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New Hampshire

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Contains: Additional Amendments.

## ADDENDUM TO HOUSE CALENDAR 28

### WEDNESDAY, APRIL 3 ADDITIONAL AMENDMENTS

(LISTED IN NUMERICAL ORDER)

#### Floor Amendment to HB 2-FN-A-LOCAL (2013-1168h)

#### Proposed by Reps. Umberger and Kurk

Amend the bill by replacing section 130 with the following:

130 Department of Administrative Services; Transfer of Dedicated Funds; General Fund Reimbursement.

I. Notwithstanding RSA 6:12 or any other law to the contrary, for the fiscal year ending June 30, 2013, the governor is hereby authorized to identify an amount of dedicated funds for transfer to the general fund, sufficient to cover the budget shortfall. The department of administrative services, with prior approval of the fiscal committee of the general court, shall transfer the amounts of the funds identified by the governor to the general fund.

II. For the fiscal year ending June 30, 2013, the commissioner of administrative services shall file a report of all reimbursements of general fund costs resulting from settlements or other means to the fiscal committee of the general court.

III. The following dedicated funds listed in RSA 6:12, I (b) shall be exempt from paragraph I of this section:

(17) Money received under RSA 481:32, which shall be credited to the dam maintenance fund established under RSA 482:55.

(33) Money received in accordance with RSA 216-A:3-i which shall be credited to the state park fund.

(40) Moneys received under RSA 106-H which shall be credited to the enhanced 911 system fund established in RSA 106-H:9.

(42) Moneys received under RSA 233-A:13 and RSA 270-E: 5, II(d) which shall be credited to the statewide public boat access fund established in RSA 233-A:13.

(60) The designated portion of moneys received under RSA 261:97-a, which shall be credited to the conservation number plate trust fund established in RSA 261:97-b.

(99) Moneys deposited in the unemployment compensation and employment service administration fund under RSA 282-A:138.

(100) Moneys deposited in the unemployment compensation fund under RSA 282-A:103.

(110) Moneys deposited in the OHRV and snowmobile fund under RSA 215-A:3, VII and RSA 215-C:2, VIII.

(116) Moneys deposited in the trust fund for the New Hampshire land and community heritage investment trust program under RSA 227-M:7.

(160) Moneys deposited in the fish and game search and rescue fund under RSA 206:42.

(186) Moneys deposited in the wildlife habitat account under RSA 214:1-f, V.

(254) Moneys deposited in the game management account established in RSA 206:34-b.

#### Floor Amendment to HB 2-FN-A-LOCAL (2013-1199h)

#### Proposed by Rep. Kurk

Amend the bill by inserting the following new section:

170 Moratoriums; Wind Turbine Plants; Electric Transmission Line Projects. Notwithstanding any provision of law to the contrary, there are hereby established moratoriums on the construction of wind turbine

plants and electric transmission line projects in the state of New Hampshire until June 30, 2014. The site evaluation committee, established in RSA 162-H:3, shall issue no certificates for wind turbine plants and electric transmission line projects under RSA 162-H while such moratoriums are in effect.

#### AMENDED ANALYSIS

110 Establishes moratoriums on the construction of wind turbine plants and on electric transmission line projects until June 30, 2014.

#### **Floor Amendment to HB 2-FN-A-LOCAL (2013-1178h)**

##### **Proposed by Reps. Umberger and Chandler**

130 Department of Administrative Services; Transfer of Dedicated Funds; General Fund Reimbursement.

I. Notwithstanding RSA 6:12 or any other law to the contrary, for the fiscal year ending June 30, 2013, the governor is hereby authorized to identify an amount of dedicated funds for transfer to the general fund, sufficient to cover the budget shortfall. The department of administrative services, with prior approval of the fiscal committee of the general court, shall transfer the amounts of the funds identified by the governor to the general fund.

II. For the fiscal year ending June 30, 2013, the commissioner of administrative services shall file a report of all reimbursements of general fund costs resulting from settlements or other means to the fiscal committee of the general court.

III. The following dedicated funds listed in RSA 6:12, I (b) shall be exempt from paragraph I of this section:

(17) Money received under RSA 481:32, which shall be credited to the dam maintenance fund established under RSA 482:55.

(33) Money received in accordance with RSA 216-A:3-i which shall be credited to the state park fund.

(40) Moneys received under RSA 106-H which shall be credited to the enhanced 911 system fund established in RSA 106-H:9.

(42) Moneys received under RSA 233-A:13 and RSA 270-E: 5, II(d) which shall be credited to the statewide public boat access fund established in RSA 233-A:13.

(60) The designated portion of moneys received under RSA 261:97-a, which shall be credited to the conservation number plate trust fund established in RSA 261:97-b.

(99) Moneys deposited in the unemployment compensation and employment service administration fund under RSA 282-A:138.

(100) Moneys deposited in the unemployment compensation fund under RSA 282-A:103.

(110) Moneys deposited in the OHRV and snowmobile fund under RSA 215-A:3, VII and RSA 215-C:2, VIII.

(116) Moneys deposited in the trust fund for the New Hampshire land and community heritage investment trust program under RSA 227-M:7.

(160) Moneys deposited in the fish and game search and rescue fund under RSA 206:42.

(186) Moneys deposited in the wildlife habitat account under RSA 214:1-f, V.

(254) Moneys deposited in the game management account established in RSA 206:34-b.

#### **Floor Amendment to HB 2-FN-A-LOCAL (2013-1186h)**

##### **Proposed by Reps. Cebrowski, Kurk, Weyler, L. Ober and Chandler)**

Amend the bill by inserting the following new section:

170 New Position; Department of Resources and Economic Development.

I. The intent of this section is to provide additional funds to the division of economic development within the department of resources and economic development to strengthen New Hampshire's economy by recruiting and relocating more advanced manufacturing and high technology businesses with higher paying jobs to the state and increasing the exports of existing New Hampshire businesses. This will result in an increase in the state's business tax revenue for needed state services.

II. There is established in the department of resources and economic development, division of economic development in accounting unit 03-35-35-3505-3612, an industrial agent-at-large position for the purpose of promoting international trade by New Hampshire industries.

III. In addition to any other sums appropriated for the biennium ending June 30, 2015, the following appropriations and charges are hereby authorized for the department of resources and economic development, division of economic development. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

| <u>Accounting Unit</u> | <u>Class</u> | <u>Department/Agency</u> | <u>Fund Source</u> | <u>FY 2014</u> | <u>FY 2015</u> |
|------------------------|--------------|--------------------------|--------------------|----------------|----------------|
| 03-35-35-3505-3600     | 046          | Consultants              | General Funds      | \$2,500        | \$2,500        |
| 03-35-35-3505-3600`    | 066          | Employee Training        | General Funds      | \$5,000        | \$5,000        |

|                    |     |                             |               |           |           |
|--------------------|-----|-----------------------------|---------------|-----------|-----------|
| 03-35-35-3505-3600 | 069 | Promotional Marketing Exp   | General Funds | \$100,000 | \$100,000 |
| 03-35-35-3505-3600 | 070 | In State Travel             | General Funds | \$1,000   | \$1,000   |
| 03-35-35-3505-3610 | 080 | Out of State Travel         | General Funds | \$20,000  | \$20,000  |
| 03-35-35-3505-3612 | 010 | Personal Services-Perm Clas | General Funds | \$48,770  | \$50,915  |
| 03-35-35-3505-3612 | 060 | Benefits                    | General Funds | \$25,818  | \$27,67   |

#### AMENDED ANALYSIS

110. Establishes an industrial agent-at-large position in the department of resources and economic development and makes appropriations to fund the position.

#### **Floor Amendment to HB 2-FN-A-LOCAL (2013-1195h)**

#### **Proposed by Reps. Kurk and Chandler**

Amend the bill by replacing sections 98-99 with the following:

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

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.68~~] **\$1.88** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

99 Tobacco Tax Rate. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [48] **53.7** percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.

Amend the bill by inserting the following new section:

170 Uncompensated Care Fund; Transfer to General Fund. The sums of \$10,000,000 for the fiscal year ending June 30, 2014 and \$10,000,000 for the fiscal year ending June 30, 2015 are hereby transferred from the uncompensated care fund to the general fund as unrestricted revenue. These amounts shall be in addition to amounts listed as unrestricted revenue from the Medicaid enhancement tax in the operating budget.

#### AMENDED ANALYSIS

110. Makes transfers from the uncompensated care fund to the general fund.

#### **Floor Amendment to HB 2-FN-A-LOCAL (2013-1194h)**

#### **Proposed by Reps. Sanborn and Chandler**

Amend the bill by deleting section 25.

Amend the bill by deleting section 97.

Amend the bill by deleting section 104.

Amend the bill by inserting the following new section:

170. Uncompensated Care Fund; Transfer to General Fund. The sums of \$5,000,000 for the fiscal year ending June 30, 2014 and \$8,000,000 for the fiscal year ending June 30, 2015 are hereby transferred from the uncompensated care fund to the general fund as unrestricted revenue. These amounts shall be in addition to amounts listed as unrestricted revenue from the Medicaid enhancement tax in the operating budget.

#### AMENDED ANALYSIS

Delete paragraph 24.

Delete paragraph 62.

Delete paragraph 65.

110. Makes transfers from the uncompensated care fund to the general fund.

#### **Floor Amendment to HB 2-FN-A-LOCAL (2013-1193h)**

#### **Proposed by Reps. Kurk and Chandler**

Amend the bill by replacing section 9 with the following:

9 Department of Health and Human Services; Bureau of Adult and Elderly Services; County Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments; Credit. RSA 167:18-a, II-III is repealed and reenacted 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 2014-2015:

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

(2) State fiscal year 2015, \$109,000,000.

(b) The caps on total billings for fiscal years after fiscal year 2015 shall be established by the legislature at least on a biennial basis.

III.(a) The counties shall have an aggregate credit of \$5,000,000 against amounts due under this section for each fiscal year beginning July 1, 2008. The credit shall be allocated as follows:

(1) For fiscal year 2009, \$4,000,000 shall be allocated among the counties based upon the proportion each paid for such expenditures in the prior fiscal year, and \$1,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.

(2) For fiscal year 2010, \$2,000,000 shall be allocated among the counties based upon the proportion each paid for such expenditures in the prior fiscal year, and \$3,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.

(3) For fiscal year 2011 and for each fiscal year thereafter, \$5,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.

(b) The credit shall be made available as soon as possible after the start of the fiscal year. The department shall adopt county credit criteria in consultation with the county-state finance commission and in accordance with the provisions of RSA 541-A. The total aggregate obligation of the counties shall be reduced by the amount of the credit in each fiscal year.

(c) For the biennium ending June 30, 2015, the counties shall have an additional credit against the amounts due for long term care expenditures under RSA 167:18-a. The credit in the amount of \$2,500,000 for the fiscal year ending June 30, 2014 and \$2,500,000 for the fiscal year ending June 30, 2015 shall be in addition to the \$5,000,000 annual credit set forth in subparagraph (a). The percentage of the credit that each county receives shall be the same as its percentage of the total Medicaid bed days in county nursing homes in the preceding year, and shall be made available to the county as soon as possible after the start of the fiscal year. The total aggregate obligation of the counties shall be reduced by the amount of the credit in each fiscal year.

Amend section 8 of the bill by inserting after paragraph III the following new paragraph:

IV. In addition to any other sums appropriated to the department of health and human services for the biennium ending June 30, 2015, the following appropriations and charges are hereby authorized for the department of health and human services. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

| <u>Accounting Unit</u> | <u>Class</u> | <u>Dept/Agency</u>              | <u>Fund Source</u>            | <u>FY 2014</u> | <u>FY 2015</u> |
|------------------------|--------------|---------------------------------|-------------------------------|----------------|----------------|
| 05-95-48               |              | HHS: Elderly and Adult Services |                               |                |                |
|                        |              | Nursing Services - County       |                               |                |                |
| 05-95-48-4815-5942     |              | Participation                   |                               |                |                |
|                        |              | Nursing Services - County       |                               |                |                |
| 05-95-48-4815-5942     | 005          | Participation                   | Private Local Funds(Counties) | (\$900,000)    | (\$6,050,000)  |
|                        |              | Nursing Services - County       |                               |                |                |
| 05-95-48-4815-5942     |              | Participation                   | General Funds                 | \$900,000      | \$6,050,000    |

Amend the bill by inserting the following new section:

170 Uncompensated Care Fund; Transfer to General Fund. The sums of \$900,000 for the fiscal year ending June 30, 2014 and \$6,050,000 for the fiscal year ending June 30, 2015 are hereby transferred from the uncompensated care fund to the general fund as unrestricted revenue. These amounts shall be in addition to amounts listed as unrestricted revenue from the Medicaid enhancement tax in the operating budget.

#### AMENDED ANALYSIS

110. Makes transfers from the uncompensated care fund to the general fund.

#### Floor Amendment to HB 2-FN-A-LOCAL (2013-1196h)

**Proposed by Reps. L. Ober, Umberger, Ladd and Hess**

Amend the bill by replacing section 3 with the following:

3 School Building Aid; Alternative School Building Aid.

I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA 198:15-w, the commissioner of the department of education shall issue no school building aid or alternative school building aid for any project approved on or after July 1, 2013 through June 30, 2014.

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

(1) The condition of such school building or portion thereof constitutes a clear and imminent danger to the life or safety of occupants or other persons, and requires remediation prior to July 1, 2015; or

(2) A structural deficiency in the function or operation of a school building or portion thereof presents a substantial risk to the life or safety of the occupants or other persons, and is more than a technical violation of the fire code, and requires remediation prior to July 1, 2015.

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

Amend the bill by replacing paragraph III of section 160 with the following:

III.(a) Any surplus determined under paragraphs I and II shall be used to fund the programs listed in the following order of priority:

|                                        | <u>FY 2014</u> | <u>FY 2015</u> |
|----------------------------------------|----------------|----------------|
| (1) Uncompensated Care                 | \$6,400,000    | \$26,500,000   |
| (2) University System of New Hampshire | \$6,000,000    | \$6,000,000    |
| (3) Chartered Public Schools           | \$1,012,550    | \$1,446,500    |

(b) The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

(c) Funding authorized for chartered public schools in subparagraph III(a)(3) shall be in addition to any other funding authorized and in excess of any limitations on funding established for the biennium in this act. If surplus general funds determined in paragraphs I and II are sufficient to fund chartered public schools in subparagraph III(a)(3), the provisions of section 152 of this act shall be null and void.

Amend the bill by inserting the following new sections:

170 Appropriation; School Building Aid. The sum of \$7,200,000 for the fiscal year ending June 30, 2015 is hereby appropriated to the department of education for the school building aid program established in RSA 198. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

171 Uncompensated Care Fund; Transfer to General Fund. The sum of \$7,200,000 for the fiscal year ending June 30, 2015 is hereby transferred from the uncompensated care fund to the general fund as unrestricted revenue. This amount shall be in addition to amounts listed as unrestricted revenue from the Medicaid enhancement tax in the operating budget.

#### AMENDED ANALYSIS

3. Provides that no school or building aid or alternative school building aid grants shall be made to school districts for projects approved on or after July 1, 2013 through June 30, 2014, and provides for a waiver of the suspension of school building aid.

110. Appropriates funds for the school building aid program for the fiscal year ending June 30, 2015.

111. Makes transfers from the uncompensated care fund to the general fund.

#### **Floor Amendment to HB 2-FN-A-LOCAL (2013-1205h)**

**Proposed by Reps. Hopper and Burt**

Amend the bill by deleting section 27.

#### AMENDED ANALYSIS

Delete paragraph 26.

#### **Floor Amendment to HB 2-FN-A-LOCAL (2013-1177h)**

**Proposed by Rep. Vaillancourt**

Amend the bill by deleting section 130.

#### AMENDED ANALYSIS

Deletes paragraph 77 of the analysis.

#### **Floor Amendment to HB 2-FN-A-LOCAL (2013-1201h)**

**Proposed by Reps. Hoell, Chandler, Tucker, Boehm, Burt, Comerford, Cordelli, Weyler,  
Lambert and Ladd**

Amend the bill by deleting section 152.

#### AMENDED ANALYSIS

Delete paragraph 96.

#### **Floor Amendment to HB 2-FN-A-LOCAL (2013-1204h)**

**Proposed by Reps. Hoell, Weyler, Lambert and Ladd**

Amend the bill by replacing section 84 with the following:

84 Adequate Education Grants; Tuition Payments to Chartered Public Schools. Amend RSA 198:42, IV to read as follows:

IV. For the fiscal year-beginning July 1, ~~[2011]~~ **2013**, and every fiscal year thereafter, the ~~[department of education may expend funds up to 110 percent of budgeted amounts as]~~ **amount** necessary to fund chartered public school tuition payments under RSA 194-B:11, I, ~~[Said amounts are]~~ **is** hereby appropriated to the department from the education trust fund established under RSA 198:39. The education trust fund shall be used to satisfy the state's obligation under this paragraph. The payment shall be issued regardless of the balance of funds available in the education trust fund. ~~[In the event that chartered public school tuition payments exceed budgeted amounts by over 10 percent, the department of education may expend funds in excess of said amounts, with the approval of the fiscal committee of the general court and governor and council. Said funds shall be paid from the education trust fund established under RSA 198:39 upon the warrant of the governor out of any money in the fund not otherwise appropriated.]~~

Amend the bill by deleting section 88.

#### AMENDED ANALYSIS

54. Appropriates the amount necessary to fund chartered public schools each fiscal year, and requires the state board of education to approve chartered public school applications involving changes in enrollment and review whether a proposed chartered public school will serve a geographic or programmatic need in the state.

Delete paragraph 55.

#### Floor Amendment to HB 2-FN-A-LOCAL (2013-1200h)

**Proposed by Reps. Hoell, Tucker, Boehm, Burt, Comerford, Cordelli, Weyler, Lambert and Ladd**  
Amend the bill by deleting section 87.

#### Floor Amendment to HB 2-FN-A-LOCAL (2013-1203h)

**Proposed by Reps. Hoell, Tucker, Boehm, Burt, Comerford and Cordelli**  
Amend the bill by deleting section 91.

#### AMENDED ANALYSIS

Delete paragraph 58.

#### Floor Amendment to HB 2-FN-A-LOCAL (2013-1202h)

**Proposed by Reps. Hoell, Tucker, Boehm, Burt, Comerford, Cordelli, Weyler, Lambert and Ladd**  
Amend the bill by deleting section 86.

#### AMENDED ANALYSIS

54. Limits department of education expenditures for chartered public schools to 100 percent of budgeted amounts.

#### Floor Amendment to HB 2-FN-A-LOCAL (2013-1190h)

##### Proposed by Rep. Hoell

Amend RSA 200-N:3, V as inserted by section 90 of the bill by replacing it with the following:

V. Procedures for determining the amount of funds available each fiscal year for scholarships, provided that not more than \$200,000 per fiscal year shall be disbursed.

#### AMENDED ANALYSIS

57. Establishes a needs-based scholarship program and limits the amount of scholarship funds disbursed in a fiscal year.

#### Floor Amendment to HB 25-FN-A (2013-1207h)

##### Proposed by Reps. Beaudoin, Burt and Lebrun

Amend paragraph IV of section 1 of the bill by replacing it with the following:

#### IV. Department of Corrections

|                                                                                      |                |
|--------------------------------------------------------------------------------------|----------------|
| A. Remove and Replace 2, 20,000 Gallon Oil Tanks and<br>one 5,000 Gallon Diesel Tank | 130,000        |
| B. Electronic Medical Records System                                                 | <u>500,000</u> |
| Total state appropriation paragraph IV                                               | \$630,000      |

Amend the total state appropriation section 1 by replacing it with the following:

|                                     |              |
|-------------------------------------|--------------|
| Total state appropriation section 1 | \$78,701,396 |
|-------------------------------------|--------------|

Amend the bill by replacing section 7 with the following:

7 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$138,430,748 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds shall be as follows: general fund \$86,201,396, highway funds \$13,277,500, and other funds \$38,951,852.

Amend the bill by inserting after section 26 the following and renumbering the original section 27 to read as 28:

27 Committee Established; State Prison for Women. There is established a committee to study alternatives to the construction of a new facility for the state prison for women.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

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

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study alternatives to the construction of a new facility for the state prison for women. The committee shall examine whether the state should confine the number of female prisoners over the capacity of the current state prison for women at the Strafford county correctional facility or at other county correctional facilities with excess capacity. The committee shall also determine the feasibility of expanding the current facilities at the state prison for women in Goffstown.

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

V. The committee 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, 2013.