

HOUSE RECORD

First Year of the 159th General Court Calendar and Journal of the 2005 Session

Vol. 27

Concord, N.H.

Wednesday, April 20, 2005

No. 38

HOUSE JOURNAL No. 12 (cont.)

Wednesday, April 13, 2005

Rep. O'Neil moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 13

Wednesday, April 20, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, The Reverend D. Melvin Burrowes, Pastor of the United Community Church in Canterbury.

Great God, Holy One, Creator of all that is, we begin our work here by turning to You. You have placed us in these positions of power and considerable responsibility to deliberate and decide on behalf of all the citizens of New Hampshire. We admit the limits of our own knowledge and understanding and we look to Your spirit for true wisdom and guidance. Keep us, O God, from the evils of self-righteousness and pride. Teach us Your ways of respect and consideration for the differences of others. In the words of Rev. David Cousins, "may we always put duty before pleasure, principle before popularity, goodness before greatness, and humanity before money."

We thank You, Creator God, for this state which You have entrusted to our care. Thank You for the natural beauty and the economic opportunity that has drawn us here. Make us faithful stewards of the resources and people for which You have made us responsible. As Your prophets remind us over and over, Great God, we promise to You that we will consider always the needs of the poor, the sick, and the downtrodden in every part of New Hampshire. Give us courageous souls for justice and fairness in all our decisions. As we seek Your guidance, God, enable us this day to make small, but significant steps that will bring closer Your true rule on earth; as it is in heaven. Amen.

Reps. Stephen A. Baines and Joseph E. Stone led the Pledge of Allegiance.

The National Anthem was sung by Shantel Woodson, senior at Nashua High School South and member of the Career and Technical Student Organization.

LEAVES OF ABSENCE

Reps. Alger, Brueggemann, Peter Cote, Jillette, Lessard, Palangas, Palazzo, Philbrick, Snyder and Stevens, the day, illness.
Reps. Barker, Dorsett, Doyle, Fitzgerald, Giuda, Introne, Kelly, Lawrence, Lund and Rush, the day, important business.
Rep. David Cote, the day, illness in the family.
Rep. Pepino, the day, death in the family.

INTRODUCTION OF GUESTS

Michele Woodson and Lynda Demers, mother and CTSO teacher of the day's singer, guests of the House. Brian and Richard Joseph Stone, son and grandson of Rep. Stone. Steve and Dan Huntington, guests of Rep. McLeod. Michael Flathers, guest of Rep. Manning.

SENATE MESSAGES CONCURRENCES

HB 41, relative to the right-to-know oversight commission.
HB 74, relative to the sale of permissible fireworks.
HB 95, relative to delegates to state party conventions.
HB 107, relative to the use of artificial light to view moose in Coos County.
HB 150, defining truancy.
HB 181, establishing a committee to study the special account in the New Hampshire retirement system.
HB 223, relative to the procedure for assignment of juvenile probation and parole officers.
HB 308, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education.
HB 445, relative to the taking of certain game birds and fur-bearing animals.
HB 540-FN, relative to the disposal of real property purchased with highway or turnpike funds.

NONCONCURRENCE

HB 434-FN, requiring state agencies using automated answering systems to provide a method of access to a human being.

LAID ON THE TABLE

HB 84, relative to compensation of county convention members for county business.

COMMUNICATION

	April 6, 2005
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Honorable W. Douglas Scamman, Jr.
Speaker of the House
Dear Mr. Speaker:

It is with deep regret that I must tender my resignation to the House of Representatives. Due to changes in my employment, I will need to move out of the state of New Hampshire. It has been an honor and a privilege to serve in the House and to represent the people of the city of Keene.

It is my sincere hope that I will have the opportunity to serve the people of New Hampshire someday in the future. Until then, I thank you for your kindness and courtesy and wish you and all the members a fruitful and productive session.

	Sincerely, Stephanie Sinclair, Cheshire District 3
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MOTION TO VACATE

Rep. Bergin moved that the House vacate the reference of **SB 86**, permitting on-site samples and retail sales by liquor manufacturer licensees, **SB 209-FN**, relative to licensing of money transmitters and check cashers, and **SB 223-FN**, relative to licensing nondepository mortgage bankers and brokers, to the Committee on Executive Departments and Administration.

Motion adopted.

The Speaker referred **SB 86**, **SB 209-FN** and **SB 223-FN** to the Committee on Commerce.

REGULAR CALENDAR

HB 535-FN-A, increasing the tobacco tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: The amendment sets the tax per pack of cigarettes at 80 cents, an increase of 28 cents, the same amount as endorsed by the Governor and Speaker of the House. The amendment specifies that the first \$100 million dollars raised by the tobacco tax will be distributed as in the current formula, with 71.1 percent going to the General Fund and 28.9 percent going to the Education Trust Fund. All monies raised above \$100 million dollars will go to the Education Trust Fund. It is estimated that this increase will raise \$87 million dollars over the next two years and is the amount needed to fund the education funding bill recommended by the Finance Committee. Vote 17-5.

Rep. Sharon M. Carson for the Minority of Ways and Means: A minority of the committee had several objections to the passing of a 28 cent increase in the tobacco tax. A bipartisan minority believes this to be a regressive tax that disproportionately penalizes the poorest citizens of New Hampshire. Additionally, we believe the state will be sending a mixed message in that we want people to stop smoking for health reasons by funding smoke cessation programs while encouraging smoking because we need the revenue. The minority feels that our dependence on funding our education system with an unreliable and potentially declining revenue source is bad policy. Cross border sales will be affected by an increase in the tax and potentially affect other revenue sources such as business profits, rooms and meals, gasoline, beer and wine and employment opportunities. Most disturbing of all was that raising the tobacco tax was the only revenue source considered to fund the education funding bill recommended by the Finance Committee. Others in the minority wanted a higher tax to support the budget. At the 28 cent increase we are still way under Maine, and could easily raise more without losing revenue. At 28 cents, the message to our teens to stop smoking or never smoke is weak. The General Fund budget has been devastated by our loss of federal revenues, and we need to replace them in order to maintain minimal services. This tax is supported by the vast majority of our constituents, and part of the minority feels we need to use it at a higher level for the sake of our budget.

Majority Amendment (1090h)

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

1 Tobacco Tax 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 ~~[52 cents]~~ **\$.80** 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.

2 Distribution of Funds. RSA 78:32 is repealed and reenacted to read as follows:

78:32 Distribution of Funds.

I.(a) For the amount of annual revenue produced by the tax imposed by RSA 78:7 up to the amount of \$100,000,000, 71.1 percent shall be deposited in the general fund and 28.9 percent shall be deposited in the education trust fund established by RSA 198:39.

(b) Any annual revenue greater than \$100,000,000 raised by such tax shall be deposited in the education trust fund established by RSA 198:39.

II. The commissioner shall make quarterly estimates of the amount of revenues that will be produced and designated for the education trust fund under paragraph I for the next fiscal year and shall certify such amount to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

3 Applicability. Section 1 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2005 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

4 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill increases the tobacco tax. Under this bill, the current distribution of tobacco tax revenue between the education trust fund and general fund is maintained for annual revenue produced by the tax up to \$100,000,000. Annual revenue produced by the tax greater than \$100,000,000 shall be deposited in the education trust fund.

Rep. Vaillancourt spoke against.

Rep. Jasper spoke in favor.

Majority amendment adopted.

(Rep. Weyler in the Chair)

Rep. Vaillancourt offered floor amendment (1161h).

Floor Amendment (1161h)

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

AN ACT increasing the tobacco tax and changing the method of calculating the beer tax.

Amend the bill by replacing section 1 with the following:

1 Tobacco Tax 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 ~~[52 cents]~~ **\$.74** 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.

Amend the bill by replacing section 4 with the following:

4 Beverage Fee. Amend RSA 178:26 to read as follows:

178:26 Additional Fees.

I. In addition to the annual license fees provided in this chapter, a fee ~~[of \$.30 for each gallon of]~~ **at the rate of 9 percent of the wholesale value of** beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors, beverage manufacturers, and brew pubs ~~[- provided, however, that if beverage~~

~~container mandatory deposit legislation is enacted, such fee shall be \$.18 per gallon as of the effective date of such legislation. For failure to pay any part of the fees provided or under this section when due, 10 percent of such fees shall be added and collected by the commission from the licensee].~~ ***Such fee shall be paid to the department of revenue administration as provided in paragraph III.***

~~[II. A sum of money from all sources of funds available to the department of transportation equivalent to 1/15 of all fees collected under paragraph I of this section shall be dedicated and used exclusively for the purpose of increased roadside litter removal for class I through class V highways; provided, however, that in the event beverage container mandatory deposit legislation is enacted, such amount shall cease to be so dedicated as of the effective date of such legislation.]~~

~~[III.]~~ ***II.*** Each wholesale distributor, beverage manufacturer, or brew pub shall on or before the tenth day of each month pay the ~~[license fees]~~ ***fee*** as provided by paragraph I covering sales or transfers made during the preceding calendar month. ***For failure to pay any part of the fee provided for under this section when due, 10 percent of such fee shall be added and collected by the department from the licensee.***

III. The names and information of licensees required to pay the fee under this section shall be provided by the commission to the department of revenue administration for the purpose of the administration of the fee.

IV. The commissioner of revenue administration shall adopt rules, under RSA 541-A, relative to:

(a) The form and method of the payment of the fee required by this section.

(b) The administration of the fee required by this section.

(c) The recovery of any fee or penalties imposed pursuant to RSA 21-J.

5 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill increases the tobacco tax. Under this bill, the current distribution of tobacco tax revenue between the education trust fund and general fund is maintained for annual revenue produced by the tax up to \$100,000,000. Annual revenue produced by the tax greater than \$100,000,000 shall be deposited in the education trust fund.

The bill also changes the method of calculating the fee paid by wholesale distributors, beverage manufacturers, and brew pubs on beer sold or transferred for retail sale or to the public, and transfers the authority to collect and administer the beverage fee from the liquor commission to the department of revenue administration.

Rep. Vaillancourt spoke in favor.

Rep. Hinkle spoke against.

Rep. Hunt spoke against and yielded to questions.

On a division vote, 47 members having voted in the affirmative and 307 in the negative, floor amendment (1161h) failed.

Rep. Solomon offered floor amendment (1168h)

Floor Amendment (1168h)

Amend RSA 78:32, I(a) as inserted by section 2 of the bill by replacing it with the following:

I.(a) For the amount of annual revenue produced by the tax imposed by RSA 78:7 up to the amount of \$100,000,000, the sum of \$3,000,000 shall be deposited in the tobacco use prevention fund established under RSA 126-K:15 and, of the remainder, 71.1 percent shall be deposited in the general fund and 28.9 percent shall be deposited in the education trust fund established by RSA 198:39.

Amend the bill by replacing section 4 with the following:

4 Tobacco Use Prevention Fund. Amend RSA 6:12, I(b)(67) to read as follows:

(67) Moneys received under RSA 126-K:15 **and RSA 78:32, I(a)**, which shall be credited to the tobacco use prevention fund.

5 Tobacco Use Prevention Fund. Amend the introductory paragraph of RSA 126-K:15 to read as follows:

126-K:15 Tobacco Use Prevention Fund. There is hereby established in the office of the state treasurer a fund to be known as the tobacco use prevention fund. Of tobacco settlement funds received by the state of New Hampshire, \$3,000,000 annually, commencing with fiscal year 2001, shall be deposited in the tobacco use prevention fund. ***The sum of \$3,000,000 from tobacco tax revenues shall be deposited annually in the fund, pursuant to RSA 78:32, I(a).*** Moneys in this fund shall be nonlapsing and continually appropriated, beginning with fiscal year 2001, for tobacco use prevention and cessation programs, which shall include but not be limited to:

6 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill increases the tobacco tax. Under this bill, the current distribution of tobacco tax revenue between the education trust fund and general fund is maintained for annual revenue produced by the tax up to \$100,000,000, except that \$3,000,000 annually is designated for the tobacco use prevention fund. Annual revenue produced by the tax greater than \$100,000,000 shall be deposited in the education trust fund.

Rep. Solomon spoke in favor.

Rep. Solomon withdrew the floor amendment.

Rep. Mirski offered floor amendment (0718h)

Floor Amendment (0718h)

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

AN ACT decreasing the tobacco tax.

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

1 Tobacco Tax 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 ~~[52 cents]~~ ***\$.47*** 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.

2 Applicability. Section 1 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2005 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be refunded by the state. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

3 Revenue Estimates. The commissioner of revenue administration shall make quarterly estimates for fiscal years 2007 and 2008 of the amount of additional revenues which could be produced by incremental \$.05 reductions in the tobacco tax to a minimum tax of \$.05.

4 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill decreases the tobacco tax.

Rep. Major spoke against and yielded to questions.

Reps. Mirski and Buhlman spoke in favor.

Rep. O'Brien requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0718h).

YEAS 78 NAYS 284			
YEAS 78			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Heald, Bruce
Veazey, John			
CARROLL			
None			
CHESHIRE			
None			
COOS			
None			
GRAFTON			
Ingbreton, Paul	Maybeck, Margie	Mirski, Paul	Sorg, Gregory
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Buhlman, David
Carew, James	Carter, Mark	Christiansen, Lars	Clark, Mark
Desmarais, Vivian	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Gibson, John	Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hirschmann, Keith	Holden, Randolph	Martin, Mary Ellen
McRae, Karen	Mead, Robert	O'Brien, William	Renzullo, Andrew
Rowe, Robert	Souza, Kathleen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Field, William	Kennedy, Richard	Marple, Richard	Maxfield, Roy
Oliver, James	Soltani, Tony		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Dumaine, Dudley	Hopfgarten, Paul
Hutchinson, Karen	Itse, Daniel	Johnson, Rogers	Manning, John
McKinney, Betsy	Morris, Richard	Nowe, Ronald	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Smith, Paul	Welch, David
Wiley, Robert			
STRAFFORD			

Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	
SULLIVAN			
Irish, Christopher			
NAYS 284			
BELKNAP			
Flanders, Donald	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Olimpio, J Lisbeth
Patten, Betsey			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Ward, John
Williams, Burton			
HILLSBOROUGH			
Aboshar, Jeffrey	Baroody, Benjamin	Barry, J Gail	Batula, Peter
Beaulieu, Jane	Bergin, Peter	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Campbell, David	Carlson, Donald	Chabot, Robert
Chase, Claudia	Clayton, William	Clemons, Jane	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty

Harvey, Suzanne	Hebert, Raymond	Hinkle, Peyton	Hunter, Bruce
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Lefebvre, Roland	Manney, Pamela	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence
Ryder, Donald	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Smith, David	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Reed, Dennis	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Blanchard, MaryAnn	Bridle, Russell
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Dowd, John
Dowling, Patricia	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hughes, Daniel	Ingram, Russell	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Major, Norman
Mason, April	McMahon, Charles	Moody, Marcia	Moore, Benjamin
Norelli, Terie	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Parker, Benjamin	Powers, James	Priestley, Anne	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Scamman, W Douglas	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Weldy, Norman
Wells, Roger	Winchell, George	Zolla, William	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Chaplin, Duncan	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Twombly, James	Wall, Janet	

SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	

and floor amendment (0718h) failed.

The question now being adoption of the majority committee report.

Reps. Bettencourt and Stephanie Eaton spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Reps. Gibson and Buhlman spoke against and yielded to questions.

Reps. Christine Hamm and O'Neil spoke in favor.

Rep. Buhlman requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 248 NAYS 119			
YEAS 248			
BELKNAP			
Flanders, Donald	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Rosen, Ralph	Russell, David	Thomas, John	Veazey, John
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Weed, Charles	
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter

Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Campbell, David
Carlson, Donald	Chase, Claudia	Christensen, D L Chris	Clayton, William
Clemons, Jane	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Golding, William	Gonzalez, Carlos
Graham, John	Haley, Robert	Hall, Betty	Harvey, Suzanne
Hinkle, Peyton	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lefebvre, Roland	Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Moran, Edward	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Blanchard, MaryAnn	Bridle, Russell
Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	DiFruscia, Anthony	Dodge, Robert
Dowd, John	Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Hughes, Daniel
Ingram, Russell	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Major, Norman	Mason, April
McMahon, Charles	Moody, Marcia	Norelli, Terie	O'Neil, Michael
Pantelakos, Laura	Parker, Benjamin	Powers, James	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Scamman, W Douglas	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Welch, David	Weldy, Norman
Wells, Roger	Winchell, George	Zolla, William	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Goodwin, Earle	Grassie, Anne
Hilliard, Dana	Hofemann, Roland	Kaen, Naida	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Twombly, James

Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Osgood, Philip Sr
Prichard, Stephen			
NAYS 119			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Heald, Bruce
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael
CARROLL			
Dickinson, Howard			
CHESHIRE			
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	
COOS			
Mears, Edgar			
GRAFTON			
Eaton, Stephanie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Sorg, Gregory	Ward, John		
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Buhlman, David	Carew, James	Carter, Mark
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Gibson, John
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hirschmann, Keith	Holden, Randolph	Hunter, Bruce	Infantine, William
Johnson, Paula	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	Ober, Lynne	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Currier, David	Field, William	Kennedy, Richard	Klose, John
Langlais, Thomas	Marple, Richard	Maxfield, Roy	Oliver, James
Soltani, Tony			

ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Cady, Harriet	Camm, Kevin	Carson, Sharon	Dalrymple, Janeen
Donahue, Richard Ken	Dumaine, Dudley	Fesh, Bob	Headd, James
Hopfgarten, Paul	Hutchinson, Karen	Itse, Daniel	Kobel, Rudolph
Manning, John	McKinney, Betsy	Moore, Benjamin	Morris, Richard
Nowe, Ronald	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Smith, Paul	Weare, E Albert
Wiley, Robert			
STRAFFORD			
Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Heon, Richard	Hollinger, Jeffrey	Newton, Clifford
Taylor, Katherine			
SULLIVAN			
Irish, Christopher	Phinizy, James	Rodeschin, Beverly	

and the majority committee report was adopted.

Ordered to third reading.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. John M. Gibson, Hillsborough District 19, requested that his protest be entered on the Permanent Journal. Today the House of Representatives approved a 50% increase in the tobacco tax. This increase of the tobacco tax is the beginning of the end of the New Hampshire Advantage because it targets cross border sales. Cross border sales of tobacco products account for nearly 50% of tobacco tax revenues and revenues received from the Master Settlement Agreement between the tobacco companies and the state.

The supporters of the tax hike have failed to recognize that people come to New Hampshire to buy tobacco products from as far away as New York and New Jersey, with the high price of gasoline in their home states, the New Hampshire savings may not be attractive enough and many state revenues will see a corresponding reduction with less cross border activity. The rationale for this tax hike is to fund the education funding formula included in HB 616. This funding plan is unconstitutional and reduces state funding to the majority of the communities where the tobacco tax is raised from. This tax hike is unfair to say the least besides the fact it will harm working families through higher taxation.

The most insulting part of this tax increase is simply that so many in the leadership of this House failed to honor their promises. Senior Republican leadership in the House stated early in the season their opposition to any new taxes or tax increases, now to curry favor with the Democrat Governor, they have gone back on their word.

The tobacco tax today and tomorrow which tax will House leadership endorse to feed big government? The New Hampshire Advantage is in very grave danger and it is members of senior House leadership who are knowingly or unwittingly leading the charge to destroy the one thing our neighboring states envy, our tax advantage. I hope a future legislature will take up an active role in defending or re-creating what has come to be known as the New Hampshire Advantage.

(Speaker Scamman in the Chair)

REGULAR CALENDAR

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007. **OUGHT TO PASS WITH AMENDMENT**
Rep. Elizabeth S. Hager for Finance: The state budget as presented in HB 1 is an adequate budget for FY 2006 and FY 2007. The Finance Committee has worked long hours since the Governor's presentation on February 15 in order to assure the provision of basic state services within the revenues available as projected by the Ways and Means Committee. In order to meet deadlines for the introduction of HB 1, many cuts were made which the committee viewed as temporary. This amended version of the bill restores many, but not all, of those cuts. For instance, in the Department of Corrections, 50% of the original cuts have been restored. In this budget, we establish a positive working relationship with the Judicial branch and have adopted successfully a new, more detailed approach to budgeting for the courts. We also have provided lean but operative budgets for all the smaller state departments. In the huge Department of Health and Human Services we have accepted the more efficient of proposals for caring for the most needy. For instance, we have held nursing home appropriations down while we have conservatively increased home care budgets. We have provided enough money for the Division of Juvenile Justice to open the new Youth Development Center but have challenged them to do it with fewer funds. The Finance Committee urges your support for this document which keeps the state government in New Hampshire functioning well for the next two years. Vote 12-8.

Amendment (1157h)

This amendment was printed in its entirety in House Record No. 31, April 15, 2005 and is made part of the Journal by reference.

Rep. King spoke in favor.

Amendment adopted.

Rep. Hager offered floor amendment (1204h).

Floor Amendment (1204h)

Amend section 1 of the bill by making the following specified changes, and by changing subtotals and totals as hereinafter specified to reflect the specified changes.

01 GENERAL GOVERNMENT

08 TREASURY DEPARTMENT

06 LCHIP

Strike out

90 LCHIP	2,500,000	2,500,000
----------	-----------	-----------

Insert in place thereof

90 LCHIP	5,000,000	5,000,000
----------	-----------	-----------

TOTAL	5,000,000	5,000,000
-------	-----------	-----------

ESTIMATED SOURCE OF FUNDS FOR
LCHIP

Strike out

GENERAL FUND	2,500,000	2,500,000
--------------	-----------	-----------

Insert in place thereof

GENERAL FUND	5,000,000	5,000,000
--------------	-----------	-----------

TOTAL	5,000,000	5,000,000
-------	-----------	-----------

05 HEALTH AND SOCIAL SERVICES

01 DEPT OF HEALTH AND HUMAN SVCS

02 OFF OF MEDICAID & BUSINESS POL

01 OFF OF MEDICAID & BUSINESS POL

05 PROVIDER PAYMENTS

ESTIMATED SOURCE OF FUNDS FOR
PROVIDER PAYMENTS

Strike out			
09 AGENCY INCOME	I	2,776,688	2,857,870
Insert in place thereof			
09 AGENCY INCOME	I	250,000	250,000
Strike out			
GENERAL FUND		169,563,060	168,022,097
Insert in place thereof			
GENERAL FUND		172,089,748	170,629,967
TOTAL		353,447,426	346,623,823
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
09 BUREAU OF BEHAVIORAL HEALTH			
04 COMMTY MENTAL HEALTH SVCS			
01 COMMTY MENTAL HEALTH SVCS			
Strike out			
40 INDIRECT COSTS		3,037	2,997
Insert in place thereof			
40 INDIRECT COSTS		4,338	4,498
Strike out			
41 AUDIT FUND SET ASIDE	D	40,404	42,406
Insert in place thereof			
41 AUDIT FUND SET ASIDE	D	41,905	43,908
Strike out			
91 FAMILY SUPPORT		14,646,389	15,280,713
Insert in place thereof			
91 FAMILY SUPPORT		15,101,389	15,805,713
Strike out			
92 CASE MANAGEMENT		9,960,845	10,393,086
Insert in place thereof			
92 CASE MANAGEMENT		10,285,845	10,768,086
Strike out			
93 EMERG INTAKE & HOSP SVCS		6,560,585	6,718,844
Insert in place thereof			
93 EMERG INTAKE & HOSP SVCS		6,794,585	6,988,844
Strike out			
94 COMMUNITY SUPPORT		28,581,538	29,869,068
Insert in place thereof			
94 COMMUNITY SUPPORT		29,569,538	31,009,068
Strike out			
95 HOUSING		19,912,381	21,548,358
Insert in place thereof			
95 HOUSING		20,510,381	22,238,358
TOTAL		85,663,729	90,319,821
ESTIMATED SOURCE OF FUNDS FOR			
COMMTY MENTAL HEALTH SVCS			
Strike out			
00 FEDERAL FUNDS		40,604,318	42,406,405
Insert in place thereof			
00 FEDERAL FUNDS		41,907,120	43,909,408
Strike out			
GENERAL FUND		42,456,609	44,910,413
Insert in place thereof			
GENERAL FUND		43,756,609	46,410,413

TOTAL	85,663,729	90,319,821
05 HEALTH AND SOCIAL SERVICES		
01 DEPT OF HEALTH AND HUMAN SVCS		
10 BUREAU OF DEVELOPMENT SERVICES		
01 DEVELOPMENTAL SERVICES		
Strike out		
41 AUDIT FUND SET ASIDE D	72,953	77,955
Insert in place thereof		
41 AUDIT FUND SET ASIDE D	76,260	81,678
Strike out		
91 CASE MANAGEMENT	9,997,998	10,400,265
Insert in place thereof		
91 CASE MANAGEMENT	10,674,495	11,169,729
Strike out		
92 DAY PROGRAMS	45,389,845	47,369,263
Insert in place thereof		
92 DAY PROGRAMS	48,079,805	50,310,708
Strike out		
94 FAMILY SUPPORT	2,360,297	2,502,871
Insert in place thereof		
94 FAMILY SUPPORT	2,446,600	2,559,143
Strike out		
95 COMMUNITY RESIDENCES	70,033,634	72,970,277
Insert in place thereof		
95 COMMUNITY RESIDENCES	73,001,613	76,387,438
Strike out		
96 CHRONICALLY ILL CHILDREN	602,363	630,072
Insert in place thereof		
96 CHRONICALLY ILL CHILDREN	615,906	644,237
Strike out		
97 ACQUIRED BRAIN DISORDER	11,332,284	11,858,376
Insert in place thereof		
97 ACQUIRED BRAIN DISORDER	11,614,468	12,153,541
Strike out		
98 ABD WAITLIST	617,035	1,262,454
Insert in place thereof		
98 ABD WAITLIST	617,035	1,290,838
Strike out		
99 EARLY INTERVENTION	4,341,346	4,519,969
Insert in place thereof		
99 EARLY INTERVENTION	4,417,466	4,622,472
TOTAL	156,002,295	167,095,463
ESTIMATED SOURCE OF FUNDS FOR DEVELOPMENTAL SERVICES		
Strike out		
00 FEDERAL FUNDS	73,010,934	78,082,168
Insert in place thereof		
00 FEDERAL FUNDS	76,319,540	81,805,865
Strike out		
GENERAL FUND	76,145,468	81,335,013
Insert in place thereof		
GENERAL FUND	79,632,755	85,239,598
TOTAL	156,002,295	167,095,463

Amend the bill by replacing all after section 20 with the following:

21 Revenue Estimates; 2005. General fund revenue estimates for fiscal year 2005 for the business enterprise tax, business profits tax, real estate transfer tax, and interest and dividends tax are hereby increased by \$4,000,000.

22 Estimates of Unrestricted Revenue:

<u>GENERAL FUND</u>	<u>FY 2006</u>	<u>FY 2007</u>
Beer Tax	\$ 12,500,000	\$ 12,600,000
Board and Care Review	13,500,000	14,000,000
Business Profits Tax	230,750,000	247,300,000
Business Enterprise Tax	71,650,000	72,150,000
Estate and Legacy Tax	6,800,000	4,100,000
Insurance Tax	91,500,000	94,300,000
Securities Revenue	30,000,000	31,500,000
Interest and Dividends	66,900,000	70,800,000
Liquor Sales & Distribution	120,000,000	126,000,000
Meals and Rooms Tax	198,700,000	209,900,000
Dog Racing	1,400,000	1,400,000
Horse Racing	2,000,000	2,000,000
Real Estate Transfer Tax	112,650,000	121,050,000
Communications Tax	71,300,000	74,100,000
Tobacco Tax	71,100,000	71,100,000
Tobacco Settlement	2,000,000	2,000,000
Utility Consumption Tax	6,400,000	6,600,000
Court Fines and Fees	30,400,000	30,400,000
Other	<u>58,100,000</u>	<u>59,800,000</u>
Subtotal	1,197,200,000	1,251,100,000
Medicaid Enhancement Revenue	73,000,000	75,800,000
Medicaid Recovery - Long-Term Care	15,000,000	14,200,000
Medicaid Recovery - Regular Care	<u>1,950,000</u>	<u>1,850,000</u>
Total	\$ 1,287,150,000	\$ 1,342,950,000
<u>HIGHWAY FUND</u>	<u>FY 2006</u>	<u>FY 2007</u>
Gasoline Road Toll	\$ 132,000,000	\$ 134,200,000
Motor Vehicle Fees	87,200,000	93,900,000
Miscellaneous	<u>10,400,000</u>	<u>10,400,000</u>
Total	\$ 229,600,000	\$ 238,500,000
<u>FISH AND GAME FUND</u>	<u>FY 2006</u>	<u>FY 2007</u>
Fish and Game Licenses	\$ 8,300,000	\$ 8,300,000
Fines and Penalties	170,000	170,000
Miscellaneous Sales	375,000	375,000
Indirect Costs	<u>655,000</u>	<u>655,000</u>
Total	\$ 9,500,000	\$ 9,500,000
<u>EDUCATION TRUST FUND</u>	<u>FY 2006</u>	<u>FY 2007</u>
Business Profits Tax	\$ 48,500,000	\$ 50,800,000
Business Enterprise Tax	137,900,000	144,800,000
Meals and Rooms Tax	7,100,000	7,200,000
Real Estate Transfer Tax	55,100,000	56,700,000
Tobacco Tax	72,400,000	72,400,000
Tobacco Settlement	40,000,000	40,000,000
Utility Property Tax	22,800,000	24,100,000
Transfer from Sweepstakes	<u>73,100,000</u>	<u>73,200,000</u>
Total	\$ 456,900,000	\$ 469,200,000

23 Effective Date. This act shall take effect July 1, 2005.

Reps. Major and Whalley spoke against and yielded to questions.

Rep. O'Neil spoke against.

Reps. Bergin, Pratt and Hager spoke in favor and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1204h).

YEAS 183 NAYS 185			
YEAS 183			
BELKNAP			
Millham, Alida	Morrison, Gail	Pilliod, James	Russell, David
CARROLL			
Buco, Thomas	Dickinson, Howard		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Campbell, David	Carter, Mark	Chase, Claudia
Clayton, William	Clemons, Jane	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Egbers, Fran
Essex, David	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Harvey, Suzanne	Hunter, Bruce	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Movsesian, Lori	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy

Ryder, Donald	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Velez, Hector			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Kennedy, Richard	Kidder, David
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley
Charron, Gene	Cooney, Richard	Flockhart, Eileen	Garrity, James
Hutchinson, Karen	Johnson, Robert	Langley, Jane	Mason, April
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Powers, James
Robertson, Carl	Serlin, Christopher	Splaine, James	Stiles, Nancy
Winchell, George			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinzy, James	Prichard, Stephen
NAYS 185			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Nedeau, Stephen	Rosen, Ralph	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey		
CHESHIRE			

Hogancamp, Deborah	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon
COOS			
King, Frederick	Morneau, Renney	Stohl, Eric	
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gibson, John	Golding, William	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	McRae, Karen	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Hess, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Oliver, James
Reed, Dennis	Soltani, Tony		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Coburn, James
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Gilbert, Karl	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman
Manning, John	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Smith, Paul	Stone, Joseph	Waterhouse, Kevin

Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Wiley, Robert	Zolla, William	
STRAFFORD			
Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	Twombly, James
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly	

and floor amendment (1204h) failed.

Rep. Mirski declared a conflict of interest and did not participate.

The question now being adoption of the committee report.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 175 NAYS 196			
YEAS 175			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Morneau, Renney	Remick, William	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Mirski, Paul
Ward, John	Williams, Burton		
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carlson, Donald	Carter, Mark
Chabot, Robert	Christensen, D L Chris	Clark, Mark	Coughlin, Pamela

Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn	Golding, William
Gonzalez, Carlos	Hansen, Ryan	Hinkle, Peyton	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Manney, Pamela
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Ross, Lawrence
Ryder, Donald	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Hager, Elizabeth
Hess, David	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Reed, Dennis	Soltani, Tony	Whiting, Herbert
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Buxton, Donald	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gillick, Thomas	Gould, Kenneth	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Major, Norman	Manning, John	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	O'Neil, Michael	Packard, Sherman
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Scamman, Stella	Smith, Paul	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Welch, David	Weldy, Norman	Weyler, Kenneth
Wiley, Robert	Winchell, George	Zolla, William	
STRAFFORD			
Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Hollinger, Jeffrey	Newton, Clifford
Twombly, James			
SULLIVAN			
Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 196			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas			
CHESHIRE			

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Richardson, Herbert	Theberge, Robert		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	Maybeck, Margie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane
Boehm, Ralph	Brassard, Paul	Buhlman, David	Campbell, David
Chase, Claudia	Christiansen, Lars	Clayton, William	Clemons, Jane
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	DeVries, Betsi
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Haley, Robert	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hirschmann, Keith	Holden, Randolph
Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Messier, Irene	Michon, Stephen	Movsesian, Lori
Pappas, Christopher	Pilotte, Maurice	Reeves, Sandra	Renzullo, Andrew
Rochette, Eric	Rosenwald, Cindy	Rowe, Robert	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Tahir, Saghir	Velez, Hector
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Field, William	French, Barbara	Gile, Mary
Greco, Vincent	Hamm, Christine	Kennedy, Richard	McMahon, Patricia
Oliver, James	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Casey, Kimberley	Flockhart, Eileen	Gilbert, Karl	Griffin, Mary

Hutchinson, Karen	Kobel, Rudolph	Mason, April	Moody, Marcia
Morris, Richard	Norelli, Terie	Nowe, Ronald	Pantelakos, Laura
Parker, Benjamin	Powers, James	Priestley, Anne	Putnam, Ed II
Robertson, Carl	Sanders, Elisabeth	Serlin, Christopher	Splaine, James
Weare, E Albert	Wells, Roger		
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Easson, Timothy	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

and the committee report failed.

Rep. Desmarais voted Yea and intended to vote Nay.

RECONSIDERATION

Having voted with the prevailing side, Rep. Easson moved that the House reconsider its action whereby it failed to adopt the committee report on ***HB 1-A***, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider.

YEAS 200 NAYS 171			
YEAS 200			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey			
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	

COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Mirski, Paul	Naro, Debra
Ward, John	Williams, Burton		
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr
Carew, James	Carlson, Donald	Carter, Mark	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Francoeur, Bea	Gargas, Carolyn	Golding, William
Gonzalez, Carlos	Graham, John	Hagan, Barbara	Hall, Betty
Hansen, Ryan	Hebert, Raymond	Hinkle, Peyton	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Manney, Pamela
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Ryder, Donald	Scanlon, Michael
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Velez, Hector	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Hager, Elizabeth	Hess, David	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	Oliver, James
Reed, Dennis	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gillick, Thomas	Gould, Kenneth
Griffin, Mary	Headd, James	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Major, Norman	Manning, John
Mason, April	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Smith, Paul	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Weyler, Kenneth	Wiley, Robert	Winchell, George

Zolla, William			
STRAFFORD			
Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Dunlap, Patricia	Easson, Timothy	Hollinger, Jeffrey	Twombly, James
SULLIVAN			
Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 171			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas	Dickinson, Howard	McConkey, Mark	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Maybeck, Margie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Buhlman, David
Campbell, David	Chase, Claudia	Clark, Mark	Clayton, William
Clemons, Jane	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Haley, Robert	Harvey, Suzanne
Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith	Holden, Randolph
Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Messier, Irene	Michon, Stephen	Movsesian, Lori
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Villeneuve, Maurice	Wheeler, James		

MERRIMACK			
Bouchard, Candace	Clarke, Claire	DeJoie, John	DeStefano, Stephen
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Kennedy, Richard	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Cali-Pitts, Jacqueline
Casey, Kimberley	Flockhart, Eileen	Hopfgarten, Paul	Hutchinson, Karen
Kobel, Rudolph	Moody, Marcia	Morris, Richard	Norelli, Terie
Nowe, Ronald	Pantelakos, Laura	Parker, Benjamin	Powers, James
Putnam, Ed II	Serlin, Christopher	Splaine, James	Wells, Roger
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

and reconsideration prevailed.

RECONSIDERATION

Having voted with the prevailing side, Rep. W. Packy Campbell moved that the House reconsider its action whereby it failed to adopt floor amendment (1204h) to **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007.

Rep. Hager spoke against.

Rep. Wallner spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider floor amendment (1204h).

YEAS 172 NAYS 199			
YEAS 172			
BELKNAP			
Morrison, Gail	Pilliod, James	Russell, David	
CARROLL			
Buco, Thomas	Dickinson, Howard	Olimpio, J Lisbeth	

CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul
Campbell, David	Carter, Mark	Chase, Claudia	Clayton, William
Clemons, Jane	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Hunter, Bruce
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kopka, Angeline
Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Movsesian, Lori	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Velez, Hector
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Kennedy, Richard	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard
DiFruscia, Anthony	Flockhart, Eileen	Garrity, James	Hutchinson, Karen
Langley, Jane	Mason, April	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Robertson, Carl	Serlin, Christopher
Splaine, James	Winchell, George		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie

Brown, Lawrence	Callaghan, Frank	Campbell, W Packy	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen
NAYS 199			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Rosen, Ralph
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey			
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	
COOS			
King, Frederick	Morneau, Renney	Stohl, Eric	
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn	Gibson, John
Golding, William	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hebert, Raymond

Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	O'Connell, Timothy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	Field, William
Hager, Elizabeth	Hess, David	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Oliver, James	Reed, Dennis
Soltani, Tony	Whiting, Herbert		

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Dalrymple, Janeen	Dodge, Robert
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman	Manning, John
McKinney, Betsy	McMahon, Charles	Moore, Benjamin	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Parker, Benjamin
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Smith, Paul	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Wiley, Robert	Zolla, William	

STRAFFORD

Albert, Russell	Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	Twombly, James

SULLIVAN

Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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and reconsideration of floor amendment (1204h) failed.

Rep. Mirski declared a conflict of interest and did not participate.

The question now being adoption of the committee report.

Rep. O'Neil spoke in favor

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question now being adoption of the committee report.

YEAS 207 NAYS 165			

YEAS 207			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedean, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey		
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Mirski, Paul
Ward, John	Williams, Burton		
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Carlson, Donald	Carter, Mark	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn
Golding, William	Gonzalez, Carlos	Graham, John	Hagan, Barbara
Hansen, Ryan	Hinkle, Peyton	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Manney, Pamela	McRae, Karen
Mead, Robert	Messier, Irene	Mooney, Maureen	Moran, Edward
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence	Ryder, Donald
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Hager, Elizabeth	Hess, David	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Oliver, James	Reed, Dennis

Soltani, Tony	Whiting, Herbert		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dodge, Robert	Donahue, Richard Ken	Dowd, John	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Hopfarten, Paul
Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Major, Norman	Manning, John
Mason, April	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Smith, Paul	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy	Hollinger, Jeffrey
Newton, Clifford	Twombly, James		
SULLIVAN			
Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 165			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas	Dickinson, Howard		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Richardson, Herbert
Theberge, Robert			

GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	Maybeck, Margie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul
Campbell, David	Chase, Claudia	Clayton, William	Clemons, Jane
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	DeVries, Betsi
Egbers, Fran	Essex, David	Foster, Linda	Garrity, Patrick
Gibson, John	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goyette, Peter Jr	Haley, Robert	Hall, Betty	Harvey, Suzanne
Hawkins, Ken	Hebert, Raymond	Hellwig, Steve	Hirschmann, Keith
Holden, Randolph	Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Tahir, Saghir	Wheeler, James		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Kennedy, Richard	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley
Flockhart, Eileen	Moody, Marcia	Morris, Richard	Norelli, Terie
Pantelakos, Laura	Parker, Benjamin	Powers, James	Priestley, Anne
Putnam, Ed II	Serlin, Christopher	Splaine, James	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby,	Phinizy, James	Prichard, Stephen

	Charlotte		
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and the committee report was adopted.
Ordered to third reading.

INTRODUCTION OF SPECIAL GUESTS

A delegation of governmental and military representatives from Latvia, led by Mr. Dainis Turlais, visiting New Hampshire as part of the Partners for Peace program, guests of the House.

The House recessed at 1:15 p.m.

(Speaker Scamman in the Chair)

The House reconvened at 2:15 p.m.

REGULAR CALENDAR (CONT'D.)

HB 2-FN-A, relative to state fees, funds, revenue and expenditures. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth S. Hager for Finance: HB 2 contains the changes to the laws of the state of New Hampshire needed to support the state budget. It continues sections which we have adopted for several years now, such as the cap on county payments for nursing facilities, and it contains other sections needed to approve a balanced budget. Vote 19-2.

Majority Amendment (1159h)

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

1 Transfers Among Accounts; Office of Information Technology. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary, the office of information technology may, subject to the approval of the fiscal committee, transfer funds within and among all PAU's within said office as necessary for the efficient management of the office.

2 Lease Agreements. Notwithstanding RSA 6:35, for the biennium ending June 30, 2007, the department of fish and game, the department of transportation, and the department of regional community-technical colleges may enter into lease agreements for vehicles and equipment at the discretion of the agency head. In this section, "lease" includes a lease-purchase, sale and lease back, installment sale, or other similar agreement.

3 Local Highway Aid Fund Apportionment. Amend RSA 235:23, I to read as follows:

I. APPORTIONMENT A. In each fiscal year, the commissioner shall allocate an amount not less than 12% of the total road toll revenue and motor vehicle fees collected in the preceding fiscal year to a local highway aid fund. ***Notwithstanding RSA 9:9-a, the commissioner shall calculate the allocation to the local highway aid fund prior to deducting collection and administrative costs.*** This fund shall be distributed to each city, town, and unincorporated place on a formula in which ½ of the amount is based on the proportion which the mileage of regularly maintained class IV and class V highways in each municipality, as of January 1 of the previous year, bears to the total of such mileage in the state; and ½ of the amount is based on the proportion which the office of energy and planning population estimate of each municipality bears to the latest estimate of the total population of the state as of July 1 of the year of the estimate. The aid to be distributed under this paragraph shall be in addition to all other state and federal aid specifically authorized by statute.

4 Collection of Highway Fund Revenue; Reporting Requirement. Amend RSA 9:9-a to read as follows:

9:9-a Collection of Highway Fund Revenue; Reporting Requirement. Pursuant to part II, article 6-a of the New Hampshire constitution, any costs associated with the collection

and administration of highway funds by the department of safety shall be deducted by the department before such funds are credited to the highway fund. On or before January 1, the department shall provide an annual accounting of such administration and collection costs to the president of the senate and the speaker of the house of representatives. ***No current fiscal year collection or administration costs shall be expended until the previous year's collection cost report has been received.***

5 Town of Merrimack; Kindergarten. There is hereby appropriated the sum of \$275,000 for the biennium ending June 30, 2007, to the department of education for the support of the kindergarten program in the town of Merrimack. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Special Education Program of the Youth Services Center; Lapse to General Fund. Notwithstanding RSA 186-C:20, the balance of unexpended funds as of July 1, 2005, received by the department of health and human services under RSA 186-C:20 for the special education program of the youth services center, shall lapse to the general fund.

7 Department of Health and Human Services; Program Eligibility; Additional Revenues; Transfer Among Accounts.

I. For the biennium ending June 30, 2007, the department of health and human services shall not authorize, without prior approval of the fiscal committee of the general court and governor and council, any change to program eligibility standards or benefit levels that might be expected to increase enrollment in the program or increase expenditures from any source of funds; provided, however, that no such prior approval shall be required if a change to a federal program in which the state is participating as of the effective date of this section is required by federal law.

II. Notwithstanding any provision of the law to the contrary, for the biennium ending June 30, 2007, the fiscal committee of the general court and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues in excess of \$100,000, that are in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following programs and services: provider payments, provider rate increases, and any other program or service that requires deficit reduction or for which revenue has been specifically obtained to improve program operations; provided, that such improvements do not increase eligibility standards or benefit levels.

III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2007 the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all PAUs within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department.

8 Liquor Commission; Revenue. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2007, all gross revenue derived by the liquor commission from the sale of liquor, or from license fees, shall be deposited into the general funds of the state.

9 Disbursement of Tobacco Settlement Funds. Notwithstanding RSA 126-K:15, RSA 198:39, and 2000, 212, in each year of the biennium ending June 30, 2007, funds received from the tobacco settlement agreement shall be disbursed as follows:

I. The first \$1,000,000 to the tobacco use prevention fund, established in RSA 126-K:15.

II. The next \$40,000,000 to the education trust fund, established in RSA 198:39.

III. Any amount over \$41,000,000 shall be deposited as unrestricted revenue to the general fund.

10 Mental Health Low Utilizers and Prior Authorization; Bureau of Behavioral Health, Department of Health and Human Services. For the biennium ending June 30, 2007, the department of health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults with low service utilization of community mental health services, as identified in He-M 401.07; provided, that the department also shall establish, by rule under RSA 541-A, a procedure for such persons or community mental health providers to request a waiver of the \$4,000 limit based on legitimate treatment considerations. The commissioner of the department of health and human services shall notify the commissioner of the department of administrative services, in writing, as to precisely which line item appropriations and in what specific amounts reductions are to be made in order to effect the reduction amounts. Upon request by the commissioner of the department of health and human services the fiscal committee of the general court may authorize a higher per person per year limit.

11 County Payments of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend RSA 167:18-b, IV to read as follows:

IV. The total billings by all counties made pursuant to this section for persons who have been determined eligible to receive nursing facility services shall not exceed 50 percent of the non-federal share of the combined long-term care medicaid spending for which the counties are obligated and in no instance shall the billings for the 12-month period of the state fiscal year, dated between July 1, 2004 and June 30, ~~[2005]~~ **2007** exceed:

(a) State fiscal year 2004 - \$60,000,000.

(b) State fiscal year 2005 - \$64,000,000.

(c) State fiscal year 2006 - \$68,000,000.

(d) State fiscal year 2007 - \$70,000,000.

12 County Payments of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments; Medicare Prescription Drug Benefit Included. Amend RSA 167:18-b, VI to read as follows:

VI. For purposes of this section all expenditures shall include all bills for which the county is liable for medicaid services, including but not limited to, payments for skilled nursing, hospital, physician and pharmaceutical services. ***Pharmaceutical services shall include the Medicare Part D drug benefit, authorized by the Medicare Prescription Drug Improvement and Modernization Act of 2003, Public Law 108-173.***

13 Effective Date of Repeal Changed; Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend 1998, 388:17, II, as amended by 2003, 223:8 and 2004, 260:8, to read as follows:

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, ~~[2005]~~ **2007**.

14 New Paragraph; Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 From Any Non-State Source. Amend RSA 14:30-a by inserting after paragraph V the following new paragraph:

VI. Any non-state funds in excess of \$100,000, whether public or private, including refunds of expenditures, federal aid, local funds, gifts, bequests, grants, and funds from any other non-state source, which under state law require the approval of governor and council for acceptance and expenditure, may be accepted and expended by the proper persons or agencies in the state government only with the prior approval of the fiscal committee.

15 Fiscal Committee Approval Required for Expenditure of Federal Aid. Amend RSA 124:4 to read as follows:

124:4 Application for[~~7~~] and Administration of ***Federal Aid***. Notwithstanding any other provision of law, the governor and council are hereby authorized to designate from time to time, as they may deem in the best interest of the state, the proper persons or agencies in the state government to take all necessary action to apply for, receive, and administer any federal benefits, facilities, grants-in-aid, or other federal appropriations or services made available to assist state activities, for which the state is, or may become eligible. ***All such***

moneys in excess of \$100,000 made available, after designation by the governor and council, may be expended by the proper persons or agencies in the state government only with the prior approval of the joint legislative fiscal committee. In addition to such other instruments, documents, and agreements as may be executed ~~hereunder~~ ***under the authority of this section***, such persons or agencies may ~~[, whenever the same shall be required as a condition to the receipt of such federal assistance, with the approval of the governor and council]~~ execute indemnification agreements, ***with the approval of governor and council***, in the name of the state with and for the benefit of the United States ***whenever such execution is required as a condition of receipt of such federal assistance.***

16 Health and Human Services; Local Medical Assistance; County Contribution. RSA 167:18-f is repealed and reenacted to read as follows:

167:18-f Local Medical Assistance Contribution. In addition to any other reimbursement required by law, each county shall, within 60 days from notice thereof, reimburse the public assistance fund at the rate of \$25 per month for each recipient of old age assistance and \$50 per month for each recipient of aid to the permanently and totally disabled for whom the county would be liable under the provisions of RSA 166, except that no reimbursement shall be required for any recipient for whom the county has an obligation under RSA 167:18-b.

17 New Chapter: Judicial Branch Family Division. Amend RSA by inserting after chapter 490-C the following new chapter:

CHAPTER 490-D JUDICIAL BRANCH FAMILY DIVISION

490-D:1 Judicial Branch Family Division Established. The general court hereby organizes, constitutes, and establishes the judicial branch family division. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division court that is geographically accessible to the family.

490-D:2 Jurisdiction. Notwithstanding any law to the contrary and except for the limited need to allow an existing case to proceed with the same judge who had presided over it before the implementation of the judicial branch family division, following implementation of the division at a division site in accordance with RSA 490-D:5, jurisdiction over the following matters shall be exclusively exercised through the judicial branch family division as procedurally jurisdiction was previously exercised in the superior, district, and probate courts:

I. Petitions for divorce, nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children except for concurrent jurisdiction with the district court to enter temporary detention orders under RSA 169-B:11, III and 169-B:12, IV(b).

IV. Actions under RSA 169-C, relating to abused and neglected children except for concurrent jurisdiction with the district court to enter orders under RSA 169-C:6, VI and RSA 169-C:6-a.

V. Actions under RSA 169-D, relating to children in need of services except for concurrent jurisdiction with the district court to enter orders under RSA 169-D:8, I, RSA 169-D:9-a, and RSA 169-D:10.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district courts to enter temporary protective orders under RSA 173-B:4.

VII. The adoption of children in abuse and neglect cases pursuant to RSA 169-C, termination of parental rights cases pursuant to RSA 170-C, and guardianships of the person of minors pursuant to paragraph VIII. Jurisdiction over private, agency, and international adoptions shall remain with the probate court.

VIII. The guardianship of the person of minors. In cases involving the guardianship of both the person of a minor and the estate of the same minor, jurisdiction shall remain with the probate court.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490-D:3 Equity Jurisdiction. Notwithstanding any law to the contrary, the judicial branch family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the judicial branch family division. Suits in equity where subject matter jurisdiction lies with the judicial branch family division including, but not limited to, petitions for divorce, nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the judicial branch family division at any time, but nothing contained in this section shall be construed as limiting the power of the judicial branch family division to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

490-D:4 Sites. The judicial branch family division shall operate at the following sites and such other sites as the supreme court, from time to time, determines, covering the following districts as delineated in RSA 502-A:1, except as otherwise indicated:

Grafton County

I. The courthouses in Grafton county which will house the judicial branch family division shall be the court facility in North Haverhill, the Plymouth District Court, the Littleton District Court, and the Lebanon District Court.

II.(a) Matters arising in municipalities located within the Haverhill district shall be heard in the court facility in North Haverhill.

(b) Matters arising in municipalities located within the Plymouth-Lincoln district shall be heard in the Plymouth District Court.

(c) Matters arising in municipalities located within the Littleton district shall be heard in the Littleton District Court.

(d) Matters arising in municipalities located within the Lebanon-Hanover district shall be heard in the Lebanon District Court.

Rockingham County

III. The courthouses in Rockingham county which will house the judicial branch family division shall be the court facility in Brentwood, the Portsmouth District Court, the Salem District Court, and the Derry District Court.

IV.(a) Matters arising in municipalities located within the Portsmouth district, the Hampton district, and the towns of Newfields, Newmarket, and Stratham shall be heard in the Portsmouth District Court.

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem District Court.

(c) Matters arising in municipalities located within the Auburn district (except for the towns of Deerfield, Northwood, Nottingham, and Raymond) and the Derry district shall be heard in the Derry District Court.

(d) Matters arising in municipalities located within the Exeter district (except for the towns of Newfields, Newmarket, and Stratham), the Plaistow district, and the towns of Deerfield, Northwood, Nottingham, and Raymond shall be heard in the court facility in Brentwood.

Coos County

V. The courthouses in Coos county which will house the judicial branch family division shall be the Colebrook District Court, the Berlin District Court, and the court facility in Lancaster.

VI.(a) Matters arising in municipalities located within the Colebrook district shall be heard in the Colebrook District Court.

(b) Matters arising in municipalities located within the Berlin-Gorham district shall be heard in the Berlin District Court.

(c) Matters arising in municipalities located within the Lancaster district shall be heard in the court facility in Lancaster.

Carroll County

VII. The courthouses in Carroll county which will house the judicial branch family division shall be the court facility in Ossipee and the District Court for northern Carroll County.

VIII.(a) Matters arising in municipalities located within the district for southern Carroll county shall be heard in the court facility in Ossipee.

(b) Matters arising in municipalities located within the district for northern Carroll county shall be heard in the District Court for northern Carroll County.

Sullivan County

IX. The courthouses in Sullivan county which will house the judicial branch family division shall be the Newport District Court and the Claremont District Court.

X.(a) Matters arising in municipalities located within the Newport district and the New London district in Merrimack county shall be heard in the Newport District Court.

(b) Matters arising in municipalities located within the Claremont district shall be heard in the Claremont District Court.

Strafford County

XI. The courthouses in Strafford county which will house the judicial branch family division shall be the Dover District Court and the Strafford county court facility in Dover.

XII.(a) Matters arising in municipalities located within the Dover-Somersworth-Durham district shall be heard in the Dover District Court.

(b) Matters arising in municipalities located within the Rochester district shall be heard in the Strafford county court facility in Dover.

Belknap County

XIII. The courthouse in Belknap county which will house the judicial branch family division shall be a facility located in Laconia, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XIV.(a) Matters arising in municipalities located within the Laconia district shall be heard in the judicial branch family division facility in Laconia.

(b) Matters arising in the towns of Sanbornton and Tilton shall be heard in the Franklin District Court in Merrimack county.

Hillsborough County

XV. The courthouses in Hillsborough county which will house the judicial branch family division shall be the Hillsborough County Superior Court for the northern judicial district, the Goffstown District Court, the Hillsborough County Superior Court for the southern judicial district, the Milford District Court, and the Merrimack District Court.

XVI.(a) Matters arising in municipalities located within the Manchester district shall be heard in the Hillsborough County Superior Court for the northern judicial district.

(b) Matters arising in municipalities located within the Goffstown district shall be heard in the Goffstown District Court.

(c) Matters arising in municipalities located within the Nashua district shall be heard in the Hillsborough County Superior Court for the southern judicial district.

(d) Matters arising in municipalities located within the Milford district shall be heard in the Milford District Court.

(e) Matters arising in municipalities located within the Merrimack district shall be heard in the Merrimack District Court.

(f) Matters arising in Hillsborough county municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court in Cheshire county.

(g) Matters arising in municipalities located within the Hillsborough district shall be heard in the Concord District Court in Merrimack county.
Merrimack County

XVII. The courthouses in Merrimack county which will house the judicial branch family division shall be the Franklin District Court, the Hooksett District Court, and a facility located in Concord, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XVIII.(a) Matters arising in municipalities located within the Franklin district shall be heard in the Franklin District Court.

(b) Matters arising in municipalities located within the Hooksett district shall be heard in the Hooksett District Court.

(c) Matters arising in municipalities located within the Concord district, the Henniker district, and the Hillsborough district shall be heard in the judicial branch family division facility in Concord.

(d) Matters arising in municipalities located within the New London district shall be heard in the Newport District Court in Sullivan county.
Cheshire County

XIX. The courthouses in Cheshire county which will house the judicial branch family division shall be the Jaffrey-Peterborough District Court and a facility located in Keene, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XX.(a) Matters arising in municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court

(b) Matters arising in municipalities located within the Keene district shall be heard in the judicial branch family division facility in Keene.

490-D:5 Implementation Plan. On the effective date of this chapter, the judicial branch family division shall be operational in Grafton and Rockingham counties. For the remaining counties, the judicial branch family division shall be made operational by order of the supreme court, generally in the order listed in RSA 490-D:4.

490-D:6 Judges and Marital Masters. The supreme court shall select and designate certain district and probate court judges as judicial branch family division judges and certain superior court marital masters as judicial branch family division marital masters. The designation of judges shall be based upon the judge's knowledge of, commitment to, and expertise in family law matters. The number of judicial branch family division judges and marital masters shall be based upon a review of anticipated caseload, population, judicial time and efficiency, available judicial resources, and other relevant criteria, including information from the weighted caseload system. When the judicial branch family division is fully implemented, all superior court marital masters shall be designated as judicial branch family division marital masters.

490-D:7 Nominations and Appointments of Marital Masters.

I. The administrative judge of the judicial branch family division shall recommend persons to the governor and council for initial appointment as marital masters. In recommending candidates for initial appointment as marital masters under this chapter, the division shall utilize the procedures and standards described in superior court rules in effect as of July 1, 2004, except as otherwise provided in this chapter.

II. For appointments of new marital masters, the administrative judge of the judicial branch family division shall submit to the governor the name of a nominee. The governor may accept the candidate nominated by the administrative judge and submit the candidate to the council for confirmation or may reject the candidate submitted by the administrative judge, and request a new nominee. If the council rejects a candidate for confirmation, the governor shall request a new nominee.

III. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall be made in accordance with judicial branch family division rules. During appointment terms, the authority and responsibility to conduct annual performance reviews, and termination, if necessary, shall be with the administrative judge of the judicial branch family division.

490-D:8 Qualifications of Marital Masters.

I. Marital masters shall possess the following qualifications:

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. Each marital master shall complete a course in court process and procedures and mediation and negotiation.

490-D:9 Recommendations of Marital Masters. All recommendations of marital masters shall be signed by a judge.

490-D:10 Referee. The judicial branch family division, with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein the parties are not, as matter of right, entitled to a trial by jury; and with the consent of the parties shall so commit any other cause or the determination of any other question of fact.

490-D:11 Staff. The supreme court shall identify a mechanism by which to assign and transfer such existing staff in the superior, district, and probate courts as is necessary to operate the judicial branch family division. Where possible, staff performing functions related to the jurisdiction of the judicial branch family division shall be transferred into similar positions in the division. The number of judicial branch family division staff shall be based upon a review of anticipated caseload, population, available staff resources, and other relevant criteria, including information from any weighted caseload system.

490-D:12 Judicial Branch Family Division Clerks. The administrative judge of the judicial branch family division shall appoint a clerk with responsibility for each judicial branch family division site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more judicial branch family division sites. Judicial branch family division clerks shall have the same duties as clerks of the superior and district courts and as registers of probate with respect to the judicial branch family division jurisdiction which was previously within the superior, district, and probate courts. Judicial branch family division clerks shall hold office during the pleasure of the administrative judge of the judicial branch family division.

490-D:13 Alternative Dispute Resolution. In implementing the judicial branch family division, the supreme court shall utilize alternative dispute resolution to reduce the adversarial nature of proceedings involving families. RSA 458:15-a shall be applicable to cases in the judicial branch family division.

490-D:14 Statutory References. During the implementation of the judicial branch family division, references in statutes involving the jurisdiction of the division to the superior,

district, or probate courts shall be deemed to include the judicial branch family division. Following the full implementation of the division, those references shall be deemed to be to the judicial branch family division where it has exclusive jurisdiction of a subject matter and to the superior, district, or probate court and the judicial branch family division where the judicial branch family division has concurrent jurisdiction with one or more of those courts.

18 Designation of Part-time District Court Justice as Full-time District Court Justice. Amend RSA 491-A:3, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, *the needs of the judicial branch family division*, and other relevant criteria may request the governor and council to designate a sitting part-time justice as a full-time justice. The court may recommend certain justices; however, the governor and council shall not be bound by that recommendation. Upon designation, that justice shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time district court justice.

19 Designation of Part-time Probate Court Judge as Full-time Judge. RSA 491-A:4, IV is repealed and reenacted to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria, may request the governor and council to designate a sitting part-time probate judge as a full-time judge. The court may recommend certain judges; however, the governor and council shall not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time probate judge.

20 New Paragraph; Venue; Notice; Optional Manner of Service of Petitions. Amend RSA 458:9 by inserting after paragraph II the following new paragraph:

II-a. In lieu of service as described in paragraph II, the court may, after issuing orders of notice, send notice to the respondent indicating that the petition has been filed and that the respondent or the respondent's attorney may accept service at the court within 10 days. If neither the respondent nor the attorney for the respondent accepts service at the court within 10 days as specified in the correspondence, the petition shall be forwarded to the petitioner for service in accordance with paragraph II.

21 Repeal. The following are repealed:

I. RSA 490:33 – 490:35, relative to the family division.

II. RSA 491:20-a – 491:20-c, relative to marital masters.

22 Federal Assistance Grant; Appropriation. Any sum received in the fiscal years ending June 30, 2006 or June 30, 2007 from the Federal Emergency Management Agency or Federal Highway Administration's Emergency Relief Program or any other federal program providing emergency assistance to the department of transportation to reimburse appropriate costs incurred for emergency response, including but not limited to equipment rental, snow plowing, sanding, salting, flood damage response, and personnel overtime during any emergency declared is re-appropriated to the department of transportation, to be distributed to the bureaus that expended funds on the emergency, and shall be allocated 40 percent to class 20 expenditures and 60 percent to class 22 expenditures. The commissioner of the department of transportation shall report any such sums received to the fiscal committee of the general court and to the house and senate finance committees.

23 New Paragraph; Family Mutual Support Organizations; Definition Added. Amend RSA 126-P:1 by inserting after paragraph II the following new paragraph:

II-a. "Family mutual support organization" means a nonprofit corporation that provides family mutual support services, as defined in paragraph III and further described in RSA 126-P:2, III and IV.

24 Department of Health and Human Services; Oversight Committee; Finance Members Added. Amend RSA 126-A:13, I to read as follows:

I. There shall be an oversight committee on health and human services consisting of 8 members as follows:

(a) 3 members of the senate, at least one of whom shall be a member of the senate ~~[public institutions/]~~health and human services committee **and one of whom shall be a member of the senate finance committee**, appointed by the president of the senate; and

(b) 5 members of the house ~~[appointed by the speaker of the house]~~ **of representatives, 4 of whom shall be** from the health, human services and elderly affairs committee, **and one of whom shall be from the house finance committee, appointed by the speaker of the house of representatives.**

25 Department of Health and Human Services; Community Mental Health Services Reporting Requirements Suspended; Fiscal Committee Approval Required.

I. Notwithstanding any other provision of law, effective January 1, 2006, any reporting requirement for community mental health services imposed by statute or rule shall be suspended. For purposes of this section, "reporting requirement" means the collection of information on a form submitted to the department of health and human services.

II. After January 1, 2006, any reporting requirement for community mental health services shall require the approval of the fiscal committee of the general court. The department of health and human services shall submit a detailed request to the fiscal committee of the general court relative to any reporting requirement for community mental health services. The request shall include:

(a) The statute on which the reporting requirement is based.

(b) Assurance that the amount of information to be collected is limited to the minimum amount necessary to meet the reporting requirement.

(c) The department's justification for why the collection of such information is essential.

(d) The department's determination that the benefit of collecting the information outweighs the cost of collection.

26 Land and Community Heritage Investment Program Administrative Fund; Interest Income; Date Change. Amend RSA 227-M:7-a, I to read as follows:

I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, I-a. For the biennium ending June 30, ~~[2005]~~ **2007** there shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage investment program trust fund pursuant to RSA 227-M:7. The total revenues generated to the administrative fund from these 2 sources for each year of said biennium shall not exceed \$335,000.

27 Purpose. Sections 28-56 of this act are increases to current motor vehicle fines contained in the uniform fine schedule which, pursuant to RSA 502-A:19-b, V, may be changed only by statute. For the purposes of the increases in fines provided in this act, no penalty assessment shall be added to the increase in the fine if the statute containing the fine states that the penalty assessment is in addition to the specified fine amount.

28 Passenger Restraints; Fines. Amend RSA 265:107-a, III(a) and (b) to read as follows:

(a) ~~[\$25]~~ **\$50** for a first offense.

(b) ~~[\$50]~~ **\$100** for a second or subsequent offense.

29 New Paragraph; Coasting Fine Added. Amend RSA 265:99 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$100.

30 New Paragraph; Driving on Divided Ways; Fine Added. Amend RSA 265:26 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$150.

31 Approaching Vehicle; Fine Added. Amend RSA 265:17 to read as follows:

265:17 Approaching Vehicles.

I. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least 1/2 of the main-traveled portion of the roadway as nearly as possible.

II. The fine for a violation of this section shall be \$75.

32 New Paragraph; One-Way Roadways and Roadways and Rotary Traffic Islands; Fine Added. Amend RSA 265:23 by inserting after paragraph III the following new paragraph:

IV. The fine for a violation of this section shall be \$100.

33 Obedience to Police Officers; Fine Added. Amend RSA 265:3 to read as follows:

265:3 Obedience to Police Officers.

I. No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

II. The fine for a violation of this section shall be \$100.

34 New Section; Failure to Stop at Railroad Crossings; Fine. Amend RSA 265 by inserting after section 50 the following new section:

265:50-a Failure to Stop at Railroad Crossings; Fine. The fine for a violation of the provisions of RSA 265:49 or RSA 265:50 shall be \$100.

35 New Paragraph; Following Too Closely; Fine Added. Amend RSA 265:25 by inserting after paragraph III the following new paragraph:

IV. The fine for a violation of this section shall be \$100.

36 Limitations on Backing; Fine Added. Amend RSA 265:94 to read as follows:

265:94 Limitations on Backing.

I. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled access way.

II. The fine for a violation of this section shall be \$150.

37 New Paragraph; Driving of School Buses; Fine for Improper Operation. Amend RSA 265:57 by inserting after paragraph IV the following new paragraph:

V. The fine for a violation of this section shall be \$250.

38 Improper Use of Evidence of Registration or Title; Fine Added. Amend RSA 261:61 to read as follows:

261:61 Improper Use of Evidence of Registration or Title.

I. No person shall lend to another any certificate of title, registration certificate, number plate, temporary permit or other permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration certificate, number plate, or permit assigned by the director or authority of any other jurisdiction not issued to such vehicle or otherwise lawfully used under this chapter, or knowingly obscure or permit to be obscured the figures or letters on any number plate attached to any motor vehicle.

II. The fine for a violation of this section shall be \$150.

39 New Paragraph; Interference With Traffic Devices, Signs, or Signals; Fine Added. Amend RSA 265:15 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$150.

40 Misuse or Failure to Display Plates; Fine Added. Amend RSA 261:176 to read as follows:

261:176 Misuse or Failure to Display Plates.

I. Any person who knowingly attaches or permits to be attached to a vehicle a number plate assigned by the department, or authority of any other jurisdiction, to another vehicle or who knowingly obscures or permits to be obscured the figures or letters on any

number plate attached to any vehicle or who knowingly and deliberately fails to display on a vehicle the number plates and the registration number duly issued therefor shall be guilty of a violation.

II. The fine for a violation of this section shall be \$150.

41 New Paragraph; Riding Upon Motorcycles; Fine Added. Amend RSA 265:120 by inserting after paragraph IV the following new paragraph:

V. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine of \$75.

42 New Paragraph; Obstruction to Driver's View or Riding Mechanism; Fine Added. Amend RSA 265:95 by inserting after paragraph III the following new paragraph:

IV. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine of \$75.

43 Transporting Alcoholic Beverages; Fine Added. Amend RSA 265:81, IV to read as follows:

IV. A person who violates this section shall be guilty of a violation **and shall be subject to a fine of \$150**. In addition, a person who violates paragraph II of this section may have his **or her** drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

44 Motorcycle License; Operating Motorcycle Without; Fine. Amend RSA 263:30 to read as follows:

263:30 Motorcycle License.

I. No person to whom a driver's license of any class or category has been issued may drive any registered motorcycle unless he holds a special motorcycle license or endorsement or a motorcycle learner's permit. A person who holds a special motorcycle license or endorsement or a motorcycle learner's permit may drive any registered motorcycle without holding any other class of driver's license.

II. The fine for a violation of this section shall be \$100.

45 Classifications, Endorsements and Restrictions; Fine for Operating Without Correct Class of License Added. Amend RSA 263:92 to read as follows:

263:92 Classifications, Endorsements and Restrictions.

I. Notwithstanding any other provisions of this title, the commissioner may adopt rules under RSA 541-A to establish a commercial driver license classification system, including such endorsements and restrictions as are necessary, that incorporates the requirements of the federal government and of state law.

II. Any driver who operates a motor vehicle in violation of the provisions of the commercial driver license classification system shall be subject to a fine of \$100.

46 New Paragraphs; Basic Rule and Maximum Limits; Fines Added. Amend RSA 265:60 by inserting after paragraph IV the following new paragraphs:

V. The fines for violation of subparagraphs II(a)-(d) shall be as follows:
Miles per hour above the limit specified:

1-10	\$50
11-15	75
16-20	100
21-25	200
26+	Must appear (Minimum \$350)

VI. The fines for violations of subparagraph II(e) shall be as follows:
Miles above the 65 mph limit:

1-5	\$65
6-10	100
11-15	150
16-20	250
21-25	350

26+Must appear

47 New Paragraph; Stop Signs; Yield Signs; Fines Added. Amend RSA 265:31 by inserting after paragraph III the following new paragraph:

IV. The fine for violation of this section shall be \$100.

48 Uninspected Motor Vehicle; Fines Added. Amend RSA 266:5 to read as follows:

266:5 Penalty for Failing to Obey Inspection Requirements. The driver or owner of any motor vehicle failing to comply with the requirements of the director relative to inspection shall be guilty of a violation, and the director may refuse to register, or may suspend or revoke the registration of, any motor vehicle, trailer or semi-trailer which has not been inspected as required or which is unsafe or unfit to be driven; provided, however, no person shall be charged with a violation of this section until a period of 10 days has elapsed from the date the inspection was due. This section shall not apply to those vehicles required to be inspected under the provisions of RSA 266:1, IV. ***The fine for a violation of this section shall be \$60.***

49 Registration Required; Fines Added. Amend RSA 261:40 to read as follows:

261:40 Registration Required. Except as otherwise provided, it is a violation for any person to drive or any owner or custodian to knowingly permit or cause to be driven on the ways of this state any vehicle of a type required to be registered hereunder, unless the same has been registered and the appropriate fee paid in accordance with the provisions of this chapter. ***The fine for a violation of this section shall be \$100.***

50 Fines Added. Amend RSA 265:22 to read as follows:

265:22 Highway Markings.

I. The commissioner of transportation and, subject to his approval, selectmen of any town or board of mayor and aldermen or group having similar powers in any city, having control of any highway may order such marking of ways, by painted lines, as is deemed necessary to the safe and efficient use of any such way. In ordering or approving such marking the commissioner of transportation insofar as is practicable shall conform to nationally accepted standards and any marking of the way by painted lines shall prima facie be deemed to be approved or ordered by the commissioner of transportation. When the single center line highway marking method is used, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way by order of or with the approval of the said commissioner, except as herein otherwise provided and when the barrier line highway marking system is employed, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way in such driver's lane by order of or with the approval of said commissioner except:

~~[I.]~~(a) In an emergency; or

~~[H.]~~(b) To permit ingress or egress to side roads or property adjacent to the highway;

or

~~[H.]~~(c) In case such driver has an unobstructed view and can see the end of the said unbroken painted line.

II. The fine for a violation of this section shall be \$100.

51 Unlawful Possession and Intoxication; Fines Increased. Amend RSA 179:10, I to read as follows:

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who is intoxicated by consumption of an alcoholic beverage, shall be guilty of a violation and shall be fined a minimum of ~~[\$250]~~ **\$300**. Any second and subsequent offense shall be fined at least ~~[\$500]~~ **\$600**. For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie evidence of intoxication. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.

52 Driving After Revocation or Suspension; Fines Established. Amend RSA 263:64, VII to read as follows:

VII. Except as provided in paragraphs IV, V-a, and VI, any person who violates the provisions of this section shall be guilty of a violation, ***and shall be fined a minimum of \$250 for a first offense and \$500 for a second or subsequent offense.***

53 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or causes a vehicle to be driven recklessly, as defined in RSA 626:2, II(c), or so that the lives or safety of the public shall be endangered, or upon a bet, wager, or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, guilty of a violation and fined not less than [~~\$250~~] ***\$500 for the first offense and \$750 for the second offense*** nor more than \$1,000 and his or her license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

54 Aggravated DWI; Fine Increased. Amend RSA 265:82-b, I(b)(2) to read as follows:

(2) Fined not less than [~~\$500~~] ***\$750***;

55 DWI Second Offense; Fine Increased. Amend RSA 265:82-b, II(a)(2) to read as follows:

(2) The person shall be fined not less than [~~\$500~~] ***\$750***.

56 New Paragraph; Controlled Drug Act; Penalties; Minimum Fines. Amend RSA 318-B:26 by inserting after paragraph XII the following new paragraph:

XIII. Any person who violates any provision of this chapter shall be fined a minimum of \$350 for a first offense and \$500 for a second or subsequent offense.

57 Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, any budget surplus for the close of the fiscal biennium ending June 30, 2005 shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.

58 Installation of E-Z Pass System. Notwithstanding any provision of law to the contrary, any charges or discounts established under the E-Z Pass system shall be set at a rate that is at least sufficient to offset all installation and operating expenses of the E-Z Pass system and amortization of turnpike system revenue bonds.

59 Tobacco Tax 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 [~~52 cents~~] ***\$.80*** 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.

60 Applicability. Section 59 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2005 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

61 Rehiring of Laid Off State Employees.

I. For purposes of this section, "laid off" means any person who receives written notice of the state's intent to lay him or her off or who has been laid off between July 1, 2005 and July 1, 2007, as a result of reorganization or downsizing of state government.

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

III. Within 10 days of the effective date of this section, the head of each department or agency shall submit to the director of the division of personnel a list by name and classification of individuals laid off from July 1, 2005 as of the effective date of this section. Any additional layoffs or reductions shall be reported to the director of personnel as they occur.

IV. Any full-time state employee who was laid off as defined in this section, who before the layoff was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer-paid medical or health care coverage under the plan of any other employer, or as the spouse of a person covered under the plan of any other employer, or under the state plan as the spouse of a state employee, shall continue to receive such state-paid benefits, as if continuing in active employment, for a period not to exceed 6 months after the date of termination of state employment. For the first 3 months of this 6-month period, the state shall pay the full costs of continuing medical and health care coverage. For the latter 3 months of the 6-month period, the state shall pay $\frac{1}{2}$ the cost and the laid-off state employee shall pay $\frac{1}{2}$ the cost of continuing medical and health care coverage. This 6-month period shall be included in the calculation of the entitlements required under the Consolidated Omnibus Budget Reconciliation Act of 1986 and any amendments thereto.

62 Effective Date.

I. Paragraph II of section 21 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Section 57 of this act shall take effect June 30, 2005.

III. The remainder of this act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill:

I. Authorizes the office of information technology to transfer funds within and among all PAU's within the office, with the approval of the fiscal committee, for the biennium ending June 30, 2007.

II. For the biennium ending June 30, 2007, allows the department of fish and game, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

III. Directs the commissioner of transportation to allocate funds to the local highway aid fund prior to deducting collection and administrative costs, and prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

IV. Appropriates the sum of \$275,000, for the biennium ending June 30, 2007, to the department of education for the support of the kindergarten program in the town of Merrimack.

V. Lapses the balance of funds for special education at the youth services center to the general fund.

VI. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2007.

VII. Provides that, for the biennium ending June 30, 2007, 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.

VIII. 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.

IX. Provides that, for the biennium ending June 30, 2007, revenue generated by the liquor commission shall be deposited in the general fund.

X. Provides that, for the biennium ending June 30, 2007, no New Hampshire tobacco settlement funds shall be deposited in the tobacco use prevention fund.

XI. Establishes a \$4,000 cap on community mental health services benefits available to persons identified as adults with low service utilization of such services, and requires the department to establish, by rule, a procedure to waive the financial cap.

XII. Extends the current funding formula relative to county nursing homes and proportionate share payments to July 1, 2007, and provides that, in calculating such expenditures, pharmaceutical services include the Medicare prescription drug benefit.

XIII. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

XIV. Increases the local medical assistance contribution from counties.

XV. Establishes the judicial branch family division.

XVI. Appropriates federal emergency assistance funds to the department of transportation.

XVII. Defines a family mutual support organization as a nonprofit corporation that provides certain assistance to families and individuals with mental illness.

XVIII. Requires that the oversight committee on health and human services include a member of the house finance committee and a member of the senate finance committee.

XIX. Suspends reporting requirements for community mental health services, absent subsequent approval of the fiscal committee of the general court.

XX. Provides that for the biennium ending June 30, 2007, interest income on appropriations to the land and community heritage investment program (LCHIP) fund shall be deposited in the LCHIP administrative fund.

XXI. Increases motor vehicle fines.

XXII. Provides that the budget surplus as of June 30, 2005 shall remain in the general fund.

XXIII. Provides that any charges or discounts under the E-Z Pass system shall be sufficient to offset the cost of the E-Z Pass system.

XXIV. Increases the tobacco tax.

XXV. Provides for the rehiring of laid off state employees for available state positions. The question being adoption of the committee amendment.

On a division vote, 155 members having voted in the affirmative and 112 in the negative, the committee amendment was adopted.

Rep. Wendelboe offered floor amendment (1206h).

Floor Amendment (1206h)

Amend the bill by inserting after section 61 the following and renumbering the original section 62 to read as section 63.

61 Franklin Career Academy; Funding. Notwithstanding RSA 194-B:11 or any other provision of law, for the biennium ending June 30, 2007, the department of education shall pay tuition to the Franklin Career Academy, a charter school authorized under RSA 194-B:3-a, from funds otherwise appropriated in such biennium to the Franklin school district. The September 1, 2005 tuition payment shall include the entire tuition payment for the 2004-2005 school year and a prorated tuition payment for the 2005-2006 school year. The department of education shall make similar prorated tuition payments, on behalf of the Franklin school district, for the remainder of the biennium. Tuition shall be paid for those students attending Franklin Career Academy in the relevant school year who were also included in the Franklin school district's average daily membership in residence for 2004-2005 school year. Notwithstanding any other provision of law, for the biennium ending June 30, 2007, any appropriation of state funds to the Franklin school district shall be reduced by

the amount of tuition due to the Franklin Career Academy under this section.

AMENDED ANALYSIS

This bill:

I. Authorizes the office of information technology to transfer funds within and among all PAU's within the office, with the approval of the fiscal committee, for the biennium ending June 30, 2007.

II. For the biennium ending June 30, 2007, allows the department of fish and game, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

III. Directs the commissioner of transportation to allocate funds to the local highway aid fund prior to deducting collection and administrative costs, and prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

IV. Appropriates the sum of \$275,000, for the biennium ending June 30, 2007, to the department of education for the support of the kindergarten program in the town of Merrimack.

V. Lapses the balance of funds for special education at the youth services center to the general fund.

VI. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2007.

VII. Provides that, for the biennium ending June 30, 2007, 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.

VIII. 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.

IX. Provides that, for the biennium ending June 30, 2007, revenue generated by the liquor commission shall be deposited in the general fund.

X. Provides that, for the biennium ending June 30, 2007, no New Hampshire tobacco settlement funds shall be deposited in the tobacco use prevention fund.

XI. Establishes a \$4,000 cap on community mental health services benefits available to persons identified as adults with low service utilization of such services, and requires the department to establish, by rule, a procedure to waive the financial cap.

XII. Extends the current funding formula relative to county nursing homes and proportionate share payments to July 1, 2007, and provides that, in calculating such expenditures, pharmaceutical services include the Medicare prescription drug benefit.

XIII. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

XIV. Increases the local medical assistance contribution from counties.

XV. Establishes the judicial branch family division.

XVI. Appropriates federal emergency assistance funds to the department of transportation.

XVII. Defines a family mutual support organization as a nonprofit corporation that provides certain assistance to families and individuals with mental illness.

XVIII. Requires that the oversight committee on health and human services include a member of the house finance committee and a member of the senate finance committee.

XIX. Suspends reporting requirements for community mental health services, absent subsequent approval of the fiscal committee of the general court.

XX. Provides that for the biennium ending June 30, 2007, interest income on appropriations to the land and community heritage investment program (LCHIP) fund shall be deposited in the LCHIP administrative fund.

XXI. Increases motor vehicle fines.

XXII. Provides that the budget surplus as of June 30, 2005 shall remain in the general fund.

XXIII. Provides that any charges or discounts under the E-Z Pass system shall be sufficient to offset the cost of the E-Z Pass system.

XXIV. Increases the tobacco tax.

XXV. Provides for the rehiring of laid off state employees for available state positions.

XXVI. Requires the state to pay the tuition due to the Franklin Career Academy and to reduce the amount of state aid to the Franklin school district by the amount paid to the Franklin Career Academy.

Rep. Wendelboe spoke in favor and yielded to questions.

Rep. Ryan spoke against.

Rep. Hagan spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Floor amendment (1206h) failed.

The question being adoption of the committee report.

On a division vote, 155 members having voted in the affirmative and 197 in the negative, the committee report failed.

RECONSIDERATION

Having voted with the prevailing side, Rep. Mirski moved that the House reconsider its action whereby it failed to pass **HB 2-FN-A**, relative to state fees, funds, revenue and expenditures.

Reps. Mirski, Vaillancourt and Soltani spoke in favor.

On a division vote, 213 members having voted in the affirmative and 150 in the negative, reconsideration prevailed.

MOTION TO SPECIAL ORDER

Rep. Mirski moved that **HB 2-FN-A**, relative to state fees, funds, revenue and expenditures, be made a Special Order to 3:45 p.m.

On a division vote, 169 members having voted in the affirmative and 191 in the negative, the motion to Special Order failed.

MOTION TO LAY ON THE TABLE

Rep. Mirski moved that **HB 2-FN-A**, relative to state fees, funds, revenue and expenditures, be laid on the table.

On a division vote, 112 members having voted in the affirmative and 249 in the negative, and the motion failed.

The question now being adoption of the committee report.

Reps. Robert Wheeler and Weyler spoke in favor and yielded to questions.

Reps. Mirski and Soltani spoke in favor.

Rep. Vaillancourt offered floor amendment (1211h).

Floor Amendment (1211h)

Amend the bill by deleting sections 27-56 and renumbering the original sections 57-62 to read as 27-36, respectively.

Amend the bill by replacing section 30 with the following:

30 Applicability. Section 29 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a

report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2005 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

Amend the bill by replacing section 32 with the following:

32 Effective Date.

I. Paragraph II of section 21 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Section 27 of this act shall take effect June 30, 2005.

III. The remainder of this act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill:

I. Authorizes the office of information technology to transfer funds within and among all PAU's within the office, with the approval of the fiscal committee, for the biennium ending June 30, 2007.

II. For the biennium ending June 30, 2007, allows the department of fish and game, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

III. Directs the commissioner of transportation to allocate funds to the local highway aid fund prior to deducting collection and administrative costs, and prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

IV. Appropriates the sum of \$275,000, for the biennium ending June 30, 2007, to the department of education for the support of the kindergarten program in the town of Merrimack.

V. Lapses the balance of funds for special education at the youth services center to the general fund.

VI. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2007.

VII. Provides that, for the biennium ending June 30, 2007, 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.

VIII. 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.

IX. Provides that, for the biennium ending June 30, 2007, \$1,000,000 of revenue generated by the liquor commission shall be deposited in the general fund.

X. Provides that, for the biennium ending June 30, 2007, no New Hampshire tobacco settlement funds shall be deposited in the tobacco use prevention fund.

XI. Establishes a \$4,000 cap on community mental health services benefits available to persons identified as adults with low service utilization of such services, and requires the department to establish, by rule, a procedure to waive the financial cap.

XII. Extends the current funding formula relative to county nursing homes and proportionate share payments to July 1, 2007, and provides that, in calculating such expenditures, pharmaceutical services include the Medicare prescription drug benefit.

XIII. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

XIV. Increases the local medical assistance contribution from counties.

XV. Establishes the judicial branch family division.

XVI. Appropriates federal emergency assistance funds to the department of transportation.

XVII. Defines a family mutual support organization as a nonprofit corporation that provides certain assistance to families and individuals with mental illness.

XVIII. Requires that the oversight committee on health and human services include a member of the house finance committee and a member of the senate finance committee.

XIX. Suspends reporting requirements for community mental health services, absent subsequent approval of the fiscal committee of the general court.

XX. Provides that for the biennium ending June 30, 2007, interest income on appropriations to the land and community heritage investment program (LCHIP) fund shall be deposited in the LCHIP administrative fund.

XXI. Provides that the budget surplus as of June 30, 2005 shall remain in the general fund.

XXII. Provides that any charges or discounts under the E-Z Pass system shall be sufficient to offset the cost of the E-Z Pass system.

XXIII. Increases the tobacco tax.

XXIV. Provides for the rehiring of laid off state employees for available state positions. Reps. Jasper and Soltani spoke against.

Reps. Vaillancourt and Kennedy spoke in favor.

Rep. Biundo requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1211h).

YEAS 90 NAYS 276			
YEAS 90			
BELKNAP			
Allen, Janet	Heald, Bruce	Rosen, Ralph	Tobin, William
CARROLL			
Babson, David Jr	Dickinson, Howard	McConkey, Mark	Olimpio, J Lisbeth
CHESHIRE			
Emerson, Susan	Pelkey, Stephen	Robertson, Timothy	
COOS			
Richardson, Herbert			
GRAFTON			
Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Sorg, Gregory	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Biundo, Michael
Boehm, Ralph	Buhlman, David	Carter, Mark	Crane, Elenore Casey
Dyer, Donald	Francoeur, Bea	Gibson, John	Goyette, Peter Jr
Hall, Betty	Hansen, Ryan	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Hunter, Bruce
Martin, Mary Ellen	Mead, Robert	Messier, Irene	O'Brien, William
Renzullo, Andrew	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Wheeler, James

MERRIMACK			
Currier, David	Hamm, Christine	Kennedy, Richard	Marple, Richard
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Camm, Kevin	DiFruscia, Anthony
Dumaine, Dudley	Fesh, Bob	Forsing, Robert	Garrity, James
Gilbert, Karl	Hopfgarten, Paul	Ingram, Russell	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Kobel, Rudolph	Morris, Richard
Nowe, Ronald	Packard, Sherman	Parker, Benjamin	Putnam, Ed II
Smith, Paul	Weare, E Albert	Welch, David	Winchell, George
STRAFFORD			
Bickford, David	Campbell, W Packy	Cataldo, Sam	Easson, Timothy
Hollinger, Jeffrey	Kaen, Naida		
SULLIVAN			
Gale, Harry	Irish, Christopher		
NAYS 276			
BELKNAP			
Boyce, Laurie	Clark, Charles	Flanders, Donald	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	Martin, James	Merrow, Harry	Patten, Betsey
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Sawyer, Sheldon	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Stohl, Eric
Theberge, Robert	Holl, John Jr		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee

Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Ward, John
HILLSBOROUGH			
Aboshar, Jeffrey	Baroody, Benjamin	Barry, J Gail	Batula, Peter
Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Campbell, David	Carew, James
Carlson, Donald	Chabot, Robert	Chase, Claudia	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Clayton, William	Clemons, Jane
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Elliott, Nancy	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Haley, Robert	Harvey, Suzanne	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Johnson, Paula	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen	Michon, Stephen
Mooney, Maureen	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Stepanek, Stephen	Sullivan, Francis
Ulery, Jordan	Velez, Hector	Villeneuve, Maurice	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hess, David	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Potter, Frances	Reardon, Tara	Reed, Dennis	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Blanchard, MaryAnn	Bridle, Russell
Buxton, Donald	Cali-Pitts, Jacqueline	Carson, Sharon	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	Dalrymple, Janeen
Dodge, Robert	Donahue, Richard Ken	Dowd, John	Dowling, Patricia
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Hughes, Daniel
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Major, Norman
Manning, John	Mason, April	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Norelli, Terie	O'Neil, Michael	Pantelakos, Laura
Powers, James	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew

Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Wiley, Robert	Zolla, William	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Dunlap, Patricia	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Knowles, William	Miller, Joseph	Newton, Clifford	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Twombly, James	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		

and floor amendment (1211h) failed.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 195 NAYS 171			
YEAS 195			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey		
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Ham, Bonnie	Ingbretson, Paul	Mirski, Paul	Naro, Debra

Ward, John	Williams, Burton		
HILLSBOROUGH			
Aboshar, Jeffrey	Allan, Nelson	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr
Carew, James	Carlson, Donald	Carter, Mark	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Foster, Linda	Gargasz, Carolyn
Gibson, John	Golding, William	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hansen, Ryan	Hebert, Raymond	Hinkle, Peyton
Holden, Randolph	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	Moran, Edward	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Slocum, Lee	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Velez, Hector	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Hager, Elizabeth	Hess, David	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Oliver, James	Reed, Dennis
Soltani, Tony	Williams, Robert		
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Major, Norman	Manning, John	Mason, April	McKinney, Betsy
McMahon, Charles	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Parker, Benjamin	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Wiley, Robert	Winchell, George	Zolla, William	
STRAFFORD			
Berube, Roger	Brown, Julie	Campbell, W Packy	Chaplin, Duncan
Dunlap, Patricia	Knowles, William	Newton, Clifford	Twombly, James
SULLIVAN			

Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 171			
BELKNAP			
Heald, Bruce	Morrison, Gail		
CARROLL			
Buco, Thomas	Dickinson, Howard		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	Maybeck, Margie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Beaulieu, Jane	Biundo, Michael	Brassard, Paul	Buhlman, David
Campbell, David	Chase, Claudia	Clayton, William	Clemons, Jane
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	Dyer, Donald
Egbers, Fran	Essex, David	Francoeur, Bea	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Harvey, Suzanne	Hellwig, Steve	Hirschmann, Keith
Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori	Pappas, Christopher
Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Bouchard, Candace	Clarke, Claire	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Kennedy, Richard	Marple, Richard	McMahon, Patricia

Osborne, Jessie	Potter, Frances	Reardon, Tara	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bicknell, Elbert	Cady, Harriet
Cali-Pitts, Jacqueline	Casey, Kimberley	Dumaine, Dudley	Flockhart, Eileen
Gilbert, Karl	Itse, Daniel	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Priestley, Anne	Putnam, Ed II
Serlin, Christopher	Smith, Paul	Splaine, James	Weare, E Albert
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene	Easson, Timothy
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

and the committee report was adopted.

Ordered to third reading.

(Deputy Speaker Weyler in the Chair)

HB 616-FN-L, relative to the education property tax and the education equity tax.

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

Rep. Robert K. Dodge for the Majority of Finance: The committee voted to adopt a compromise Education Funding Plan. The bill utilizes the “education equity” index proposed by the Governor to target state aid to communities that need the most help. The formula uses: (1) the statewide average equalized valuation per pupil divided by the equalized valuation per pupil for the municipality; (2) statewide median income divided by the municipality’s median income; (3) students in grades 1-12 eligible to receive free or reduced meals; (4) the number of children using English as a second language; (5) statewide average test scores; and (6) statewide graduation rate. This plan includes \$48 million in transition grants to ensure a responsible and predictable transition. As the transition grants decline, one half of the difference between the current and previous year will be added to the Education Equity Index funds, further showing the state’s commitment to education. Vote 12-9.

Rep. Marjorie K. Smith for the Minority of Finance: There are any number of reasons to oppose HB 616-FN-L as it passed the Finance Committee but in this space today we will mention only three. 1) An overwhelming majority of the House Education Committee appeared before the Finance Committee asserting that the bill as amended by the Finance Committee ignored the central elements of education policy as stated by the House Education Committee. 2) By placing an overwhelming emphasis in the formula on equalized valuation, this bill ends up being a property tax relief bill rather than an educational policy bill. 3) By omitting any reference to special education costs the bill ignores a significant factor in how local school districts allocate their resources.

Majority Amendment (1156h)

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

1 Persons and Property Taxable. RSA 76:3 is repealed and reenacted to read as follows:
76:3 Education Taxes.

I. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall determine an average tax rate that is sufficient to fund average per pupil cost of all municipalities pursuant to RSA 198:40 multiplied by the statewide average daily membership in residence. The rate calculated shall be uniform on each \$1,000 of the value of taxable property of all persons and property taxable pursuant to RSA 72 and RSA 73, and except property subject to tax under RSA 82 and RSA 83-F.

II. Municipalities may assess local property taxes necessary to fund school district appropriations not funded by the state education base grants, transition grants, and state education assistance grants, paid from the education trust fund under RSA 198:39, or by other revenue sources.

III. The commissioner of the department of revenue administration shall use the most recent available equalized property tax assessment data in calculating the tax rate under paragraph I.

2 Persons and Property Taxable; Commissioner's Warrant. RSA 76:8 is repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the cost of education in a municipality pursuant to RSA 198:40.

II. Municipalities are authorized to assess local property taxes necessary to fund school district appropriations in excess of base grants, education assistance grants, and transition grants.

3 New Sections; Education Equity Index. Amend RSA 198 by inserting after section 40 the following new sections:

198:40-a Education Equity Index.

I. Beginning July 1, 2005, and every fiscal year thereafter, the department shall determine an education equity index (EEI) for each municipality that had any resident pupils during the applicable determination year as follows:

(a) Each municipality's education equity index shall be computed by dividing 0.925 by the sum of:

(1) 0.4 times the statewide average equalized valuation per pupil divided by the equalized valuation per pupil for the municipality;

(2) 0.2 times the statewide median household income divided by the municipality's median income;

(3) 0.095 times the percentage of the municipality's pupils in grades 1-12 eligible to receive a free or reduced price meal during the determination year as reported to the department divided by the statewide percentage of pupils in grades 1-12 eligible to receive a free or reduced price meal during the determination year as reported to the department;

(4) 0.005 times the percentage of the municipality's pupils in grade one through grade 8 identified as having limited English proficiency and receiving at least 5 hours per week of special instruction in English during the determination year as reported to the department divided by the statewide percentage of pupils in grades one through 8 identified as having limited English proficiency and receiving at least 5 hours per week of special instruction in English during the determination year;

(5) 0.15 times the statewide average test score divided by the municipality's average test score; and

(6) 0.075 times the statewide graduation rate for the determination year as reported by the department divided by the municipality's graduation rate for the

determination year as reported to the department, where each municipality's graduation rate shall be equal to the graduation rate for the particular high school attended by the municipality's resident pupils that attend high school.

(b) For the fiscal years beginning July 1, 2005 and July 1, 2006, the department shall determine the education equity index for each municipality within 15 days after the effective date of this section.

(c) Beginning July 1, 2007, and every fiscal year thereafter, the department shall determine the education equity index for each municipality not later than October 1 in the calendar year preceding the beginning of the fiscal year for which the education equity index is calculated.

II. In determining the education equity index for any municipality that sends pupils to more than one school or school district, the department shall consider only data from schools or school districts within this state attended by 5 percent or more of the municipality's resident pupils, and the department shall determine each value necessary to calculate the education equity index for such municipality by weighting the corresponding values for each school or school district to which the municipality sends pupils by the number of resident pupils from the municipality that attend such school or school district. If a municipality sends all of its resident pupils that are relevant to the determination of any value necessary to calculate the education equity index for such municipality to one or more schools not operated by any school district, then the municipality shall be assigned the statewide value for such value.

198:40-b State Education Assistance.

I. Beginning July 1, 2005, and in the first year of each biennium thereafter, the department shall determine the amount of state education assistance under this section, if any, for a municipality, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) The state shall distribute state education assistance to municipalities pursuant to RSA 198:42 in an aggregate amount equal to the total amount of state education assistance grants determined for the fiscal year pursuant to subparagraph (b).

(b) The annual amount of state education assistance shall be distributed among the municipalities as state education assistance grants as follows:

(1) For each municipality with an education equity index for the applicable biennium year less than 1.2, the department shall determine a number of education equity units equal to the number of resident pupils in the municipality during the applicable determination year multiplied by the excess of 1.2 over the municipality's education equity index for such biennium. Each other municipality shall be assigned zero education equity units for such biennium.

(2) Each municipality shall receive a state education grant for such fiscal year equal to the total amount of state education grants for the fiscal year multiplied by a fraction, the numerator of which is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

II. For the fiscal year beginning July 1, 2006, and for the second year of each biennium thereafter, the department shall determine the amount of state education assistance under this section, if any, for a municipality, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) The state shall distribute state education assistance to municipalities pursuant to RSA 198:42 in an aggregate amount equal to the total amount of state education assistance grants determined for the fiscal year pursuant to subparagraph (b).

(b) Each municipality shall receive a state education assistance grant for such fiscal year equal to the total amount of state education assistance grants for the fiscal year as determined pursuant to paragraph III below multiplied by a fraction, the numerator of which

is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

III.(a) For the biennium beginning July 1, 2005 and ending June 30, 2007, the amount of state education assistance shall be \$289,438,147, to be distributed as determined in this section using the education equity index in RSA 198:40-a.

(b) For the biennium beginning July 1, 2007, and every biennium thereafter, the amount of state educational assistance to be distributed to a municipality under this section for the biennium shall be adjusted as follows:

(1) Determine the sum of the percentage change in the state average daily membership in attendance plus the average annual percentage rate of inflation for the immediately preceding 4 calendar years based on the northeast region consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor.

(2) Multiply the sum obtained in subparagraph (b)(1) by 2.

(3) Add one to the product obtained in subparagraph (b)(2).

(4) Multiply the sum obtained in subparagraph (b)(3) by the amount of state educational assistance calculated for a municipality for the previous biennium.

IV. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the amount of state education assistance for each such municipality shall be the lesser of the following:

(a) The amount calculated in accordance with paragraph I or paragraph II of this section, as applicable; or

(b) The total amount paid for education expense as determined by the department.

4 School Money; Calculation of Base Education Cost. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Base Education Cost; Base Grant; Transition Grant.

I. A municipality's base education cost shall be determined by multiplying the state average per pupil cost, pursuant to RSA 198:40, by the average daily membership in residence in the municipality.

II. A municipality which cannot raise sufficient revenue at the average rate established under RSA 76:3 to fund its base education cost shall receive a base grant from the education trust fund established in RSA 198:39, in an amount sufficient to fund its base education cost.

III. Transition grants shall be paid from the education trust fund and shall be determined as follows:

(a) For the 2006 and 2007 fiscal years, a municipality shall receive a transition grant for the amount that the state base grant and the state education assistance grant under RSA 198:40-b is less than 90 percent of the amount received in the 2005 fiscal year.

(b) For the 2008 fiscal year, and every fiscal year thereafter, a municipality shall receive a transition grant which is not less than 90 percent of the amount received in the preceding fiscal year. Provided, however, that after fiscal year 2008, if for a municipality the transition grant is equal to or less than \$100 per pupil, then the transition grant shall terminate.

(c) For the 2006 fiscal year, each municipality shall be eligible to receive a grant amount for such fiscal year not to exceed 110 percent of the adequate education grant determined for such municipality for the 2005 fiscal year, under the version of RSA 198:41 in effect on July 1, 2004. For the 2007 fiscal year, and for every fiscal year thereafter, each municipality shall be eligible to receive a grant amount for such fiscal year equal to 110 percent of the state education assistance amount determined for such municipality for the immediately preceding fiscal year.

(d) Beginning in the 2007 fiscal year, and every fiscal year thereafter, the commissioner of the department of education shall determine if the amount needed to fund transition grants under RSA 198:41 for the current fiscal year is less than the amount needed to fund transition grants in the preceding fiscal year. Fifty percent of any such savings identified shall be used to supplement existing funding of education equity index grants under RSA 198:41, III and shall be distributed to municipalities based on the education equity index set forth in RSA 198:40-a.

5 School Money; Distribution Schedule. Amend the section heading of RSA 198:42 and RSA 198:42, I-II to read as follows:

198:42 **Funding** Distribution Schedule [~~of Adequate Education Grant~~]; Appropriation.

I. The [~~adequate education grant~~] **base grants** determined in RSA 198:41, **state educational assistance grants under RSA 198:40-b, and transition grants under RSA 198:41, III** shall be distributed to each municipality's school district or districts legally responsible for the education of the pupils who attend approved public schools within the district or in other districts or who attend approved programs for educationally disabled children, as the case may be, from the education trust fund in 4 payments of 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the [~~grant~~] **base grants** determined in RSA 198:41 shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

II. For the fiscal year beginning July 1, 2004, and every fiscal year thereafter the amount necessary to fund the grants under RSA 198:41 is hereby appropriated from the education trust fund created under RSA 198:39 to the department. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of [~~adequate~~] education grants.

6 Additional Education Expenditures. Amend RSA 198:43 to read as follows:

198:43 Additional Education Expenditures. School districts are authorized to develop **additional** educational programs [~~beyond those required for an adequate education~~] and to raise and appropriate amounts necessary for such programs.

7 School Money; Maintenance of Local Control. Amend RSA 198:48 to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 are based on [~~adequate~~] education costs determined in RSA 198:40 and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets except that [~~adequate~~] education grants must be expended for educational purposes. [~~Adequate~~] **State** education grants [~~and hardship grants~~] shall not be considered unanticipated funds under RSA 198:20-b.

8 State Treasurer; Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

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

9 School Attendance; Duty of Parent; Compulsory Attendance. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a

serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and ~~[adequate education]~~ grants under RSA 198:41.

10 Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:38 to read as follows:

State Aid for ~~[Educational Adequacy]~~ **Education**; Education Trust Fund

11 School Money; Education Trust Fund. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute ~~[adequate]~~ **base, education assistance, and transition** education grants to municipalities' school districts pursuant to RSA 198:42~~[-and to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61]~~. The state treasurer shall deposit into this fund immediately upon receipt:

12 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. For any charter school authorized by the state board of education, the pupil's resident district shall pay tuition beginning July 1, 2004 and every fiscal year thereafter, in an amount per pupil equal to the amount determined in RSA 198:40, I. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of ~~[adequacy]~~ grants under RSA 198:42 or on such other terms as are mutually acceptable.

13 School Performance and Accountability; Local Education Improvement Plan. Amend RSA 193-H:4, I (b) to read as follows:

(b) If a school or school district has been designated as in need of improvement, then the school or school district may request assistance from the department ~~[of education]~~ **and may request funding from the performance improvement fund established in RSA 193-H:4-a**. The department shall provide technical assistance to those schools that request assistance under this section.

14 New Paragraph; School Performance and Accountability; Local Education Improvement Plan. Amend RSA 193-H:4 by inserting after paragraph IV the following new paragraph:

V. Three years following the designation, a school or school district which is still not making satisfactory progress in implementing the plan required under subparagraph I(a) shall receive, in the next fiscal year, 95 percent of the education grant to which it is entitled under RSA 198:41. For each year thereafter in which such designation persists, a school or school district shall receive, in the next fiscal year, 95 percent of the education grant to which it is entitled under RSA 198:41.

15 New Section; School Performance and Accountability; Performance Improvement Fund. Amend RSA 193-H by inserting after section 4 the following new section:

193-H:4-a Performance Improvement Fund. There is hereby established in the department a performance improvement fund which shall be administered by the commissioner. The purpose of the fund is to provide funding for approved improvement plans required under RSA 193-H:4, I. Approved improvement plans shall be funded to the extent of available funds in a fiscal year.

16 Appropriations to Education Trust Fund. No unexpended general fund moneys appropriated to the education trust fund shall, under any circumstances, lapse to the general fund.

17 Repeals. The following are repealed:

- I. 2004, 195:3 and 2004, 200:27, relative to the education property tax.
- II. 2004, 200:16-200:23, relative to contingent applicability.
- III. 2004, 200:25-200:28, relative to prospective versions of the education property tax and contingent applicability.
- IV. RSA 198:38, VII, relative to the definition of adequate education costs.
- V. RSA 198:44, relative to duties of the department of education and the board of education.
- VI. RSA 198:46-47, relative to excess education property tax payment and forms.
- VII. RSA 198:49, relative to the adequate education and education financing commission.
- VIII. RSA 198:39, I(g), relative to excess education property tax payments.
- IX. RSA 21-I:18, I(i) relative to purchase of services from private contractors by the department of revenue administration.
- X. RSA 198:56-61, relative to the low and moderate income homeowners property tax relief program.

18 Nonseverability. If the New Hampshire supreme court declares any provision of sections 1-17 of this act to be unconstitutional under either the New Hampshire constitution or the United States Constitution, then sections 1-17 of this act are hereby repealed on the date such unconstitutionality is declared.

19 Effective Date. This act shall take effect July 1, 2005 at 12:02 a.m.

AMENDED ANALYSIS

This bill:

- I. Replaces the education property tax with a provision requiring the commissioner of the department of revenue administration to establish a tax rate sufficient to fund state education assistance payments.
- II. Distributes state education assistance in the form of state education grants, which are determined on a municipality-by-municipality basis under a formula that calculates a municipality's need for assistance based on a broad range of factors, including fiscal capacity, resource challenges, performance, and student population, with the state education grants being adjusted in future years by the consumer price index and changes in statewide pupil population.
- III. Provides that for the 2006 and 2007 fiscal years, a municipality shall receive a total grant which is not less than 90 percent of the total grant received in the 2005 fiscal year, and for the 2008 fiscal year, and every fiscal year thereafter, a municipality shall receive a total grant which is not less than 90 percent of the total grant received in the preceding fiscal year.
- IV. Provides that a municipality may receive a grant amount not to exceed 110 percent of the amount received in the preceding fiscal year.
- V. Repeals the statutory provisions authorizing excess education property tax payments.
- VI. Repeals the low and moderate income homeowners property tax relief program.

Rep. Daniel Eaton spoke against.

Rep. Ward spoke in favor.

Rep. Hughes spoke in favor and yielded to questions.

Rep. Marjorie Smith spoke against and yielded to questions.

Reps. Ward, Dodge and Chandler spoke in favor.

Rep. Paul Smith requested a roll call; sufficiently seconded.

The question being adoption of the majority committee amendment.

YEAS 134 NAYS 227			

YEAS 134			
BELKNAP			
Allen, Janet	Flanders, Donald	Millham, Alida	Nedeau, Stephen
Pilliod, James	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Patten, Betsey		
CHESHIRE			
Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon	
COOS			
King, Frederick	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Ham, Bonnie	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Batula, Peter	Bergin, Peter	Calawa, Leon Jr
Carew, James	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Gargas, Carolyn	Gonzalez, Carlos
Graham, John	Hansen, Ryan	Holden, Randolph	Jasper, Shawn
Kurk, Neal	Manney, Pamela	McRae, Karen	Mooney, Maureen
Moran, Edward	O'Connell, Timothy	Ober, Lynne	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Ryder, Donald	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Hager, Elizabeth
Hess, David	Klose, John	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	Marple, Richard	McMahon, Patricia	Oliver, James
Whiting, Herbert			
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Dalrymple, Janeen	Dodge, Robert
Dowd, John	Dowling, Patricia	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Katsakiores, George

Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Major, Norman
Mason, April	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Rausch, James	Sanders, Elisabeth
Scamman, Stella	Scamman, W Douglas	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wiley, Robert	Winchell, George
Zolla, William			
STRAFFORD			
Berube, Roger	Chaplin, Duncan	Hilliard, Dana	Rollo, Michael
Twombly, James			
SULLIVAN			
Gale, Harry	Irish, Christopher	Rodeschin, Beverly	
NAYS 227			
BELKNAP			
Boyce, Laurie	Clark, Charles	Heald, Bruce	Morrison, Gail
Rosen, Ralph	Wendelboe, Fran		
CARROLL			
Buco, Thomas	Olimpio, J Lisbeth		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mirski, Paul
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Ward, John	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Barry, J Gail	Beaulieu, Jane	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Campbell, David	Carter, Mark	Chase, Claudia	Clayton, William
Clemons, Jane	Coughlin, Pamela	Craig, James	Crane, Elenore

			Casey
Daniuk, Caitlin	DeVries, Betsi	Dyer, Donald	Egbers, Fran
Elliott, Nancy	Essex, David	Foster, Linda	Francoeur, Bea
Garrity, Patrick	Gibson, John	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Haley, Robert
Hall, Betty	Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond
Hellwig, Steve	Hirschmann, Keith	Hunter, Bruce	Infantine, William
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kopka, Angeline
L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Mead, Robert	Messier, Irene	Michon, Stephen
Movsesian, Lori	O'Brien, William	Pappas, Christopher	Pilote, Maurice
Price, Pamela	Rochette, Eric	Rowe, Robert	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve
Velez, Hector	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hamm, Christine	Kennedy, Richard
Kidder, David	Langlais, Thomas	Maxfield, Roy	Osborne, Jessie
Potter, Frances	Reardon, Tara	Reed, Dennis	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bishop, Franklin	Blanchard, MaryAnn
Cady, Harriet	Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard
DiFruscia, Anthony	Dumaine, Dudley	Flockhart, Eileen	Itse, Daniel
Johnson, Robert	Manning, John	McKinney, Betsy	Moody, Marcia
Morris, Richard	Norelli, Terie	Pantelakos, Laura	Parker, Benjamin
Powers, James	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Robertson, Carl	Rolston, James	Serlin, Christopher	Smith, Paul
Splaine, James	Stiles, Nancy	Wells, Roger	
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Easson, Timothy	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hofemann, Roland	Hollinger, Jeffrey
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Newton, Clifford	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen			

and the majority committee amendment failed.

(Speaker Scamman in the Chair)

Rep.W. Packy Campbell offered floor amendment (1186h).

Floor Amendment (1186h)

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

AN ACT relative to the education property tax and the education equity index.

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

1 New Section; Cost of an Adequate Education. Amend RSA 193-E by inserting after section 3 the following new section:

193-E:3-a Cost of an Adequate Education.

I. The risk of a community's ability to provide an adequate education and the fiscal capacity of a community to provide an adequate education along with the cost of an adequate education varies from community to community.

II. The state underwrites and guarantees an adequate education by targeting aid to communities based on fiscal capacity and educational risk factors. In addition, the state authorizes local municipalities to collect property taxes to fund educational opportunities.

III. The cost of adequacy varies based on the changing variables in the education funding targeting formulas. The state meets its obligation to provide for the opportunity for an adequate education through the use of base grant calculations along with education equity index grants.

2 Persons and Property Taxable. RSA 76:3 is repealed and reenacted to read as follows:
76:3 Education Taxes.

I. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall determine an average tax rate that is sufficient to fund average per pupil cost of all municipalities pursuant to RSA 198:40 multiplied by the statewide average daily membership in residence. The rate calculated shall be uniform on each \$1,000 of the value of taxable property of all persons and property taxable pursuant to RSA 72 and RSA 73, and except property subject to tax under RSA 82 and RSA 83-F.

II. Municipalities may assess local property taxes necessary to fund school district appropriations not funded by the state education base grants, transition grants, and state education assistance grants, paid from the education trust fund under RSA 198:39, or by other revenue sources.

III. The commissioner of the department of revenue administration shall use the most recent available equalized property tax assessment data in calculating the tax rate under paragraph I.

3 Persons and Property Taxable; Commissioner's Warrant. RSA 76:8 is repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the cost of education in a municipality pursuant to RSA 198:40.

II. Municipalities are authorized to assess local property taxes necessary to fund school district appropriations in excess of base grants, education assistance grants, and transition grants.

4 School Money; Determination of Average Per Pupil Cost. Amend RSA 198:40, I(b) to read as follows:

(b) The department shall identify those school districts where ~~[40 to] 60~~ **to 80** percent of the elementary pupils enrolled in the grades tested on the day testing began, achieved a scaled score, in the statewide educational improvement and assessment program administered pursuant to RSA 193-C, in all areas tested, equivalent to performance at the basic level or above. From these school districts, the department shall then identify those school districts that have the lowest cost per pupil as calculated pursuant to subparagraph

I(a) and which represent, as nearly as possible, 50 percent of the average daily membership in attendance at the elementary level of the school districts identified.

5 New Sections; Education Equity Index. Amend RSA 198 by inserting after section 40 the following new sections:

198:40-a Education Equity Index.

I. Beginning July 1, 2005, and every fiscal year thereafter, the department shall determine an education equity index (EEI) for each municipality that had any resident pupils during the applicable determination year as follows:

(a) Each municipality's education equity index shall be computed by dividing one by the sum of:

(1) 0.25 times the statewide average equalized valuation per pupil divided by the equalized valuation per pupil for the municipality;

(2) 0.2 times the statewide median household income divided by the municipality's median household income;

(3) 0.095 times the percentage of the municipality's pupils in grades 1-12 eligible to receive a free or reduced price meal during the determination year as reported to the department divided by the statewide percentage of pupils in grades 1-12 eligible to receive a free or reduced price meal during the determination year as reported to the department;

(4) 0.005 times the percentage of the municipality's pupils in grade one through grade 8 identified as having limited English proficiency and receiving at least 5 hours per week of special instruction in English during the determination year as reported to the department divided by the statewide percentage of pupils in grades one through 8 identified as having limited English proficiency and receiving at least 5 hours per week of special instruction in English during the determination year;

(5) 0.15 times the statewide average test score divided by the municipality's average test score; and

(6) 0.075 times the statewide graduation rate for the determination year as reported by the department divided by the municipality's graduation rate for the determination year as reported to the department, where each municipality's graduation rate shall be equal to the graduation rate for the particular high school attended by the municipality's resident pupils that attend high school.

(b) For the fiscal years beginning July 1, 2005 and July 1, 2006, the department shall determine the education equity index for each municipality within 15 days after the effective date of this section.

(c) Beginning July 1, 2007, and every fiscal year thereafter, the department shall determine the education equity index for each municipality not later than October 1 in the calendar year preceding the beginning of the fiscal year for which the education equity index is calculated.

II. In determining the education equity index for any municipality that sends pupils to more than one school or school district, the department shall consider only data from schools or school districts within this state attended by 5 percent or more of the municipality's resident pupils, and the department shall determine each value necessary to calculate the education equity index for such municipality by weighting the corresponding values for each school or school district to which the municipality sends pupils by the number of resident pupils from the municipality that attend such school or school district. If a municipality sends all of its resident pupils that are relevant to the determination of any value necessary to calculate the education equity index for such municipality to one or more schools not operated by any school district, then the municipality shall be assigned the statewide value for such value.

198:40-b State Education Assistance.

I. For the fiscal year beginning July 1, 2005, and for the first year of each biennium thereafter, the department shall determine the amount of state education assistance under

this section, if any, for a municipality, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) The state shall distribute state education assistance to municipalities pursuant to RSA 198:42 in an aggregate amount equal to the total amount of state education assistance grants determined for the fiscal year pursuant to subparagraph (b).

(b) The annual amount of state education assistance shall be distributed among the municipalities as state education assistance grants as follows:

(1) For each municipality with an education equity index for the applicable biennium year less than 1.2, the department shall determine a number of education equity units equal to the number of resident pupils in the municipality during the applicable determination year multiplied by the excess of 1.2 over the municipality's education equity index for such biennium. Each other municipality shall be assigned zero education equity units for such biennium.

(2) Each municipality shall receive a state education grant for such fiscal year equal to the total amount of state education grants for the fiscal year multiplied by a fraction, the numerator of which is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

II. For the fiscal year beginning July 1, 2006, and for the second year of each biennium thereafter, the department shall determine the amount of state education assistance under this section, if any, for a municipality, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) The state shall distribute state education assistance to municipalities pursuant to RSA 198:42 in an aggregate amount equal to the total amount of state education assistance grants determined for the fiscal year pursuant to subparagraph (b).

(b) Each municipality shall receive a state education assistance grant for such fiscal year equal to the total amount of state education assistance grants for the fiscal year as determined pursuant to paragraph III below multiplied by a fraction, the numerator of which is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

III. For the fiscal year beginning July 1, 2005, and for each fiscal year thereafter, the department shall determine the amount of state education assistance under this section as follows:

(a) For the fiscal year beginning July 1, 2005, the amount of state education assistance shall be \$267,000,000, to be distributed as determined in this section using the education equity index in RSA 198:40-a.

(b) For the fiscal year beginning July 1, 2006, the amount of state education assistance shall be the amount of assistance under this paragraph for such fiscal year multiplied by the sum of one plus the percentage change in the state average daily membership in attendance plus the average annual percentage rate of inflation for the immediately preceding 4 calendar years based on the northeast region consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor.

IV. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the amount of state education assistance for each such municipality shall be the lesser of the following:

(a) The amount calculated in accordance with paragraph I or paragraph II of this section, as applicable; or

(b) The total amount paid for education expense as determined by the department.

6 School Money; Calculation of Base Education Cost. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Base Education Cost; Base Grant; Transition Grant.

I. A municipality's base education cost shall be determined by multiplying the state average per pupil cost, pursuant to RSA 198:40, by the average daily membership in residence in the municipality.

II. A municipality which cannot raise sufficient revenue at the average rate established under RSA 76:3 to fund its base education cost shall receive a base grant from the education trust fund established in RSA 198:39, in an amount sufficient to fund its base education cost.

III. Transition grants shall be paid from the education trust fund and shall be determined as follows:

(a) For the 2006 and 2007 fiscal years, a municipality with an education equity index which is less than or equal to 0.92 shall receive a transition grant for the amount that the state base grant and the state education assistance grant under RSA 198:40-b is less than 95 percent of the amount received in the 2005 fiscal year. For each one-hundredth of one point increase in a municipality's education equity index, such municipality's transition grant percentage shall decrease by one percent.

(b) For the 2008 fiscal year, and every fiscal year thereafter, a municipality with an education equity index which is less than or equal to 0.92 shall receive a transition grant of 95 percent of the amount received in the preceding fiscal year. For each one-hundredth of one point increase in a municipality's education equity index, such municipality's transition grant percentage shall decrease by one percent. Provided, however, that after fiscal year 2008, if a municipality's the transition grant is equal to or less than \$100 per pupil, then the transition grant shall terminate.

(c) Beginning in the 2006 fiscal year, and every fiscal year thereafter, the commissioner of the department of education shall determine if the amount needed to fund transitions grants under RSA 198:41 for the current fiscal year is less than the amount that was needed to fund transition grants in the preceding fiscal year. Any savings identified shall be used to supplement existing appropriations for the education equity index grants distributed to municipalities under RSA 198:40-a.

(d) Notwithstanding the provisions of subparagraphs (a) and (b), in any fiscal year, the transition grant percentage assigned to a municipality shall not be less than the transition grant percentage assigned to such municipality in the preceding fiscal year.

7 School Money; Distribution Schedule. Amend the section heading of RSA 198:42 and RSA 198:42, I-II to read as follows:

198:42 **Funding** Distribution Schedule [~~of Adequate Education Grant~~]; Appropriation.

I. The [~~adequate education grant~~] **base grants** determined in RSA 198:41, **state educational assistance grants under RSA 198:40-b, and transition grants under RSA 198:41, V** shall be distributed to each municipality's school district or districts legally responsible for the education of the pupils who attend approved public schools within the district or in other districts or who attend approved programs for educationally disabled children, as the case may be, from the education trust fund in 4 payments of 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the [~~grant~~] **base grants** determined in RSA 198:41 shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

II. For the fiscal year beginning July 1, 2004, and every fiscal year thereafter the amount necessary to fund the grants under RSA 198:41 is hereby appropriated from the education trust fund created under RSA 198:39 to the department. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after

the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of [adequate] education grants.

8 Additional Education Expenditures. Amend RSA 198:43 to read as follows:

198:43 Additional Education Expenditures. School districts are authorized to develop **additional** educational programs [~~beyond those required for an adequate education~~] and to raise and appropriate amounts necessary for such programs.

9 School Money; Maintenance of Local Control. Amend RSA 198:48 to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 are based on [adequate] education costs determined in RSA 198:40 and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets except that [adequate] education grants must be expended for educational purposes. [Adequate] **State** education grants [~~and hardship grants~~] shall not be considered unanticipated funds under RSA 198:20-b.

10 State Treasurer; Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

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

11 School Attendance; Duty of Parent; Compulsory Attendance. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and [adequate education] grants under RSA 198:41.

12 Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:38 to read as follows:

State Aid for [~~Educational Adequacy~~] **Education**; Education Trust Fund

13 School Money; Education Trust Fund. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute [adequate]**base, education assistance, and transition** education grants to municipalities' school districts pursuant to RSA 198:42, [~~and~~] to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, **and to fund the performance improvement fund established in RSA 193-H:4-a**. The state treasurer shall deposit into this fund immediately upon receipt:

14 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. For any charter school authorized by the state board of education, the pupil's

resident district shall pay tuition beginning July 1, 2004 and every fiscal year thereafter, in an amount per pupil equal to the amount determined in RSA 198:40, I. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of [adequacy] grants under RSA 198:42 or on such other terms as are mutually acceptable.

15 School Performance and Accountability; Local Education Improvement Plan. Amend RSA 193-H:4, I (b) to read as follows:

(b) If a school or school district has been designated as in need of improvement, then the school or school district may request assistance from the department ~~[of education]~~ **and may request funding from the performance improvement fund established in RSA 193-H:4-a.** The department shall provide technical assistance to those schools that request assistance under this section.

16 New Paragraph; School Performance and Accountability; Local Education Improvement Plan. Amend RSA 193-H:4 by inserting after paragraph IV the following new paragraph:

V. Three years following the designation, a school or school district which is still not making satisfactory progress in implementing the plan required under subparagraph I(a) shall receive, in the next fiscal year, 95 percent of the education grant to which it is entitled under RSA 198:41. For each year thereafter in which such designation persists, a school or school district shall receive, in the next fiscal year, 95 percent of the education grant to which it is entitled under RSA 198:41.

17 New Section; School Performance and Accountability; Performance Improvement Fund. Amend RSA 193-H by inserting after section 4 the following new section:

193-H:4-a Performance Improvement Fund. There is hereby established in the department a performance improvement fund which shall be administered by the commissioner. The purpose of the fund is to provide funding for approved improvement plans required under RSA 193-H:4, I. Approved improvement plans shall be funded to the extent of available funds in a fiscal year.

18 Repeals. The following are repealed:

- I. 2004, 195:3 and 2004, 200:27, relative to the education property tax.
- II. 2004, 200:16-200:23, relative to contingent applicability.
- III. 2004, 200:25-200:28, relative to prospective versions of the education property tax and contingent applicability.
- IV. RSA 198:38, VII, relative to the definition of adequate education costs.
- V. RSA 198:44, relative to duties of the department of education and the board of education.
- VI. RSA 198:46-47, relative to excess education property tax payment and forms.
- VII. RSA 198:49, relative to the adequate education and education financing commission.
- VIII. RSA 198:39, I(g), relative to excess education property tax payments.
- IX. RSA 21-I:18, I(i) relative to purchase of services from private contractors by the department of revenue administration.
- X. RSA 198:56-61, relative to the low and moderate income homeowners property tax relief program.

19 Nonseverability. If the New Hampshire supreme court declares any provision of sections 1-18 of this act to be unconstitutional under either the New Hampshire constitution or the United States Constitution, then sections 1-18 of this act are hereby repealed on the date such unconstitutionality is declared.

20 Effective Date. This act shall take effect July 1, 2005 at 12:02 a.m.

AMENDED ANALYSIS

This bill:

I. Replaces the education property tax with a provision requiring the commissioner of the department of revenue administration to establish a tax rate sufficient to fund state education assistance payments.

II. Distributes state education assistance in the form of state education grants, which are determined on a municipality-by-municipality basis under a formula that calculates a municipality's need for assistance based on a broad range of factors, including fiscal capacity, resource challenges, performance, and student population, with the state education grants being adjusted in future years by the consumer price index and changes in statewide pupil population.

III. Provides that for the 2006 and 2007 fiscal years, a municipality shall receive a total grant equal to a percentage of the total grant received in the 2005 fiscal year, and for the 2008 fiscal year, and every fiscal year thereafter, a municipality shall receive a total grant which is equal to a percentage of the total grant received in the preceding fiscal year. Any savings realized from funding transition grants shall supplement existing appropriations to the education equity index grants to municipalities.

IV. Repeals the statutory provisions authorizing excess education property tax payments.

V. Sets forth the state's responsibility relative to the cost of an adequate education.

VI. Repeals the law and moderate income homeowners property tax relief program.

Rep. W. Packy Campbell spoke in favor and yielded to questions.

Reps. Stephen L'Heureux and Carter spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1186h).

YEAS 211 NAYS 151			
YEAS 211			
BELKNAP			
Allen, Janet	Boyce, Laurie	Flanders, Donald	Heald, Bruce
Morrison, Gail	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
CARROLL			
Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter	Foote, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			

Andersen, Gene	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Maybeck, Margie	McLeod, Martha	Mirski, Paul	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Biundo, Michael	Brassard, Paul	Campbell, David	Carew, James
Carlson, Donald	Carter, Mark	Chabot, Robert	Chase, Claudia
Christiansen, Lars	Clayton, William	Craig, James	Crane, Elenore Casey
Daniuk, Caitlin	DeVries, Betsi	Egbers, Fran	Essex, David
Garrity, Patrick	Golding, William	Goley, Jeffrey	Gonzalez, Carlos
Haley, Robert	Hall, Betty	Hansen, Ryan	Hebert, Raymond
Hirschmann, Keith	Hunter, Bruce	Infantine, William	Irwin, Anne-Marie
Kurk, Neal	Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr
Pilotte, Maurice	Ross, Lawrence	Schulze, Joan	Shaw, Barbara
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Velez, Hector	Wheeler, James		
MERRIMACK			
Blanchard, Elizabeth	Clarke, Claire	Currier, David	Foose, Robert
French, Barbara	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Hess, David	Kennedy, Richard	Kidder, David	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	Marple, Richard	Maxfield, Roy
McMahon, Patricia	Potter, Frances	Reed, Dennis	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Tupper, Frank
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bicknell, Elbert	Bishop, Franklin
Blanchard, MaryAnn	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Casey, Kimberley	Coburn, James	Dumaine, Dudley	Flockhart, Eileen
Forsing, Robert	Gillick, Thomas	Headd, James	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Rolston, James	Scamman, Stella
Serlin, Christopher	Smith, Paul	Splaine, James	Stiles, Nancy
Weldy, Norman			
STRAFFORD			
Berube, Roger	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Dunlap, Patricia	Easson, Timothy	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Newton, Clifford	Rollo, Michael
Rous, Emma	Schmidt, Peter	Spang, Judith	Twombly, James
Wall, Janet			

SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	
NAYS 151			
BELKNAP			
Clark, Charles	Millham, Alida	Neddeau, Stephen	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Pratt, John	Roberts, Kris		
COOS			
None			
GRAFTON			
Almy, Susan	Eaton, Stephanie	Ham, Bonnie	
HILLSBOROUGH			
Aboshar, Jeffrey	Allan, Nelson	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Christensen, D L Chris	Clark, Mark
Clemons, Jane	Coughlin, Pamela	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Foster, Linda	Francoeur, Bea	Gargas, Carolyn	Gibson, John
Ginsburg, Ruth	Gorman, Mary	Goyette, Peter Jr	Graham, John
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Holden, Randolph	Jasper, Shawn	Jean, Claudette	Johnson, Paula
Kopka, Angeline	L'Heureux, Robert	Lasky, Bette	Manney, Pamela
McRae, Karen	Mead, Robert	Messier, Irene	Michon, Stephen
Mooney, Maureen	Moran, Edward	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Shaw, Kimberly
Slocum, Lee	Smith, David	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Danforth, James	DeJoie, John
DeStefano, Stephen	Field, William	Gile, Mary	Klose, John

Mackay, James	Oliver, James	Osborne, Jessie	Reardon, Tara
Wallner, Mary Jane			
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bridle, Russell
Buxton, Donald	Carson, Sharon	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Dodge, Robert	Dowd, John	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Garritty, James
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Johnson, Robert	Kobel, Rudolph
Major, Norman	Manning, John	Mason, April	McKinney, Betsy
McMahon, Charles	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Parker, Benjamin	Priestley, Anne	Putnam, Ed II
Rausch, James	Sanders, Elisabeth	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wells, Roger	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Bickford, David	Brown, Jennifer	Chaplin, Duncan	Goodwin, Earle
Hofemann, Roland	Knowles, William	Smith, Marjorie	Taylor, Kathleen
SULLIVAN			
Ferland, Brenda			

and floor amendment (1186h) was adopted.

The question now being adoption of the majority committee report.

Reps. Boehm and Pratt spoke against.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Casey spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Carson requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 181 NAYS 178			
YEAS 181			
BELKNAP			
Allen, Janet	Boyce, Laurie	Flanders, Donald	Heald, Bruce
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey			
CHESHIRE			

Butynski, William	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie	Richardson, Barbara
Sawyer, Sheldon			
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Andersen, Gene	Benn, Bernard	Bleyler, Ruth	Eaton, Stephanie
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Sokol, Hilda
Ward, John			
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Brassard, Paul	Campbell, David	Carew, James	Carlson, Donald
Carter, Mark	Chabot, Robert	Chase, Claudia	Clayton, William
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Egbers, Fran
Emerton, Larry	Essex, David	Garrity, Patrick	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Haley, Robert	Hebert, Raymond
Hunter, Bruce	Infantine, William	Irwin, Anne-Marie	Kurk, Neal
Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene	Pilotte, Maurice
Shaw, Barbara	Souza, Kathleen	Sullivan, Francis	Sullivan, Peter
Tahir, Saghir	Velez, Hector	Wheeler, James	
MERRIMACK			
Clarke, Claire	Currier, David	Foose, Robert	French, Barbara
Greco, Vincent	Hess, David	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	Maxfield, Roy
McMahon, Patricia	Potter, Frances	Reed, Dennis	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Tupper, Frank
Walz, Mary Beth	Whiting, Herbert	Yeaton, Charles	
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Bicknell, Elbert	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Cali-Pitts, Jacqueline	Casey, Kimberley
Coburn, James	Dumaine, Dudley	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Gillick, Thomas	Headd, James	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Serlin, Christopher	Smith, Paul	Splaine, James	Stiles, Nancy
Weldy, Norman			
STRAFFORD			
Berube, Roger	Brown, Julie	Brown, Lawrence	Callaghan, Frank

Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Creteau, Irene
Dunlap, Patricia	Easson, Timothy	Grassie, Anne	Heon, Richard
Hilliard, Dana	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Miller, Joseph	Newton, Clifford	Rollo, Michael	Rous, Emma
Spang, Judith	Twombly, James		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Gale, Harry
Irish, Christopher	Osgood, Philip Sr	Prichard, Stephen	Rodeschin, Beverly
NAYS 178			
BELKNAP			
Clark, Charles	Millham, Alida		
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Chase, William	Emerson, Susan
Hogancamp, Deborah	Hunt, John	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Pratt, John	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
None			
GRAFTON			
Almy, Susan	Cooney, Mary	Ham, Bonnie	Maybeck, Margie
Naro, Debra	Nordgren, Sharon	Solomon, Peter	Sorg, Gregory
Williams, Burton			
HILLSBOROUGH			
Aboshar, Jeffrey	Allan, Nelson	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Clemons, Jane	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Ginsburg, Ruth	Gorman, Mary
Goyette, Peter Jr	Graham, John	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Jasper, Shawn	Jean, Claudette
Johnson, Paula	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Lefebvre, Roland	Manney, Pamela	McRae, Karen	Mead, Robert
Michon, Stephen	Mooney, Maureen	Moran, Edward	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher

Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shaw, Kimberly	Slocum, Lee	Smith, David
Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Danforth, James
DeJoie, John	DeStefano, Stephen	Field, William	Gile, Mary
Hamm, Christine	Klose, John	MacKay, James	Marple, Richard
Oliver, James	Osborne, Jessie	Reardon, Tara	Wallner, Mary Jane
Williams, Robert			
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bettencourt, David	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Cooney, Richard	DiFruscia, Anthony	Dodge, Robert	Dowd, John
Dowling, Patricia	Fesh, Bob	Flockhart, Eileen	Garrity, James
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Johnson, Robert	Kobel, Rudolph
Major, Norman	Manning, John	Mason, April	McKinney, Betsy
McMahon, Charles	Moody, Marcia	Morris, Richard	Nowe, Ronald
Packard, Sherman	Parker, Benjamin	Priestley, Anne	Putnam, Ed II
Rausch, James	Robertson, Carl	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wells, Roger	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Bickford, David	Brown, Jennifer	Cilley, Jacalyn	Goodwin, Earle
Hofemann, Roland	Hollinger, Jeffrey	Knowles, William	Schmidt, Peter
Smith, Marjorie	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	

and the majority committee report was adopted.

Rep. Mary Ellen Martin voted Yea and intended to vote Nay.

Ordered to third reading.

MOTION TO PRINT DEBATE ON HB 616

Rep. Phinizy moved that the debate relative to HB 616 be printed in the Permanent Journal.

Rep. Phinizy requested a roll call; sufficiently seconded.

The question being adoption of the motion to print debate.

YEAS 236 NAYS 124			
YEAS 236			
BELKNAP			
Boyce, Laurie	Heald, Bruce	Morrison, Gail	Pilliod, James
Russell, David	Tilton, Franklin	Tobin, William	

CARROLL			
Ahlgren, Christopher	Buco, Thomas	Dickinson, Howard	Knox, J David
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Footte, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mirski, Paul
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Ward, John	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Jean-Guy	Boehm, Ralph	Brassard, Paul	Calawa, Leon Jr
Campbell, David	Carew, James	Chase, Claudia	Clayton, William
Clemons, Jane	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Drisko, Richard	Egbers, Fran	Elliott, Nancy	Essex, David
Francoeur, Bea	Garrity, Patrick	Gibson, John	Ginsburg, Ruth
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Haley, Robert	Hall, Betty	Hansen, Ryan	Harvey, Suzanne
Hellwig, Steve	Hirschmann, Keith	Holden, Randolph	Hunter, Bruce
Infantine, William	Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Mooney, Maureen
Moran, Edward	Movsesian, Lori	O'Brien, William	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Ross, Lawrence	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Smith, David	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve
Velez, Hector	Wheeler, James		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Kennedy, Richard	Kidder, David	L'Heureux, Stephen	Langlais, Thomas
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy

Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Bicknell, Elbert
Bishop, Franklin	Blanchard, MaryAnn	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Charron, Gene
Cooney, Richard	DiFruscia, Anthony	Dumaine, Dudley	Flockhart, Eileen
Forsing, Robert	Gilbert, Karl	Headd, James	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Major, Norman
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Parker, Benjamin
Powers, James	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Robertson, Carl	Rolston, James	Serlin, Christopher	Smith, Paul
Splaine, James	Weare, E Albert	Welch, David	Weldy, Norman
Wiley, Robert	Winchell, George	Zolla, William	
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Creteau, Irene	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Hollinger, Jeffrey
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen		
NAYS 124			
BELKNAP			
Allen, Janet	Clark, Charles	Flanders, Donald	Millham, Alida
Nedeau, Stephen	Rosen, Ralph	Thomas, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
CHESHIRE			
Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			
COOS			

King, Frederick	Lary, Bruce	Richardson, Herbert	Stohl, Eric
GRAFTON			
Eaton, Stephanie	Ham, Bonnie	Sorg, Gregory	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergin, Peter	Biundo, Michael	Brundige, Robert	Buhlman, David
Carlson, Donald	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Dyer, Donald	Emerton, Larry
Foster, Linda	Gargas, Carolyn	Golding, William	Goyette, Peter Jr
Hawkins, Ken	Hebert, Raymond	Hinkle, Peyton	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Manney, Pamela	McRae, Karen
Mead, Robert	O'Connell, Timothy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Scanlon, Michael	Souza, Kathleen
Tahir, Saghir	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Currier, David	Field, William	Hess, David	Klose, John
Lockwood, Priscilla	MacKay, James	Marple, Richard	Oliver, James
Reed, Dennis	Soltani, Tony	Williams, Robert	
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bridle, Russell	Carson, Sharon
Coburn, James	Dodge, Robert	Dowd, John	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Garrity, James
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Kobel, Rudolph	Langley, Jane
Manning, John	Mason, April	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Rausch, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Waterhouse, Kevin	Wells, Roger	Weyler, Kenneth
STRAFFORD			
Brown, Julie	Dunlap, Patricia	Easson, Timothy	Twombly, James
SULLIVAN			
Rodeschin, Beverly			

and the motion to print debate on HB 616 was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it ordered to third reading ***HB 616-FN-L***, relative to the education property tax and the education equity tax.

Rep. Kurk spoke in favor and yielded to questions.

Reps. Mirski and Soltani spoke against.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider.

YEAS 152 NAYS 208			
YEAS 152			
BELKNAP			
Clark, Charles	Millham, Alida	Nedeau, Stephen	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Merrow, Harry	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Parkhurst, Henry	Pelkey, Stephen	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Weed, Charles		
COOS			
None			
GRAFTON			
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Naro, Debra
HILLSBOROUGH			
Aboshar, Jeffrey	Allan, Nelson	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Gibson, John	Graham, John
Hall, Betty	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Manney, Pamela	Martin, Mary Ellen
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
Moran, Edward	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Shaw, Kimberly
Slocum, Lee	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Danforth, James
DeStefano, Stephen	Hess, David	Klose, John	L'Heureux, Stephen
MacKay, James	Maxfield, Roy	Osborne, Jessie	Reardon, Tara
Whiting, Herbert			

ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Cooney, Richard	DiFruscia, Anthony	Dodge, Robert
Dowd, John	Dowling, Patricia	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gould, Kenneth
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Johnson, Robert	Kobel, Rudolph	Major, Norman
Manning, John	Mason, April	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Priestley, Anne	Putnam, Ed II	Rausch, James
Sanders, Elisabeth	Scamman, Stella	Waterhouse, Kevin	Welch, David
Wells, Roger	Wiley, Robert	Winchell, George	Zolla, William
STRAFFORD			
Bickford, David	Chaplin, Duncan	Hofemann, Roland	Hollinger, Jeffrey
Knowles, William	Taylor, Kathleen		
SULLIVAN			
Franklin, Peter			
NAYS 208			
BELKNAP			
Allen, Janet	Boyce, Laurie	Flanders, Donald	Heald, Bruce
Morrison, Gail	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Patten, Betsey			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter	Foot, Sheila
Mitchell, Bonnie	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Tilton, Anna			
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Maybeck, Margie	McLeod, Martha	Mirski, Paul	Mulholland, Catherine

Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
Ward, John	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Brassard, Paul	Campbell, David	Carlson, Donald	Carter, Mark
Chabot, Robert	Chase, Claudia	Clayton, William	Clemons, Jane
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Egbers, Fran
Essex, David	Garrity, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goyette, Peter Jr
Haley, Robert	Harvey, Suzanne	Hebert, Raymond	Hunter, Bruce
Infantine, William	Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr
Michon, Stephen	Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice
Rosenwald, Cindy	Ross, Lawrence	Schulze, Joan	Shaw, Barbara
Smith, David	Souza, Kathleen	Sullivan, Francis	Sullivan, Peter
Velez, Hector	Wheeler, James		
MERRIMACK			
Clarke, Claire	Currier, David	DeJoie, John	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Kennedy, Richard	Kidder, David	Langlais, Thomas
Lockwood, Priscilla	Marple, Richard	McMahon, Patricia	Oliver, James
Potter, Frances	Reed, Dennis	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bicknell, Elbert	Bishop, Franklin
Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley	Coburn, James
Dumaine, Dudley	Flockhart, Eileen	Gilbert, Karl	Gillick, Thomas
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Powers, James
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Rolston, James
Serlin, Christopher	Smith, Paul	Splaine, James	Stiles, Nancy
Weare, E Albert	Weldy, Norman	Weyler, Kenneth	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Easson, Timothy	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hilliard, Dana	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Miller, Joseph	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Twombly, James	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Gale, Harry
Houde-Quimby, Charlotte	Irish, Christopher	Osgood, Philip Sr	Phinizy, James

Prichard, Stephen	Rodeschin, Beverly		
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and reconsideration failed.

REGULAR CALENDAR

HB 691-FN-L, relative to the medicaid program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Neal M. Kurk for the Majority of Finance: This bill passed the House following a 16-3 recommendation from the Committee on Health, Human Services and Elderly Affairs. HB 691 reinforces the state's commitment to make home- and community-based care (HCBC) more readily available to those seniors who are eligible for Medicaid long-term care services. Currently, not all Medicaid eligible seniors are properly assessed to determine if they could be cared for more effectively in their homes and communities. HB 691 corrects that by providing for a uniform, more comprehensive assessment system with involvement from the Oversight Committee on Health and Human Services. The Finance Committee amendment adds a two-year sunset to the assessment system, so that the legislature has the opportunity to evaluate its effectiveness. The bill also closes several loopholes in financial eligibility to help prevent individuals from hiding their assets to become Medicaid eligible. This would be accomplished by requiring the state to request federal waivers that would (a) lengthen the so-called "look back" period on transfer of assets to others for less than their fair value, while "grandfathering" such transfers made in accordance with current law on or before March 14, 2005, and (b) begin the "penalty period" of ineligibility for Medicaid services resulting from such transfers at the time of application for Medicaid services. A third federal waiver would encourage personal responsibility for long-term care by eliminating the asset test for Medicaid eligibility for those persons who purchase a conforming long-term care insurance policy and whose long-term care costs exceed the policy coverage. This legislation also allows the state to expand the types of assets available for recovery for Medicaid expenses, which are currently exempt. Finally, a commission is established to study the mental health service delivery system. The Finance Committee amendment gives nursing homes, and in particular county nursing homes, greater financial protection. Medicaid rates for nursing home services provided by county and private nursing facilities may not be reduced during the biennium. County and private nursing facilities will receive all funding from the Medicaid Quality Incentive Program (MQIP). The counties may participate in the revised assessment system and also in pilot programs providing for case management services. After considerable discussion with the Department of Health and Human Services and others, the Finance Committee determined that the bill, as amended, will allow fewer people to receive care in nursing homes and more people to receive care in assisted living facilities and in their homes and communities. It will not change the overall cost of long-term care services. These changes will be reflected in the state budget, which also makes provision for infrastructure development through inflationary increases to nursing homes and rate increases for mid-level and home- and community-based care. Although some were concerned that the long-term impacts could not be quantified, resulting in a decision at one point to retain the bill, at the end of the process the majority of the Finance Committee believes we need to pass this bill to bring financial integrity to the program so that Medicaid is used by the truly poor for whom it was established. Vote 13-9.

Rep. Sharon Nordgren for the Minority of Finance: The Minority of the Finance Committee does not support the Ought to Pass as Amended motion on HB 691. This bill, if passed, would require a federal waiver and the financial implications are unclear. The majority recommends the passage of this bill despite the complete lack of any information about the impact of the extended "look back" and other provisions on the middle class. The section of HB 691 promoting the purchase of long-term care insurance by those who can afford such insurance leaves a huge loophole for the wealthy. Those who purchase up to 3 years of long-term care insurance are exempt from the "look back" process. This bill is not in proper form to be passed to the Senate. The financial impact of HB 691 is at best a state of confusion

Majority Amendment (1074h)

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

1 Purpose and Intent.

I. The general court recognizes that the demand upon the medicaid system will increase sharply in the near future due to the rapid aging of the population and the increasing numbers of citizens 85 years of age and older. These facts coupled with an anticipated federal reduction in medicaid funding requires a more cost-effective system to ensure that the state has the ability to meet the needs of its citizens while providing quality care to medicaid recipients.

II. The purpose of this act is to carry out the proposals contained in the plan for the modernization of the medicaid program administered by the department of health and human services as it relates to the provision of long-term care. This act is written to strengthen the commitment of the state to its people, for the provision of long-term care within an established continuum of care of home and community-based care, intermediate or mid-level care, and nursing facility care. The plan provides for a basic health care system for elderly or disabled persons who are poor, are without the means for obtaining long-term care services, and who are in need of transitional or long-term support in order to achieve or maintain an identified degree of independence, self-sufficiency, health, or quality of life. The plan also provides a new emphasis on maintaining our elderly in home and community-based care through the empowerment of consumer choice. A basic intent underlying this proposal is that medicaid funding is reserved for those qualified individuals who need it and those who are not eligible are excluded.

2 Long-Term Care; Eligibility for Nursing Facility Services. Amend RSA 151-E:3, I(a) to read as follows:

(a) Clinically eligible for nursing facility care because the person requires 24-hour care for one or more of the following purposes, as determined by ~~[the department]~~ **registered nurses employed by state or county government using an assessment tool:**

(1) Medical monitoring and nursing care **when the skills of a licensed medical professional are needed to provide safe and effective services;**
(2) Restorative nursing or rehabilitative care **with patient-specific goals;**
(3) Medication administration ~~[or instruction and supervision of self-medication for discharge purposes only]~~ **by oral, topical, intravenous, intramuscular, or subcutaneous injection, or intravenous feeding for treatment of recent or unstable conditions requiring medical or nursing intervention;** or

(4) Assistance with 2 or more activities of daily living **involving eating, toileting, transferring, bathing, dressing, and continence;** and

3 Long-Term Care; Nursing Facility Services. Amend RSA 151-E:4 to read as follows:

151-E:4 Consumer Choice. A person who has been determined to be medicaid eligible for nursing facility services in accordance with RSA 151-E:3 shall have the right to receive nursing facility services; however, the person **shall be offered and** may choose to receive services in a less restrictive setting if such services are available and do not result in costs to the state and counties in excess of the limitations set forth in RSA 151-E:11, II. Such choice shall be ~~[subject to limitations imposed by federal and state laws and regulations]~~ **offered in accordance with state laws and federal regulations. The department shall take into consideration the family and community supports available to the person, the family's desire and ability to care for the person, and shall ensure that all consideration and support is offered to the family to maintain the person in home and community-based care. Nothing in this section is intended to require the provision of financial assistance or supports by a family member.**

4 Eligibility for Assistance; Asset Transfers. Amend RSA 167:4, I(b) to read as follows:

(b) In the case of an applicant for public assistance or medical assistance who has made an assignment or transfer of ~~[property]~~ **assets to an individual** for less than fair

market value within ~~[36]~~ **60** months or in the case of ~~[payments from]~~ **transfers of real estate, or transfers of assets to** a trust or portions of a trust that are treated as assets disposed of by the individual within ~~[60]~~ **120** months immediately preceding the date of application or while the application is pending, or in the case of a recipient of public assistance or medical assistance who makes such an assignment or transfer while in receipt of the assistance, the assistance sought shall only be granted or continue to be granted in accordance with rules establishing restrictions and eligibility criteria for such cases as adopted by the commissioner of the department of health and human services under RSA 541-A, subject to applicable federal regulations **and waiver approval, if any, and review by the oversight committee on health and human services, established in RSA 126-A:13. The oversight committee on health and human services shall make a report to the legislative fiscal committee which shall have final approval authority.**

5 Eligibility for Assistance; Medicaid. Amend RSA 167:4, IV(c) to read as follows:

(c) **Notwithstanding any provision of law to the contrary, for purposes of medicaid eligibility, investment in life insurance policies with cash surrender value in excess of \$1,500 shall be limited to policies that ensure payment to the state of New Hampshire of all the proceeds of the policy in excess of amounts spent on burial up to the total of medicaid expenditures made on behalf of the individual.**

(d) **Contingent upon federal approval, the commissioner shall establish a program to eliminate the resource ceiling for applicants and recipients of medical assistance at the institutional level of care if the applicant or recipient benefits from or will benefit from a conforming long-term care insurance policy. The commissioner shall establish criteria for conforming long-term care insurance policies which, at a minimum, shall provide benefits for at least 36 months of nursing home payments at the average private pay rate for county nursing home facilities, an annual benefit inflation factor of at least 5 percent compounded annually, and coverage for home and community-based care equivalent to the benefit provided in a nursing facility. The estates of recipients of medical assistance for institutional level of care for whom the resource ceiling has been eliminated, shall be exempt from recoveries pursuant to RSA 167:13 and RSA 167:14.**

(e) The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the proper administration of this paragraph.

6 Recovery for Assistance Furnished. Amend RSA 167:13, I to read as follows:

I. Except as provided in paragraph II, if at any time during the continuance of assistance, the recipient or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient within 10 calendar days to notify the commissioner of the department of health and human services of the receipt or possession of such property or income. On the death of a recipient of old age assistance, **aid to the needy blind, medicaid for employed adults with disabilities**, or aid to the permanently and totally disabled, the total amount of assistance paid under this chapter or RSA 161 shall be allowed as a claim against the estate of such person after payment of the charges in the priority set forth in RSA 554:19. No lien filed in accordance with RSA 167:14 shall be extended to enforce recovery nor shall any sale be forced against the real estate of a recipient of old age assistance, **aid to the needy blind, medicaid for employed adults with disabilities**, or aid to the permanently and totally disabled while it is occupied as a home by a surviving spouse. The federal government shall be entitled, as long as required as a condition to federal financial participation, to such proportion of the net amount collected from the estate of a recipient of old age assistance, **aid to the needy blind, medicaid for employed adults with disabilities**, or aid to the permanently and totally disabled as the federal participation bears to the total amount of assistance granted said recipient.

7 Assistance; Claims and Liens. Amend RSA 167:14, I to read as follows:

I. The estate of every recipient and the estate of a recipient's spouse, if any, owned severally or as joint tenants, shall be liable for all financial old age assistance, ***aid to the needy blind***, or aid to the permanently and totally disabled granted to the recipient; provided, however, that the estate of a recipient's spouse shall be liable only for such financial assistance as was granted to the recipient during the time that the recipient and the recipient's spouse were neither legally separated nor divorced. After providing all owners of the real property known to the department with prior notice and an opportunity for a hearing, the commissioner of the department of health and human services shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property, notice of the lien. Such notice of lien shall contain the names of the recipient and the recipient's spouse, if any. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, and until enforced as provided in this section, unless sooner released by the commissioner of the department of health and human services.

8 Recovery of Assistance. Amend RSA 167:14-a, I and II to read as follows:

I. Any person who is a recipient of financial assistance, medical assistance, old age assistance, ***aid to the needy blind, medicaid for employed adults with disabilities***, or aid to the permanently and totally disabled shall, by his acceptance of such assistance, be deemed to have assigned any claim or right of action against any person or party to the commissioner of health and human services, to the extent that such assistance is furnished.

II. Whenever a recipient of financial assistance, medical assistance, old age assistance, ***aid to the needy blind, medicaid for employed adults with disabilities***, or aid to the permanently and totally disabled shall have a legally cognizable claim against any person or party for expenses or support and the department of health and human services has already furnished assistance to such recipient, the amount of assistance furnished may be recovered in an action brought in the name of the state from such person or party against whom the recipient has a legally cognizable claim for expenses or support.

9 New Paragraph; Recovery of Assistance; Estates of Recipients. Amend RSA 167:14-a by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any provision of law to the contrary, for purposes of recovering the costs of medical assistance, the estate of a recipient shall include all property, real or personal, which at the time of a recipient's death was held by the recipient in joint tenancy with rights of survivorship, tenancy in common, life estate, living trust or other arrangement, without regard to the date that such title or interest was established. No sooner than 45 days from the death of the recipient, the department shall provide the other joint owner or owners notice of the department's claim. Within 30 days of the receipt of notification of the department's claim, the joint owner or owners shall acknowledge receipt of the department's claim and either tender an amount equal to the deceased recipient's interest in the identified property and/or financial instrument to the state of New Hampshire toward the deceased's medical assistance bill, but such amount shall not exceed the total amount of medical assistance provided to the deceased recipient, or enter into a binding agreement to make such payment as soon as is practicable. If the joint owner or owners refuse to acknowledge receipt of the department's claim or to tender payment or fail to fulfill the agreement to pay without good cause, as required by this paragraph, the commissioner may bring an action in superior court to compel such payment. Nothing in this paragraph shall be interpreted or applied so as to violate RSA 167:16-a, IV or 42 U.S.C. section 1396p(b)(2)(A) prohibiting recovery when the recipient is survived by a spouse, minor children, or disabled children.

10 Prescription Drugs; Organization of Drugs. Amend RSA 318:42, XIII to read as follows:

XIII. A nurse licensed under RSA 326-B, who is an employee of a ~~[home health care or hospice agency]~~ ***health facility*** licensed pursuant to RSA 151:2 and is acting in the course of employment, from organizing the prescription and nonprescription drugs of clients

into containers designed to aid clients in carrying out a prescriber's directions, provided that the organizing of drugs is documented in the client's nursing record and that the original prescription containers remain in the client's possession.

11 New Subparagraph; Confidentiality of Records; Disclosure to Department of Health and Human Services. Amend RSA 21-J:14, V(d) by inserting after subparagraph (7) the following new subparagraph:

(8) An officer or employee of the department of health and human services in the performance of duties under RSA 167:14-a, V, which disclosure shall be limited to the report of the trust and a copy of the trust document, including any list of beneficiaries, filed in accordance with RSA 87:20.

12 New Section; Medicaid Waivers. Amend RSA 126-A by inserting after section 4-a the following new section:

126-A:4-b Medicaid Waivers. The state shall enter into medicaid waivers from the federal Centers for Medicare and Medicaid Services, subject in each case to a review by the oversight committee on health and human services, established in RSA 126-A:13, which shall make a report to the legislative fiscal committee which shall have final approval authority. The waivers shall:

(a) Allow the state to begin the penalty period of ineligibility for medicaid services due to transfers of assets for less than fair market value as of the date of application for medical assistance or as of the date that the applicant, but for the transfer of assets for less than fair market value, meets all of the criteria for eligibility for medical assistance, whichever is later.

(b) Allow the state to eliminate the resource ceiling for applicants for medical assistance and to exempt them from actions for recovery against their estates for the cost of medical assistance they receive when they have a long-term care insurance policy that meets the standards established by the legislature and the state.

13 Long-Term Care; Cost Controls; Limitation on Waiver Slots. Amend RSA 151-E:11 to read as follows:

151-E:11 Program Management and Cost Controls.

I. The department shall designate in its operating budget requests specific class lines for nursing facility, mid-level, and home-based care provided for in this chapter. These class lines shall reflect, and the requesting documentation shall include, the anticipated number of persons to receive services. The department shall not increase expenditures in approved budgets for ~~care~~ **these** class lines or the number of persons to receive mid-level or home care services without the approval of the legislative fiscal committee, and the prior review of the county-state finance commission. ***The medicaid rates paid for nursing facility services, mid-level care services, and home and community-based care services shall not be reduced below those levels in effect on the last day of the previous biennium. No transfers may be made from the nursing facility medicaid quality incentive program and all funding derived from that program shall be paid to nursing facilities.***

II. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 60 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 50 percent of the average annual cost for the provision of services to persons in a nursing facility. Average annual costs shall be the net medicaid costs exclusive of provider payments. ***No person whose costs would be in excess of 80 percent of the average annual cost for the provision of services to a person in a nursing facility shall be approved for home-based or mid-level services without the prior approval of the commissioner of health and human services.*** The department shall provide a report semi-annually on the utilization of non-nursing home services to the county-state finance commission and the legislative fiscal committee.

14 Applicability. Pending federal Centers for Medicare and Medicaid Services approval required under section 4 of this act and notwithstanding RSA 167:4, I(b) or any other provision of law to the contrary, any applicant for public assistance or medical assistance who has made an assignment or transfer of assets to an individual for less than fair market value or who has transferred real estate or transferred assets to a trust relying on the 3-year or 5-year look back provision under RSA 167:4 and which is in existence on March 14, 2005 shall be grandfathered.

15 Commission Established. There is hereby established a commission to develop a comprehensive state mental health plan as recommended by the President's New Freedom Commission on Mental Health. The purpose of the commission is to create a 5-year strategy to deliver mental health services that are founded on the principles of resiliency and recovery, evidence - based practice, effectiveness and efficiency. The plan shall also focus on the integration of the mental health system with other systems of care, including the developmental services system and the elder care system.

16 Membership and Compensation.

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

- (a) Three members of the house of representatives, 2 of whom shall be members of the house committee on health, human services and elderly affairs, appointed by the speaker of the house of representatives.
 - (b) Three members of the senate, appointed by the president of the senate.
 - (c) Two members representing community mental health centers, one of whom shall be a board member, appointed by the Community Behavioral Health Association.
 - (d) The commissioner of the department of health and human services, or designee.
 - (e) The director of the division of community-based care services of the department of health and human services, or designee.
 - (f) The superintendent of New Hampshire hospital.
 - (g) The superintendent of the Glenclyff home for the elderly.
 - (h) The chief of the bureau of behavioral health, department of health and human services.
 - (i) The director of the office of consumer affairs, department of health and human services.
 - (j) The executive director of the National Alliance for the Mentally Ill (NAMI).
 - (k) The executive director of the governor's commission on disability, or designee.
 - (l) Two members representing consumers utilizing mental health services, appointed by the governor.
 - (m) Two members representing families utilizing mental health services, appointed by the governor.
 - (n) The director, office of alcohol and drug policy, department of health and human services.
 - (o) A psychiatrist, appointed by the New Hampshire Psychiatric Society.
 - (p) The medical director, bureau of behavioral health, department of health and human services.
 - (q) Two members representing peer support agencies, one of whom shall be a board member, appointed by the Consumer Council.
 - (r) The commissioner of the department of corrections, or designee.
 - (s) The superintendent of a county house of corrections, appointed by the governor.
 - (t) A member of the West Institute, appointed by the Dartmouth Psychiatric Research Center.
 - (u) The dean of the university of New Hampshire, school of health sciences.
- II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission may seek grant funding support to carry out its duties.

17 Duties. The commission shall review and study the mental health service delivery system and make recommendations regarding:

I. The role and mission of New Hampshire hospital and Glenclyff home for the elderly.

II. The role and mission of community mental health centers as providers of comprehensive behavioral health services and supports, including a range of residential services.

III. The role and mission of peer support programs.

IV. The role and mission of family mutual support organizations.

V. The integration of services for persons who have both mental illness and problems with substance abuse.

VI. The implementation of evidence based standards of care and treatment.

VII. The promotion of research to improve the treatment of mental illness.

VIII. The utilization of local community hospitals to provide short-term stabilization of mental health crises.

IX. The development of regional transitional housing.

X. The availability of mental health treatment in prisons and jails.

XI. The integration of mental and physical health care.

XII. Other matters related to the delivery of mental health services.

18 Chairperson; Quorum. 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. Twelve members of the commission shall constitute a quorum. The bureau of behavioral health shall provide administrative support to the commission.

19 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, senate president, the house clerk, the senate clerk, the governor, and the state library in an interim report on or before December 1, 2005 and in a final report on or before December 1, 2006.

20 Oversight Committee on Health and Human Services; Duty Added. Amend RSA 126-A:15, I to read as follows:

I. The committee shall provide legislative oversight of and informational meetings on the programs, policies, and rules of the department of health and human services as brought to its attention by committee members, legislators, department personnel, or others. The committee's work may include, but is not limited to, analyzing the efficacy of selected programs, studying the characteristics of target populations, researching trends affecting program costs and participation, and reviewing alternate approaches to programmatic and administrative concerns. ***The committee shall monitor the on-going medicaid modernization plan.*** The committee shall provide informational meetings on such topics to the general court. The committee shall maintain communications with the department of health and human services, and any other departments, as necessary to accomplish its work.

21 New Paragraph; Eligibility for Nursing Services. Amend RSA 151-E:3 by inserting after paragraph II the following new paragraph:

III. The department shall not use a new assessment tool to determine clinical eligibility for nursing facility care until the tool has been reviewed by the county-state finance commission and has been approved by the oversight committee on health and human services established pursuant to RSA 126-A:13.

22 Eligibility for Nursing Services. Amend RSA 151-E:3, I(a) to read as follows:

(a) Clinically eligible for nursing facility care because the person requires 24-hour care for one or more of the following purposes, as determined by ~~[registered nurses employed by state or county government using an assessment tool]~~ ***the department:***

- (1) Medical monitoring and nursing care [~~when the skills of a licensed medical professional are needed to provide safe and effective services~~];
- (2) Restorative nursing or rehabilitative care [~~with patient specific goals~~];
- (3) Medication administration [~~by oral, topical, intravenous, intramuscular, or subcutaneous injection, or intravenous feeding for treatment of recent or unstable conditions requiring medical or nursing intervention~~] **or instruction and supervision of self-medication for discharge purposes only**; or
- (4) Assistance with 2 or more activities of daily living [~~involving eating, toileting, transferring, bathing, dressing, and continence~~]; and

23 Administration of the Medicaid Home and Community-Based Care Waiver Program for the Elderly and Chronically Ill.

I. The department of health and human services may establish one or more pilot programs for the provision of case management services through a program operated by or under contract with a county government to persons receiving services under the medicaid home and community-based care waiver program for the elderly and chronically ill. The cases to be served in the pilot program may be directly assigned to the county program or transferred from the independent case management agencies to which they have already been assigned.

II. The department shall make quarterly reports to the oversight committee on health and human services commencing January 1, 2006 on the operations and results of any pilot program established pursuant to this section, particularly with respect to any comparisons that may be made to the services of independent case management agencies.

24 Rulemaking. Any rules required to be adopted by the department of health and human services under this act pursuant to RSA 541-A, shall be produced by the department for review by the oversight committee on health and human services within 180 days after passage of the appropriate section of this act.

25 Effective Date.

I. Section 2 of this act shall take effect January 1, 2006.

II. Sections 15-19 of this act shall take effect upon its passage.

III. Section 22 of this act shall take effect July 1, 2007.

IV. The remainder of this act shall take effect 60 days after its passage.

Rep. Craig spoke against and yielded to questions.

Rep. Kurk spoke in favor and yielded to questions.

Majority amendment adopted.

MOTION TO LAY ON THE TABLE

Rep. David Campbell moved that **HB 691-FN-L**, relative to the medicaid program, be laid on the table.

Rep. Batula requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay on the table.

YEAS 161 NAYS 185			
YEAS 161			
BELKNAP			
Morrison, Gail	Rosen, Ralph	Tobin, William	
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David

CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Theberge, Robert		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Ward, John		
HILLSBOROUGH			
Allan, Nelson	Barody, Benjamin	Beaulieu, Jane	Brassard, Paul
Campbell, David	Chase, Claudia	Christiansen, Lars	Clayton, William
Clemons, Jane	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Egbers, Fran	Foster, Linda	Francoeur, Bea	Garrity, Patrick
Gibson, John	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goyette, Peter Jr	Haley, Robert	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Hunter, Bruce	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	McRae, Karen	Messier, Irene	Michon, Stephen
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Renzullo, Andrew
Rochette, Eric	Rosenwald, Cindy	Rowe, Robert	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Sullivan, Peter	Velez, Hector	Villeneuve, Maurice	
MERRIMACK			
Bouchard, Candace	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Marple, Richard	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Allen, Mary	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley
DiFruscia, Anthony	Flockhart, Eileen	Forsing, Robert	Johnson, Robert
Kobel, Rudolph	Moody, Marcia	Morris, Richard	Norelli, Terie
Pantelakos, Laura	Powers, James	Priestley, Anne	Putnam, Ed II
Serlin, Christopher	Splaine, James	Welch, David	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence

Callaghan, Frank	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Grassie, Anne	Heon, Richard	Hilliard, Dana	Hofemann, Roland
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James
Prichard, Stephen			
NAYS 185			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carlson, Donald	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Essex, David	Gargasz, Carolyn	Golding, William
Gonzalez, Carlos	Graham, John	Hawkins, Ken	Hebert, Raymond
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Manney, Pamela
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William

O'Connell, Timothy	Ober, Lynne	Price, Pamela	Reeves, Sandra
Ross, Lawrence	Ryder, Donald	Scanlon, Michael	Slocum, Lee
Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Kennedy, Richard	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Oliver, James	Reed, Dennis	Soltani, Tony	Whiting, Herbert
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dodge, Robert	Dowd, John	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Major, Norman	Manning, John	Mason, April	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Smith, Paul	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Bickford, David	Campbell, W Packy	Chaplin, Duncan	Dunlap, Patricia
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	Twombly, James
SULLIVAN			
Converse, Larry	Donovan, Thomas	Gale, Harry	Osgood, Philip Sr
Rodeschin, Beverly			

and the motion to lay on the table failed.

Rep. Irwin declared a conflict of interest and did not participate.

Rep. MacKay offered floor amendment (1189h)

Floor Amendment (1189h)

Amend the bill by replacing section 4 with the following:

4 Eligibility for Assistance; Asset Transfers. Amend RSA 167:4, I(b) to read as follows:

(b) In the case of an applicant for public assistance or medical assistance who has made an assignment or transfer of ~~[property]~~ **assets to an individual** for less than fair market value within ~~[36]~~ **60** months or in the case of ~~[payments from]~~ **transfers of real estate, or transfers of assets to** a trust or portions of a trust that are treated as assets disposed of by the individual within 60 months immediately preceding the date of application or while the application is pending, or in the case of a recipient of public assistance or medical assistance who makes such an assignment or transfer while in receipt of the assistance, the assistance sought shall only be granted or continue to be granted in

accordance with rules establishing restrictions and eligibility criteria for such cases as adopted by the commissioner of the department of health and human services under RSA 541-A, subject to applicable federal regulations ***and waiver approval, if any, and review by the oversight committee on health and human services, established in RSA 126-A:13. The oversight committee on health and human services shall make a report to the legislative fiscal committee which shall have final approval authority.***

Amend the bill by replacing section 9 with the following:

9 New Paragraph; Recovery of Assistance; Estates of Recipients. Amend RSA 167:14-a by inserting after paragraph V the following new paragraph:

VI. For purposes of recovering the costs of medical assistance, the estate of a recipient shall include all property, real or personal, which at the time of a recipient's death was held by the recipient in joint tenancy with rights of survivorship, tenancy in common, life estate, or living trust, without regard to the date that such title or interest was established. No sooner than 45 days from the death of the recipient, the department shall provide the other joint owner or owners notice of the department's claim. Within 30 days of the receipt of notification of the department's claim, the joint owner or owners shall acknowledge receipt of the department's claim and provided, that there shall not be undue hardship imposed upon the surviving joint owner or owners, either tender an amount equal to the deceased recipient's interest in the identified property and/or financial instrument to the state of New Hampshire toward the deceased's medical assistance bill, but such amount shall not exceed the total amount of medical assistance provided to the deceased recipient, or enter into a binding agreement to make such payment as soon as is practicable. If the joint owner or owners refuse to acknowledge receipt of the department's claim or to tender payment or fail to fulfill the agreement to pay without good cause, as required by this paragraph, the commissioner may bring an action in superior court to compel such payment. Nothing in this paragraph shall be interpreted or applied so as to violate RSA 167:16-a, IV or 42 U.S.C. section 1396p(b)(2)(A) prohibiting recovery when the recipient is survived by a spouse, minor children, or disabled children.

Rep. MacKay spoke in favor and yielded to questions.

Rep. Kurk yielded to questions.

Floor amendment (1189h) adopted.

Rep. O'Neil requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 187 NAYS 158			
YEAS 187			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey		
CHESHIRE			
Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John

Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Naro, Debra
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carlson, Donald	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Essex, David	Gargasz, Carolyn	Gibson, John
Golding, William	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hawkins, Ken	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Ross, Lawrence	Ryder, Donald
Scanlon, Michael	Slocum, Lee	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Kennedy, Richard	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Oliver, James
Soltani, Tony			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	Dodge, Robert	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Garrity, James	Gilbert, Karl	Gillick, Thomas	Gould, Kenneth
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Major, Norman	Manning, John
Mason, April	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Parker, Benjamin
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Smith, Paul
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Wiley, Robert

Winchell, George			
STRAFFORD			
Bickford, David	Campbell, W Packy	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Newton, Clifford	Twombly, James	
SULLIVAN			
Donovan, Thomas	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 158			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas	Dickinson, Howard		
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Dunn, J Timothy
Eaton, Daniel	Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Theberge, Robert		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter		
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul
Campbell, David	Chase, Claudia	Christiansen, Lars	Clayton, William
Clemons, Jane	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Egbers, Fran	Foster, Linda	Francoeur, Bea	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Hunter, Bruce
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr	McRae, Karen
Messier, Irene	Michon, Stephen	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Souza, Kathleen	Sullivan, Francis	Sullivan, Peter
Velez, Hector	Villeneuve, Maurice		

MERRIMACK			
Bouchard, Candace	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Kidder, David	Marple, Richard	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Reardon, Tara	Reed, Dennis	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley	DiFruscia, Anthony
Flockhart, Eileen	Francoeur, Sheila	Johnson, Robert	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Powers, James	Putnam, Ed II
Robertson, Carl	Serlin, Christopher	Splaine, James	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Franklin, Peter	Houde-Quimby, Charlotte
Phinizy, James	Prichard, Stephen		

and the majority committee report was adopted.

Ordered to third reading.

Rep. Irwin declared a conflict of interest and did not participate.

RECONSIDERATION

Having voted with the prevailing side, Rep. Hawkins moved that the House reconsider its action whereby on April 13, 2005, it voted ***HB 222-FN***, relative to payment of medical benefits costs for disabled group II members of the retirement system, Inexpedient to Legislate on a division vote of 194-135.

Rep. Robert Wheeler spoke in favor.

On a division vote, 194 members having voted in the affirmative and 144 in the negative, reconsideration prevailed.

Reps. DeVries and Marshall Quandt declared conflicts of interest and did not participate.

The question being adoption of the motion of Inexpedient to Legislate.

Rep. Hawkins spoke against.

Rep. Robert Wheeler spoke in favor and yielded to questions.

On a division vote, 143 members having voted in the affirmative and 191 in the negative, the motion failed.

Reps. DeVries and Marshall Quandt declared conflicts of interest and did not participate.

Rep. Hawkins moved Ought to Pass.

Rep. Ingretson requested a roll call; sufficiently seconded.

The question being adoption of the motion of Ought to Pass.

YEAS 236 NAYS 98			
YEAS 236			
BELKNAP			
Millham, Alida	Morrison, Gail	Nedean, Stephen	Pilliod, James
Russell, David	Thomas, John	Tobin, William	Wendelboe, Fran
CARROLL			
Ahlgren, Christopher	Buco, Thomas	Dickinson, Howard	Knox, J David
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espieffs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
Maybeck, Margie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Ward, John
HILLSBOROUGH			
Aboshar, Jeffrey	Allan, Nelson	Baroody, Benjamin	Batula, Peter
Beaulieu, Jane	Bergin, Peter	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Campbell, David
Carlson, Donald	Chase, Claudia	Christensen, D L Chris	Clark, Mark
Clayton, William	Clemons, Jane	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Gargasz, Carolyn	Garrity, Patrick
Gibson, John	Ginsburg, Ruth	Goley, Jeffrey	Gonzalez, Carlos
Graham, John	Haley, Robert	Harvey, Suzanne	Hawkins, Ken
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Lefebvre, Roland	Manney, Pamela
Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen

Mooney, Maureen	Movsesian, Lori	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Reeves, Sandra	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Souza, Kathleen	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Velez, Hector	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Currier, David	DeJoie, John
DeStefano, Stephen	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hamm, Christine	Kennedy, Richard
Klose, John	L'Heureux, Stephen	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Reardon, Tara	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Coburn, James
DiFruscia, Anthony	Dodge, Robert	Dumaine, Dudley	Fesh, Bob
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Garrity, James
Griffin, Mary	Headd, James	Hughes, Daniel	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Mason, April
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Parker, Benjamin
Powers, James	Priestley, Anne	Quandt, Matthew	Rausch, James
Robertson, Carl	Scamman, Stella	Serlin, Christopher	Splaine, James
Weare, E Albert	Welch, David	Weldy, Norman	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Cilley, Jacalyn	Creteau, Irene
Dunlap, Patricia	Easson, Timothy	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Kaen, Naida	Knowles, William
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Taylor, Kathleen
Twombly, James	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Gale, Harry
Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen	
NAYS 98			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Rosen, Ralph	Tilton, Franklin	Whalley, Michael	
CARROLL			

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark			
CHESHIRE			
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Stohl, Eric		
GRAFTON			
Gionet, Edmond	Ingbretson, Paul	Mirski, Paul	Nordgren, Sharon
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Biundo, Michael	Carter, Mark	Chabot, Robert	Christiansen, Lars
Elliott, Nancy	Golding, William	Goyette, Peter Jr	Hall, Betty
Hebert, Raymond	Hellwig, Steve	Hunter, Bruce	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	McRae, Karen	Mead, Robert
Moran, Edward	O'Brien, William	O'Connell, Timothy	Price, Pamela
Renzullo, Andrew	Ross, Lawrence	Scanlon, Michael	Slocum, Lee
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Danforth, James	Kidder, David	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Oliver, James
Reed, Dennis	Whiting, Herbert		
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Camm, Kevin	Carson, Sharon
Cooney, Richard	Dowd, John	Flanders, John Sr	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Hopfgarten, Paul	Ingram, Russell
Itse, Daniel	Johnson, Robert	Major, Norman	Manning, John
Morris, Richard	Putnam, Ed II	Rolston, James	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Wells, Roger	Weyler, Kenneth
STRAFFORD			
Brown, Julie	Cataldo, Sam	Chaplin, Duncan	Hollinger, Jeffrey
Keans, Sandra	Newton, Clifford	Spang, Judith	
SULLIVAN			
Franklin, Peter	Osgood, Philip Sr	Rodeschin, Beverly	

and the motion of Ought to Pass was adopted.

Reps. DeVries and Marshall Quandt declared conflicts of interest and did not participate.

Ordered to third reading.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early

session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 4, 2005 at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 535-FN-A, increasing the tobacco tax.

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007.

HB 2-FN-A, relative to state fees, funds, revenue and expenditures.

HB 616-FN-L, relative to the education property tax and the education equity tax.

HB 691-FN-L, relative to the medicaid program.

HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system.

UNANIMOUS CONSENT

Rep. Carter addressed the House.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 6:50 p.m.

RECESS