. Entities claiming to be religious organizations, including religious educational entities, may file a good faith declaration with the human rights commission that the organization is an organization affiliated with, or its operations are in accordance with the doctrine and teaching of a recognized and organized religion to provide evidence of their religious status. "Employer" shall include the state and all political subdivisions, boards, departments, and commissions thereof. ***The definition of "employer" shall not result in liability for a child care facility, or elementary school, a secondary school, or the governing or managerial bodies, agencies, or individuals of the same, for not hiring or promoting, or discharging from employment, persons because of the gender identify and expression of such person.***

2009-1269h

#### Floor Amendment to HB 415

##### Proposed by Rep. Silva

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 State Commission on Human Rights; Definitions; Employer. Amend RSA 354-A:2, VII to read as follows:

VII. "Employer" does not include any employer with fewer than 6 persons in its employ, an exclusively social club, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal

Revenue Service or for those not recognized by the Internal Revenue Service, those organizations recognized by the New Hampshire secretary of state. Entities claiming to be religious organizations, including religious educational entities, may file a good faith declaration with the human rights commission that the organization is an organization affiliated with, or its operations are in accordance with the doctrine and teaching of a recognized and organized religion to provide evidence of their religious status. "Employer" shall include the state and all political subdivisions, boards, departments, and commissions thereof. ***This definition shall not be construed to prohibit an employer from requiring employees to share or not share, have a required hair length, remove apparatus used in connection with body piercings, prohibit or require makeup, cover tattoos, wear clothing apparently appropriate for the gender appearance of the individual, or anything that would detract from the professionalism of the employers' business.***

2009-1262h

**Floor Amendment to HB 415**

**Proposed by Rep. Tucker**

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 Place of Public Accommodation. Amend RSA 354-A:2, XIV to read as follows:

XIV. "Place of public accommodation" includes any inn, tavern or hotel, whether conducted for entertainment, the housing or lodging of transient guests, or for the benefit, use or accommodations of those seeking health, recreation or rest, any restaurant, eating house, public conveyance on land or water, bathhouse, barbershop, theater, golf course, sports arena, health care provider, and music or other public hall, store or other establishment which caters or offers its services or facilities or goods to the general public. "Public accommodation" shall not include any institution or club which is in its nature distinctly private ***and shall not, for any purpose or matter involving gender identity and expression, involve bathrooms, lavatories, public dressing rooms, schools, playgrounds, parks, sports lockers or dressing rooms.***

2009-1266h

**Floor Amendment to HB 415**

**Proposed by Rep. Wendelboe**

Amend RSA 21:51 as inserted by section 1 of the bill by replacing it with the following:

21:51 Gender Identity and Expression. "Gender identity and expression" means the presence of discernable intermediate or atypical combinations of physical features that usually distinguish male from female resulting in apparent biological characteristics of both the male and female sexes.

2009-1275h

**Floor Amendment to HB 415**

**Proposed by Rep. W. Smith**

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 New Section; Exemptions. Amend RSA 354-A by inserting after section 18 the following new section:

354-A:18-a Exemption for Criminal Offenses.

I. Nothing in this chapter shall be deemed to allow a person's gender identity or expression to be a defense to any misdemeanor or felony.

II. If a person is convicted of a criminal offense requiring incarceration, such person's gender identity expression shall not be considered in the assignment of such person to a correctional facility.

**AMENDED ANALYSIS**

This bill defines gender identity and expression and adds it to the list of classes of people protected from discrimination.

This bill also disqualifies gender identity and expression as a defense to any misdemeanor or felony.

2009-1273h

**Floor Amendment to HB 415**

**Proposed by Reps. Ingbreton, Itse, N. Elliott, Groen and Hagan**

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 New Section; Occupational Exemptions. Amend RSA 354-A by inserting after section 18 the following new section:

354-A:18-a Occupational Exemptions. Nothing contained in this chapter shall be construed to require any institution or organization to admit or employ any individual in any program on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to that position.

**AMENDED ANALYSIS**

This bill defines gender identity and expression and adds it to the list of classes of people protected from discrimination.

This bill allows an exemption for occupations where sex is a bona fide occupational qualification reasonably necessary to a position.

2009-1234h

**Floor Amendment to HB 415**

**Proposed by Reps. Itse, Elliot, Groen, Hagan and Silva**

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 New Section; Occupational Exemptions. Amend RSA 354-A by inserting after section 18 the following new section:

354-A:18-a Occupational Exemptions. Nothing contained in this chapter shall be construed to require any institution or organization to admit or employ any individual in any program on the basis of sex in those certain circumstances where gender is a bona fide occupational qualification reasonably necessary to that position.

**AMENDED ANALYSIS**

This bill defines gender identity and expression and adds it to the list of classes of people protected from discrimination.

This bill allows an exemption for occupations where gender is a bona fide occupational qualification reasonably necessary to a position.

2009-1276h

**Floor Amendment to HB 415**

**Proposed by Rep. Itse**

Amend the bill by inserting after section 31 the following and renumbering the original section 32 to read as 33:

32 New Section; Exemptions. Amend RSA 354-A by inserting after section 18 the following new section:

354-A:18-a Exemption. Nothing contained in this chapter shall be construed to bar any private employer or an owner occupied rental property from limiting employment or denying rental space based upon the employer's or owner's religious or ethical beliefs about gender identity and expression.

**AMENDED ANALYSIS**

This bill defines gender identity and expression and adds it to the list of classes of people protected from discrimination.

This bill also allows private employer's and owners of owner occupied rental properties to reject applicants based upon their religious or ethical beliefs about gender identity and expression.