

HOUSE RECORD

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Concord, N.H.

Wednesday, April 11, 2007 No. 37

HOUSE JOURNAL No. 13 (cont.)

Thursday, April 5, 2007

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 14

Wednesday, April 11, 2007

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 House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God of Holy struggle, we have had quite a couple of weeks here together in this chamber - long days, heated debates, and significant differences of opinion. Remind us now and then what a privilege it is, disguised though it may be, to have long days together, to engage in heated debates, and to express our differences of opinion. Give to us the extra measure of awareness we need to discover the blessings that are often hidden in the midst of our struggles.

We pause at the beginning of this session to re-center ourselves, to be in silence that we might be mindful of the power of wordlessness, and that we might pray silently for those whose lives and challenges are very much in our thoughts today.

O God of kindness and of justice, of bills and budgets, in some small way today, broaden and deepen our work in ways which affirm the extension of life, liberty and responsibility to all those in this state whom we serve, whatever their station, whatever their orientation, whatever their economic situation, whatever their race, whatever their creed, and whatever their need. Amen.

Rep. Vernon Dingman, member from Haverhill, led the Pledge of Allegiance.

The National Anthem was sung by Zach Bencal, a student at Londonderry High School.

LEAVES OF ABSENCE

Reps. Stephen Johnson, Owen, Carl Robertson and Stohl, the day, illness.

Reps. Bishop, Jennifer Brown, Ingersoll, Lister, Morrison, O'Keefe, Serlin and Srnec, the day, important business.

INTRODUCTION OF GUESTS

Cindy and Jonah Bencal, mother and brother of the singer, guests of the House. Jane McGaw Palmer and Bob Landman, guests of Rep. Judith Day. Tim, Ben and Jon Arsenault and members of the Gay Straight United Club of Laconia High School, guests of Reps. Reeve and Arsenault. Catherine Dingman and Wendy Cheney, wife and guest of Rep. Dingman.

TARTAN DAY PROGRAM

Rep. John Hunt introduced special guests who performed for the House in honor of New Hampshire Tartan Day: Piper Elliott Smith and Highland Dancers from the New Hampshire School of Scottish Arts included Laura Zbehlick, Marie Holmes, Allison Leger, Abby Crawford, Fionna Barker, Madison Bergethon, Hannah Marcel, Sara Arianna and Colleen Dudley.

Piper Elliot Smith of Concord piped "Flowers of the Forest" in memory of Representatives Lee Slocum, Clair Snyder, Don Carlson and Jim Oliver.

Rep. Rowe offered a traditional Scottish parting blessing and Piper Elliott Smith piped "Amazing Grace."

SUSPENSION OF RULES

Reps. Wallner and Whalley moved that Rule 25(a) be suspended to allow reconsideration of majority committee amendment (0953h), floor amendment (0987h) and passage of **HB 83**, relative to the deliberations of certain state agencies under the right-to-know law.

Rep. Wallner spoke in favor.

Adopted by the necessary two-thirds.

RECONSIDERATION

Reps. Mooney and Gary Richardson moved reconsideration of all votes taken on **HB 83**, relative to the deliberations of certain state agencies under the right-to-know law including majority committee amendment (0953h), floor amendment (0987h) and final report of Ought to Pass as amended.

Reps. Mooney and Gary Richardson spoke in favor.

Adopted.

The question now being adoption of majority committee amendment (0953h).

Adopted.

The question now being adoption of floor amendment (0987h).

Adopted.

The question now being adoption of the majority committee report of Ought to Pass as amended.

Adopted.

Ordered to third reading.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar as printed in the day's House Record be adopted.

HB 660-FN, relative to an assistant state veterinarian, removed by Rep. Vaillancourt.

HB 897-FN-A, relative to the salary of the state veterinarian, removed by Rep. Vaillancourt. Consent Calendar adopted.

Rep. Timothy Robertson declared a conflict of interest on HB 239 and did not participate in the vote on the Consent Calendar.

HB 137, relative to food safety in restaurants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: Food safety in the preparation and serving of food is important not only for the people of New Hampshire for the many thousands of people who visit New Hampshire. This legislation would assure that at least one person in a food serving establishment will have passed a food safety course and test covering such information as what to know about buying food, how to store food safely and how to safely prepare and serve food. Each establishment will post the certificate of the course and food safety person's name. There are exemptions for farm stands and occasional food service events. All programs offered in New Hampshire are low in cost and able to accommodate people who are unable to read English. There are no financial implications for the state. Vote 15-0.

Amendment (0479h)

Amend RSA 143-A:9-b, III(d) as inserted by section 5 of the bill by replacing it with the following:

(d) Public schools, private schools, and other food service activities licensed under this chapter that are administered under United States Department of Agriculture child nutrition programs.

HB 440-FN, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting. **OUGHT TO PASS.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill requires all forest rangers hired after January 1, 2005 to complete the preparatory training for full-time police officers and that any forest ranger hired before January 1, 2005 be certified as a full time police officer upon successful completion of a preparatory training course. Given the increasing number of incidents of a criminal nature that rangers have encountered over the last 10 years, the committee agreed that this was a reasonable step to take in order to protect the public and the rangers. Vote 14-1.

HB 221, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services.

OUGHT TO PASS.

Rep. Kenneth L. Weyler for Finance: Similar to HB 220, this bill relieves the Department of Transportation (DOT) from doing a separate report to the Department of Administrative Services (DAS) each biennium. The requirement is redundant for DOT as they already do this in the budget phase. It is not as obvious in the other agencies' budgets as to how the highway funds are spent. Therefore, for accountability purposes, the other agencies must continue to make this report. Vote 22-1.

HB 239-FN-A, appropriating funds to the barn preservation fund matching grants program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bernard L. Benn for Finance: This bill appropriates \$150,000 to the Barn Preservation

Fund established in 1999 as part of the Historic Agricultural Structures Matching Grants Program in RSA 227-C:27-32. This grant program for privately owned properties complements the LCHIP program for public properties. The program has never been funded by the state, however between 2001 and 2003 it received \$88,746 in grant money from the Federal Historic Preservation Fund of the National Park Service which it leveraged to raise \$128,828 of private matching funds for total of \$217,574 used for restoration of 11 barns. The federal grant money is no longer available in New Hampshire. The program's advisory committee is supported by the NH Division of Historical Resources and the NH Preservation Alliance. It has offered workshops and technical support to over 4,000 residents in over 60 NH communities. There was wide support for the idea of barn preservation in the committee although some would like to clarify the criteria for awarding the matching grants to include some form of "means testing." The committee amended the bill to appropriate \$1.00 to establish a line in the '08-'09 budget which, the testimony suggested, would help the advisory committee solicit contributions and/or gain additional future funding for the preservation program. Vote 24-0.

Amendment (0891h)

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$1 is appropriated to the division of historical resources, department of cultural resources for each year of the biennium ending June 30, 2009, for the purpose of funding the barn preservation fund established under RSA 227-C:28. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

HB 419-FN-L, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter R. Leishman for Finance: This proposed legislation would require the state to reimburse counties for the costs of any inmate incarcerated at a county correctional facility if the inmate is awaiting the completion of a pre-sentencing investigation and their confinement has exceeded 30 days. The committee was unable to determine the financial impact of this proposed legislation on the state or the counties. Vote 24-0.

HB 433-FN-A, relative to funding of fish and game department search and rescue operations. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for Finance: This bill calls for a \$200,000 appropriation from the general fund. The committee agrees that the search and rescue work of the Fish and Game Department is important to the state. It is understood that the department is no longer able to continue to operate without any support from the general fund. Members of the Finance, Fish and Game, and Ways and Means Committees are working to devise an overall funding plan to provide essential support to the department. Funding for search and rescue will be part of the plan which will be incorporated into HB 1 and HB 2. Vote 23-1.

HB 505-FN-A, relative to enhanced water quality monitoring for lakes and beaches. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne M. Ober for Finance: This bill defines public beach and public bathing places. The purpose was to provide enhanced water quality monitoring, which is a seasonal activity. However, the bill proposed to hire a full time staff member for the Department of Environmental Services (DES). This staff member would duplicate programming already being done in DES, which currently runs a number of programs where volunteers can be trained in monitoring the quality of water. The committee felt that since this was a seasonal activity, the bill should have hired seasonal employees if additional staff is needed to provide water quality monitoring training and felt that little water quality monitoring efforts are expended during late fall, winter and early spring. Vote 22-1.

HB 597-FN, relative to expenditure caps for institutional health facilities under the certificate of need law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha McLeod for Finance: The bill as amended raises the capital expenditure threshold whereby acute care facilities have to apply to the Certificate of Need Process from \$1,173,000 to \$2,504,754. This increase is the result of the annual calculation of the inflation index. Vote 23-0.

Amendment (0674h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Standard Development; Expenditure Cap Changed. Amend RSA 151-C:5, II(a) to read as follows:

(a) The construction, development, expansion, or alteration of any acute care facility requiring a capital expenditure of more than [~~\$1,759,512~~] **\$2,504,754**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

2 Standard Development; Expenditure Cap Changed. Amend RSA 151-C:5, II(f)(1) to read as follows:

(f)(1) Except as provided in subparagraph (2), the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than [~~\$1,173,000~~] **\$2,504,754**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

HB 623-FN, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account.

OUGHT TO PASS.

Rep. Robert A. Foose for Finance: As originally reported by the Fish and Game Committee, this bill removes separate dedicated funds for moose, bear, wild turkey, and waterfowl licenses or permits, and transfers the balances in those accounts into a new game management account. The game management fund will allow the Fish and Game Department to expend funds in the best interests of the resource and to the best benefit of all our citizens. The consolidation of the dedicated funds will also reduce administration costs amounting to over \$50,000 per year. Vote 22-0.

HB 669-FN-A-L, relative to kindergarten aid and kindergarten construction aid.

INEXPEDIENT TO LEGISLATE.

Rep. Marjorie K. Smith for Finance: This bill was based on the theoretical future agreement of all school districts to offer kindergarten. Since the initial funding programs for kindergarten expired, the legislature has agreed to funding new kindergarten programs once school districts voted to establish such programs. The committee proposes to continue that practice and the funds necessary for the five relevant school districts will be included in HB 46. Vote 24-1.

HB 911-FN-L, establishing an automated external defibrillator trust fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha McLeod for Finance: The original bill established an automated external defibrillator trust fund and made an appropriation to the trust fund. The bill as amended establishes an automated external defibrillator (AED) advisory commission. The intent of the bill is to encourage all schools to obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities. The AED advisory commission would provide leadership, education, coordination, and advocacy throughout the

State. The committee heard testimony from people whose lives and been saved because an AED was available as well as from family members of people who may have been saved if an AED had been available for use. Vote 23-0.

Amendment (0924h)

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

AN ACT establishing an automated external defibrillator advisory commission.

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

1 Policy and Purpose. Each year, thousands of children and adults die from sudden cardiac arrest while participating in or attending school athletic and related activities. It is the intent of the state of New Hampshire to encourage all schools to obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities.

2 New Chapter; Automated External Defibrillator Advisory Commission Established.

Amend RSA by inserting after chapter 195-H the following new chapter:

CHAPTER 195-I

AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION

195-I:1 Declaration of Purpose. It is the intent of the state of New Hampshire to encourage all schools to obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities.

195-I:2 Automated External Defibrillator Advisory Commission Established.

I. There is hereby established an automated external defibrillator advisory commission which shall provide leadership, education, coordination, and advocacy throughout the state to implement the purposes of this chapter.

II. The commission shall consist of the following members:

- (a) The governor, or designee.
- (b) The state treasurer.
- (c) Two members of the house of representatives, one of whom shall be a member of the house education committee, appointed by the speaker of the house of representatives.
- (d) One member of the senate, appointed by the senate president.
- (e) The school nurse consultant of the department of education.
- (f) The bureau chief of the bureau of emergency medical services of the department of safety.
- (g) A physician, nominated by the New Hampshire Medical Society.
- (h) Three public members, one of whom shall have business experience, appointed by the governor.
- (i) One member from the New Hampshire Interscholastic Athletic Association, appointed by such association.

III. The commission shall:

- (a) Meet at regular times as determined by the commission.
- (b) Review state policies to ensure the achievement of the purposes and policies of this chapter.
- (c) Review and provide coordination strategies for public and private sector efforts and agencies to raise and appropriate funds to ensure the achievement of the purposes and policies of this chapter.
- (d) Establish accounts, and accept and administer grants, donations, and other funds received by the commission to achieve the purposes and policies of this chapter.
- (e) Publish studies and reports, and hold public seminars and educational events, regarding the need to obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities.

(f) Enter into agreements with state departments or agencies, and private sector organizations and persons, as it deems necessary, to implement and further the policies and purposes of this chapter.

(g) Advise the general court on legislative initiatives that would further the purposes and policies of this chapter.

(h) Perform any other tasks it deems necessary for achieving the purposes and policies of this chapter.

IV. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate while attending to the duties of the commission.

V. The commission shall keep written records of all its proceedings.

VI. No member of the commission shall have any personal financial interest in the work of the commission.

VII. Members of the commission shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this subdivision.

195-I:3 Power to Accept and Disburse Gifts and Donations. The commission shall have the authority to solicit and receive gifts or donations of any kind, and to disburse such funds to such persons as shall be determined by the commission, to achieve the purposes and policies of this chapter. Notwithstanding any provision of law to the contrary, the commission may accept gifts and donations including, but not limited to, cash gifts and real or personal property, and make disbursements of such funds as shall be determined by the commission without the approval of the governor and council.

195-I:4 Rulemaking. The automated external defibrillator advisory commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The administration, management, and procedures of the commission.

II. Procedures for determining the disbursement of any gifts and donations among schools and school districts throughout the state.

III. Any other issue which the commission deems relevant to the implementation and administration of the policies and purposes of this chapter.

195-I:5 Report. By November 1 of each year, the commission shall prepare a report regarding the status of the commission's work, including specific reports on the progress of the effort to ensure that all schools obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities. Such report shall be submitted to the president of the senate, the speaker of the house of representatives, the governor, and the state library, and shall be posted to the state government's Internet website.

3 Effective Date. This act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill establishes an automated external defibrillator advisory commission.

HB 862-FN, establishing an incapacitated adult fatality review committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This was a second committee referral on a bill to establish a permanent committee to address issues concerning fatalities among incapacitated adults. The Judiciary Committee amended the bill to clarify the language and intent, but otherwise embraced the intent of the bill and left it untouched substantively. Vote 13-0.

Amendment (1145h)

Amend RSA 21-M:16, II-III as inserted by section 1 of the bill by replacing it with the following:

II. The attorney general shall appoint members and alternate members to the committee. The members of the committee shall include individuals representing the health care field, organizations with expertise in services provided to incapacitated adults, law

enforcement, organizations or individuals who advocate for or provide legal representation for incapacitated adults, and such other members as the attorney general determines will assist the committee in fulfilling its objectives. The terms of the members shall be 3 years; provided, that the initial members shall be appointed to staggered terms. Members shall serve at the pleasure of the attorney general.

III. The committee shall:

(a) Recommend policies, practices, and services that will promote collaboration among service providers for, and reduce preventable fatalities among, incapacitated adults.

(b) Evaluate policies, practices, interventions and responses to fatalities among incapacitated adults and offer recommendations for any improvements in those interventions and responses.

(c) Determine and report on trends and patterns of incapacitated adult deaths in New Hampshire.

(d) Evaluate and report on high risk factors, current practices, gaps in systematic responses, and barriers to safety and well-being for incapacitated adults in New Hampshire.

(e) Educate the public, policy makers, and budget authorities about fatalities involving covered incapacitated adults.

(f) Recommend improvements in the sources of data relative to preventing fatalities among incapacitated adults.

(g) Identify and evaluate the prevalence of risk factors for preventable deaths in the population of incapacitated adults.

Amend RSA 21-M:16, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The committee shall make an annual report, on or before the first day of November each year, beginning on November 1, 2008, to the speaker of the house of representatives, the president of the senate, and the governor describing any trends and patterns of deaths or serious injuries or risk factors, together with any recommendations for changes in law, policy, and practice that will prevent deaths and related serious occurrences. The committee may also issue special reports when doing so is necessary to alert authorities or the public to the need for prompt corrective action.

Amend the bill by replacing section 2 with the following:

2 Executive Committee Established.

I. There is established an executive committee to recommend to the attorney general the membership of the incapacitated adult fatality review committee established in RSA 21-M:16 as inserted by section 1 of this act. All executive committee members shall also be members of the incapacitated adult fatality review committee established pursuant to RSA 21-M:16.

II. The members of the executive committee shall be appointed by the attorney general and shall be follows:

(a) Two representatives of the department of health and human services, nominated by the commissioner of the department of health and human services.

(b) Two representatives of the attorney general's office.

(c) One representative of the Disabilities Rights Center, nominated by the center.

(d) The chief medical examiner, or designee.

(e) A representative of the New Hampshire Medical Society, nominated by the society.

(f) One representative of law enforcement.

III. Members shall be appointed within 30 days of the effective date of this section and the first meeting shall be within 45 days of the effective date of this section.

IV. The executive committee shall make a report to the attorney general recommending the membership of the incapacitated adult fatality review committee on or before November 1, 2007.

HB 183-FN-A-L, relative to the acquisition of a certain tract of land in the towns of Peterborough, Sharon, and Temple as a state reservation, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill was referred to Public Works and Highways after the policy had been passed by the House. Since the sponsors filed the bill at the start of the session, the Governor has included funding for the purchase of Temple Mountain in his Capital Budget request. The committee feels that the Capital Budget is the proper vehicle for the bonding of any monies required for the purpose of real estate purchases. Vote 16-0.

HB 337, relative to penalties for failure to have workers' compensation coverage and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**
Rep. William A. Hatch for Ways and Means: This bill changes the civil penalty and penalty assessment period for an employer who is in non-compliance with the workers' compensation law. This bill also changes the amount of the civil penalty assessed on an insurance carrier for failure to file notice of coverage and also establishes a special fund into which some of the civil penalties are deposited to support enforcement. After hearing much testimony from the Department of Labor and construction interests, the committee voted unanimously to pass as amended. The committee amendment changed the penalties from an absolute fine to allow the department to reduce penalties when they found it appropriate. Vote 16-0.

Amendment (1133h)

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

1 Liability of Employer Failing to Comply; Penalty Assessment Period Changed; Fund Established. RSA 281-A:7, I is repealed and reenacted to read as follows:

I.(a)(1) After a hearing, an employer subject to this chapter who knowingly fails to comply with the provisions of RSA 281-A:5 by not securing payment of compensation may be assessed a civil penalty of up to \$2,500; in addition, such an employer may be assessed a civil penalty of up to \$100 per employee for each day of noncompliance. The penalties shall be assessed from the first day of the infraction not to exceed one year. Notwithstanding any provision of law to the contrary, the chief executive officer, chief financial officer, and the manager of limited liability companies shall be held personally liable for the payment of penalties for knowingly failing to obtain workers' compensation coverage in compliance with this chapter.

(2) There is hereby established a nonlapsing workers' compensation fraud fund in the office of the state treasurer. All funds collected under subparagraph I(a)(1) shall be deposited in such fund and continually appropriated to the commissioner of labor to be used for investigations and compliance activities required under this subparagraph and related sections pertaining to labor and insurance law. Any amounts over \$400,000 in the fund shall lapse into the general fund on June 30 of each year.

(b) An insurance carrier which insures an employer and fails to file with the commissioner a notice of coverage within a reasonable period of time as prescribed by rule shall be assessed a civil penalty of up to \$50 for each day of noncompliance. The commissioner shall deposit all moneys collected under this subparagraph with the state treasurer for deposit into the general fund.

2 Report. The commissioner of the department of labor shall make a report relative to the effectiveness of the fund established in RSA 281-A:7, I(a)(2) as inserted by section 1 of this act, together with any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the governor on or before November 1, 2010.

3 Administration Fund; Reference Change. Amend RSA 281-A:59, IV to read as follows:

IV. The civil penalties collected under RSA 281-A:7, **I(b)**, 23, 24, 42, 43, and 53 shall be forwarded to the state treasurer and deposited in the general fund.

4 New Subparagraph; Workers' Compensation Fraud Fund. Amend RSA 6:12, I by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the workers' compensation fraud fund established in RSA 281-A:7, I(a)(2).

5 Liability of Employer Failing to Comply; Penalty Assessment. RSA 281-A:7, I(a)(2) is repealed and reenacted to read as follows:

(2) All funds collected under subparagraph I(a)(1) shall be deposited into the general fund.

6 Repeal. RSA 6:12, I(253) relative to the workers' compensation fraud fund is, repealed.

7 Effective Date.

I. Sections 5 and 6 of this act shall take effect July 1, 2011.

II. The remainder of this act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill:

I. Changes the penalty assessment period for an employer who is in noncompliance with the workers' compensation law.

II. Changes the amount of the civil penalty assessed on an insurance carrier for failure to file notice of coverage.

III. Establishes a special fund into which some of the civil penalties are to be deposited.

IV. Repeals the special fund in 2011 at which time the civil penalties shall go to the general fund.

HB 471-FN-A, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jordan G. Ulery for Ways and Means: After thorough examination of the fines section, consultation with the commissioner's office, consultation with the AG's office and receiving definitions from the Supreme Court Law Library, the committee modified language to assure due process (hearings) for employers who knowingly fail to provide workers' compensation coverage to their employees. The committee concurs with the policy committee on the fine structure. Increased participation should reduce the cost per dollar of payroll insurance premiums. Also established is a non-lapsing fraud fighting fund with sunset provisions. Vote 14-0.

Amendment (1149h)

Amend RSA 228:4-b, III and IV as inserted by section 2 of the bill by replacing it with the following:

III. After a hearing, the commissioner of labor may assess any contractor, subcontractor, or independent contractor who knowingly falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of up to \$100 per employee per day of noncompliance. The chief executive officer, chief financial officer, and members of limited liability companies shall be held personally liable for the payment of fines and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

IV. There is hereby established a nonlapsing workers' compensation fraud fund in the office of the state treasurer. All funds collected under this section shall be deposited in such fund and continually appropriated to the commissioner of labor to be used for investigations and compliance activities required under this section and related sections

pertaining to labor and insurance law. Any amounts over \$400,000 in the fund shall lapse to the general fund on June 30 of each year.

Amend RSA 21-I:80, VI(c) as inserted by section 3 of the bill by replacing it with the following:

(c) After a hearing, the commissioner of labor may assess any contractor, subcontractor, or independent contractor who knowingly falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of up to \$100 per employee per day of noncompliance. The chief executive officer, chief financial officer, and members of limited liability companies shall be held personally liable for the payment of fines and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

Amend the bill by replacing all after section 5 with the following:

6 Report. The commissioner of the department of labor shall make a report relative to the effectiveness of the fund established in RSA 228:4-b, IV as inserted by section 2 of this act, together with any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the governor on or before November 1, 2010.

7 Workers' Compensation Fraud Fund. RSA 228:4-b, IV is repealed and reenacted to read as follows:

IV. All funds collected under this section shall be deposited into the general fund.

8 Workers' Compensation Fund. RSA 21-I:80, VI(d) is repealed and reenacted to read as follows:

(d) All funds collected under this paragraph shall be deposited into the general fund.

9 Repeal. RSA 6:12, I (b)(253), relative to the workers' compensation fraud fund, is repealed.

10 Effective Date.

I. Sections 7-9 of this act shall take effect July 1, 2011.

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

AMENDED ANALYSIS

This bill requires that all contractors, including subcontractors and independent contractors, provide certification of their workers' compensation coverage and compliance with all applicable workers' compensation safety provisions before beginning work on state transportation or public works projects. This bill establishes a special fund which is repealed in 2011.

HB 714-FN, relative to motorized watercraft rental agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gilman C. Shattuck for Ways and Means: This bill requires motorized watercraft rental agencies to register with the Department of Safety. Such rental agencies are presently required to provide written instructions to renters to ensure safe operation of rental watercraft. Some agencies do not properly educate their renters, creating a danger on the water. The bill as amended allows the department to close down a rental agency if it continues to refuse to comply. The fees generated by this bill as amended will only cover the costs of this registration. Vote 15-0.

Amendment (0219h)

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

1 Boating Safety Checklist; Instructions. Amend RSA 270-D:2-c, I to read as follows:

I. No person shall rent a vessel for operation on any waters of this state, including tidal and coastal waters and all inland waters, unless the rental operator initials a rental safety checklist, prepared by the department of safety, which certifies the rental operator's

knowledge of boating safety laws *and which certifies that the rental operator possesses a safe boater education certificate or its equivalent. In addition, no person shall rent or lease any motorized watercraft to another person without providing the renter or lessee with written instructions on operating the watercraft in accordance with New Hampshire law, and reviewing with the renter or lessee such written instructions and the guidelines on New Hampshire navigation laws provided by the division.*

2 New Subdivision; Regulation of Rental Agents. Amend RSA 270-E by inserting after section 23 the following new subdivision:

Regulation of Rental Agents

270-E:24 Rental Agent Registration; Fees.

I. Any person renting or leasing motorized watercraft shall register as a rental agent with the department. Applications for registration shall include the name of the applicant, including any additional names under which the applicant may be doing business, the address or addresses of the applicant and rental locations, the vessel registration numbers of all watercraft available for rent or lease, and the fees required by this section. Upon receiving the completed application for registration, the department shall issue the applicant a rental agent safety certificate.

II. The registration fee for rental agents shall be \$25, which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

III. All rental agency safety certificates shall expire on December 31 of the year in which they are issued.

270-E:25 Prohibitions; Penalties.

I. No person shall:

(a) Rent or lease any motorized watercraft to any other person without having a rental agent safety certificate. This subparagraph shall not apply to the use of any motorized watercraft which is included in the rental or lease of real property.

(b) Rent or lease any motorized watercraft to any other person without complying with the requirements of RSA 270-D:2-c.

(c) Rent or lease any motorized watercraft that is unsafe to any other person.

II. Any person violating subparagraph I(a) shall be guilty of a violation for a first or second offense committed within the same calendar year and guilty of a misdemeanor for any subsequent offense committed within the same calendar year.

III. The commissioner may revoke the rental agent safety certificate upon finding that the certificate holder has violated subparagraph I(b) or I(c).

3 Effective Date. This act shall take effect January 1, 2008.

REGULAR CALENDAR

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for the Majority of Finance: While HB 1-A follows long-standing practice of the general court, there are some significant changes which received strong bi-partisan support in the committee. Our first goal was to increase transparency and accountability. Acting on house policy established in HB 558, this bill reflects the elimination of the Education Trust Fund. The creation of the fund was a public relations gimmick to have the public think that money was being put away to pay for education. The reality is that the state has a constitutional obligation to pay its share of education and it doesn't matter if there is money in something called an education trust fund. No matter what, the State must pay its share. Eliminating the fund makes it possible for people to understand the real financial picture of the State. The Committee broke down some of the budget lines which were the largest - with millions and millions of dollars - into smaller units so that we can understand the difference between, for example, nursing care and home

health care. The current practice has been not to include potential grants in the budget and instead, if a grant was received, the agency would come to the 10 person Fiscal Committee for permission to expend those funds. In this budget we required agencies to include grants for which they intend to apply, even if they have not yet been granted the funds. Now, 424 members of the House and Senate will have the opportunity to vote on these projects. One result is that while this does not increase the final adjusted authorized total, it does increase the number in the budget. We removed all back-of-the budget cuts with the exception of Health and Human Services. Past practice has been for the legislature to appropriate funds to an agency but then, when one gets to the end of the story, require that a specified amount of those appropriated funds be returned to the coffers. It might look as if the agency was getting permission to spend \$1 when in fact they could spend only 90 cents. We changed the way we report expenditures for retirement and for retirees' health insurance, laying the ground work for us to comply with government accounting standards in the future and easing the task of the legislature and the public to understand how much we are spending for these purposes. Understanding that investing in prevention, early intervention and treatment saves money in the long run in direct and related costs we added \$4 million for New Hampshire's Comprehensive Cancer Plan, added \$6 million for alcohol and other drug treatment and prevention, and added \$2.2 million in general funds (matched by federal funds) to provide direct and indirect medical education payments for teaching hospitals. Regularly the budgets have under-funded the Judicial Council budget for public defenders and the Department of Corrections' budget for medical and dental care, knowing that we are required to pay for these services and that, therefore, the agencies will come before the Fiscal Committee to ask for and be granted additional funds. As part of our "truth in budgeting" commitment this budget provides \$5 million more to the Judicial Council which will permit them to increase the pay for public defenders (although they will still be \$20,000 below the comparable pay for attorneys in the Justice Department). We hope this will help to recruit and retain competent attorneys so that the state does not have to hire contractual lawyers at a much higher rate. In addition, we added funds to close the gap between what the Department of Corrections will need and what we budget for medical and dental care. Our third goal was to strengthen and maintain existing programs. We provided essential funds for Fish and Game to continue its operation while we wait for the results of the performance audit to help guide any necessary reorganization. We continued our efforts to re-direct highway funds back to the Department of Transportation where they can be used for the purposes they were intended. We tried, without success, to end a continuing conflict between the counties and the state, but we did take the opportunity to save the counties half a million dollars each year by taking over the cost of autopsies. The budget provides additional funds to build the infra-structure necessary to meet the needs of the developmentally disabled who now are marking time on a waiting list. We provided some additional funding for the Community and Technical Colleges and the University System of New Hampshire to help them carry out their responsibilities in educating those who will build and maintain the future economy of the State. We honored the Governor's request for education funding by adding \$62 million more for distribution to cities and towns, and we added funds for charter schools. We created a designated fund to support the work of LCHIP. The total of this budget for the biennium is \$10.38 billion dollars, of which \$4.8 billion are general funds (including what had formerly been in the education trust fund). The total amount is approximately \$178 million more than the Governor's budget. About \$62 million of the difference can be accounted for by the Governor's subsequent request to increase education funding. A significant portion of the remaining increase comes from the truth in budgeting changes noted above including the Judicial Council, the Justice Department, the Department of Corrections and potential federal funds, increases that in the past were part of the work of the Fiscal Committee rather than the full legislature. In the last three years the 12 month percent change in CPI were 3.5, 3.6 and 3.6, or something over 11% compounded. The revenue estimates produced by the House for many years have been significantly lower than

those passed out of the committee of conference which have, in turn, been lower than the actual revenues. The Ways and Means Committee had the benefit of key business and insurance revenues being reported in March which, together with national sectorial forecasts and a good understanding of the auditing process ramping up in the Department of Revenue Administration, allowed the committee to increase certain revenue estimates to levels closer to where they are likely to end up in June after the committee of conference. The Finance Committee would like to thank Representative Almy and the Ways and Means Committee for their hard work, dedication and cooperation. In accordance with RSA 9:8-B, and despite other claims, there is no bonding in this bill. Vote 15-10.

Rep. Neal M. Kurk for the Minority of Finance: The greater "transparency" of the majority's budget cannot hide the fact that it is not in the best interests of the people of New Hampshire. At more than \$10 billion, it is the biggest budget in New Hampshire's history. It represents a 16% increase in general funds, an amount far in excess of the 3% annual rate of inflation and significantly higher than the average budget increase of the past two decades. This rate of growth is unsustainable; it puts an undue burden on our constituents who must pay for this high level of spending with the over \$158 million in increased taxes and fees mandated through the trailer bill. Despite these additional taxes and fees, the majority's budget is unbalanced. It relies on revenue estimates that are inflated by \$81 million, estimates produced by a Ways and Means Committee which for the first time in many years was unable to produce a consensus forecast. Finally the capital budget relies on \$60 million in borrowing to pay for state bridge repairs and replacements that have always been funded on a "pay as you go" basis from highway funds in the operating budget. A New York City-style "borrow and spend" policy has no place in the responsible budgeting tradition of this state. The minority acknowledges that there are many good things funded in this budget, but the minority is steadfast in its view that, since this budget does not meet our statutory requirement that it be balanced, it should not be supported.

AMENDMENT TO BUDGET – HB 1-A

Majority Amendment (1195h)

This amendment was printed in its entirety in House Record No. 27, April 6, 2007 and is made part of this Journal by reference.

Reps. Wendelboe, Stepanek, Mark Clark and Hess spoke against.

Rep. Marjorie Smith spoke in favor and yielded to questions.

Rep. Wallner spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

YEAS 210 NAYS 148

YEAS 210

BELKNAP

Arsenault, Beth

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter

Burridge, Delmar
Chase, William
Lerandau, Alfred

Butcher, Suzanne
Dunn, J. Timothy
Loll, Thomas

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie

Parkhurst, Henry
Robertson, Timothy

Plifka, Stanley Jr
Sad, Tara

Richardson, Barbara
Weber, Lucy

Roberts, Kris
Weed, Charles

COOS

Hatch, William
Theberge, Robert

Mears, Edgar
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
Matheson, Robert
Pierce, David

Almy, Susan
Cooney, Mary
Harding, A Laurie
McLeod, Martha
Preston, Philip

Andersen, Gene
Estes, Carole
Laliberte, Suzanne
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Daler, Jennifer
Forest, Armand
Gorman, Mary
Hammond, Jill
Jean, Claudette
Knowles, John
Leishman, Peter
Long, Patrick
Matarazzo, Anthony Sr
O'Brien, Michael Sr
Rochette, Eric
Shaw, Barbara
Sullivan, Francis

Beaulieu, Jane
Chase, Claudia
Edwards, Andrew
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Jeudy, Jean
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
Mesa, Lily

O'Neil, James
Rosenwald, Cindy
Smith, David
Sysyn, Mary

Beck, Catriona
Clemons, Jane
Essex, David
Garrity, Patrick
Haley, Robert
Hebert, Roger
Kaelin, Michael
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
Messier, Irene

Pilotte, Maurice
Schulze, Joan
Spratt, Stephen
Velez, Hector

Brunelle, Michael
Cote, David
Fontas, Jeffrey
Goley, Jeffrey
Hall, Betty
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse
Movsesian, Lori

Reuschel, Michael
Shattuck, Gilman
Sullivan, Daniel

MERRIMACK

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kelly, Sally

Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kjellman, Eleanor
Glynn

Reardon, Tara
Tilton, Joy
Webb, Leigh

Bouchard, Candace
Davis, Frank
Foose, Robert
Hager, Elizabeth
McMahon, Patricia

Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Brown, Carole
DeJoie, John
French, Barbara
Hamm, Christine
Porter, Margaret

Ryan, Jim
Wallner, Mary
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Henson, John
Kepner, Susan
McKenna, Daniel
Pantelakos, Laura
Snow, Richard

Borden, David
Day, Judith
Howard, Doreen
Marsh, Michael
Moody, Marcia
Powers, James
Splaine, James

Brown, C. Pennington
Flockhart, Eileen
Kelley, Jane
McCarthy, Linda
Moore, Bennett
Preston, Mark

Cali-Pitts, Jacqueline
Grote, Otto
Kennedy, James
McGuirk, Thomas
Nord, Susi
Russell, Trinkia

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Julie
Brown, Larry	Burke, Rachel	Cyr, James	DeChane, Marlene
Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle	Grassie, Anne
Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah	Kaen, Naida
Knowles, William	Mickelonis, Shawn	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Sprague, Dale	Vachon, Dennis
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinizy, James	Skinder, Carla	

NAYS 148

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

King, Frederick	Remick, William	Tholl, John Jr
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GRAFTON

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Fletcher, Richard	Gargas, Carolyn
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Hunter, Bruce	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	McRae, Karen	Mooney, Maureen	Moran, Edward
O'Connell, Timothy	Ober, Lynne	Ober, Russell III	Peterson, Andy
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

MERRIMACK

Anderson, Eric	Hess, David	Humphries, Charlie	Kidder, David
Lockwood, Priscilla	MacKay, James	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
McKinney, Betsy	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reagan, John	Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Wickson, Rick	Winchell, George		

STRAFFORD

Watson, Robert

SULLIVAN

Ferland, Brenda Rodeschin, Beverly
and the majority committee amendment was adopted.
Rep. Major offered floor amendment (1218h).

Floor Amendment (1218h)

Amend the bill by replacing section 13 with the following:

13 Estimates of Unrestricted Revenue.

<u>GENERAL FUND</u>	<u>FY 2008</u>	<u>FY 2009</u>
Business Profits Tax	\$ 339,300,000	\$ 359,500,000
Business Enterprise Tax	<u>276,600,000</u>	<u>283,100,000</u>
Subtotal for the Business taxes	\$ 615,900,000	\$ 642,600,000
State Wide Property Tax	363,000,000	363,000,000
Meals and Rooms Tax	222,600,000	234,800,000
Tobacco Tax	215,800,000	209,500,000
Real Estate Transfer Tax	140,000,000	144,200,000
Liquor Sales & Distribution	135,000,000	143,100,000
Interest and Dividends	95,400,000	100,100,000
Insurance Tax	91,700,000	92,500,000
Communications Tax	74,700,000	77,500,000
Other	70,300,000	74,700,000
Tobacco Settlement	48,300,000	49,100,000
Securities Revenue	33,000,000	34,000,000
Court Fines and Fees	31,000,000	31,500,000
Utility Property Tax	22,900,000	23,600,000
Board and Care	16,000,000	16,400,000
Beer Tax	12,800,000	12,900,000
Utility Consumption Tax	6,400,000	6,600,000

Horse and Dog Racing	3,000,000	3,000,000
Estate and Legacy Tax	<u>100,000</u>	<u>100,000</u>
Subtotal	\$ 2,197,900,000	\$ 2,259,200,000
Medicaid Enhancement Tax	91,000,000	91,800,000
Medicaid Recoveries	<u>14,100,000</u>	<u>14,600,000</u>
Total	<u>\$ 2,303,000,000</u>	<u>\$ 2,365,600,000</u>
HIGHWAY FUND	FY 2008	FY 2009
Gasoline Road Toll	\$ 137,900,000	\$ 139,900,000
Motor Vehicle Fees	103,800,000	105,400,000
Miscellaneous	<u>13,600,000</u>	<u>13,700,000</u>
Total	<u>\$ 255,300,000</u>	<u>\$ 259,000,000</u>
FISH AND GAME FUND	FY 2008	FY 2009
Fish and Game Licenses	\$ 8,300,000	\$ 8,300,000
Fines and Penalties	145,000	145,000
Miscellaneous Sales	480,000	480,000
Indirect Costs	<u>875,000</u>	<u>875,000</u>
Total	<u>\$ 9,800,000</u>	<u>\$ 9,800,000</u>

Rep. Almy spoke against and yielded to questions.

Reps. Weyler, Vaillancourt and Whalley spoke in favor.

Rep. Hamm spoke against.

Rep. Major spoke in favor and yielded to questions.

Rep. Whalley requested a roll call; sufficiently seconded.

YEAS 152 NAYS 213

YEAS 152

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

King, Frederick	Remick, William	Tholl, John Jr
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GRAFTON

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela

Crane, Elenore Casey
Drisko, Richard
Graham, John
Hinkle, Peyton
Infantine, William
Lawrence, James
Mooney, Maureen
Ober, Russell III
Renzullo, Andrew
Stepanek, Stephen
Villeneuve, Maurice

Daniels, Gary
Emerton, Larry
Haefner, Robert
Hogan, Edith
Jasper, Shawn
Lessard, Rudy
Moran, Edward
Peterson, Andy
Rowe, Robert
Tahir, Saghir
Winters, Joel

Day, Russell
Fletcher, Richard
Hansen, Ryan
Holden, Randolph
Kurk, Neal
Manney, Pamela
O'Connell, Timothy
Price, Pamela
Soucy, Connie
Ulery, Jordan

Dokmo, Cynthia
Gargas, Carolyn
Hawkins, Ken
Hunter, Bruce
L'Heureux, Robert
McRae, Karen
Ober, Lynne
Reeves, Sandra
Spaulding, Jayne
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Lockwood, Priscilla

Hess, David
MacKay, James

Humphries, Charlie
Reed, Dennis

Kidder, David

ROCKINGHAM

Allen, Mary
Bettencourt, David
Case, Frank
DiFruscia, Anthony
Fesh, Bob
Garrity, James
Headd, James
Introne, Robert
Katsakiores, George
McKinney, Betsy
Pearson, Mark
Rausch, James
Waterhouse, Kevin
Weyler, Kenneth

Baldasaro, Alfred
Buxton, Donald
Charron, Gene
Dumaine, Dudley
Flanders, John Sr
Gould, Kenneth
Hopfgarten, Paul
Itse, Daniel
Katsakiores, Phyllis
Moore, Benjamin
Priestley, Anne
Reagan, John
Weare, Everett
Wickson, Rick

Bedrick, Jason
Camm, Kevin
Dalrymple, David
Elliott, Robert
Forsing, Robert
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Lund, Howie
Nowe, Ronald
Quandt, Marshall
Sanders, Elisabeth
Welch, David
Winchell, George

Belanger, Ronald
Carson, Sharon
Devine, James
Emiro, Frank
Garcia, Marilinda
Guthrie, Joseph
Ingram, Russell
Kappler, Lawrence
Major, Norman
Packard, Sherman
Quandt, Matthew
Stiles, Nancy
Wells, Roger

STRAFFORD

Brown, Julie

SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

NAYS 213

BELKNAP

Arsenault, Beth

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter

Burrige, Delmar
Chase, William
Lerandau, Alfred

Butcher, Suzanne
Dunn, J. Timothy
Loll, Thomas

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie

Parkhurst, Henry
Robertson, Timothy

Plifka, Stanley Jr
Sad, Tara

Richardson, Barbara
Weber, Lucy

Roberts, Kris
Weed, Charles

COOS

Hatch, William
Theberge, Robert

Mears, Edgar
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
Matheson, Robert
Pierce, David

Almy, Susan
Cooney, Mary
Harding, A Laurie
McLeod, Martha
Preston, Philip

Andersen, Gene
Estes, Carole
Laliberte, Suzanne
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Daler, Jennifer
Forest, Armand
Gorman, Mary
Hammond, Jill
Jean, Claudette
Knowles, John
Leishman, Peter
Long, Patrick
Matarazzo, Anthony Sr
O'Brien, Michael Sr
Rochette, Eric
Shaw, Barbara
Sullivan, Daniel

Beaulieu, Jane
Chase, Claudia
Edwards, Andrew
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Jeudy, Jean
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
Mesa, Lily

O'Neil, James
Rosenwald, Cindy
Simon, Anthony
Sullivan, Francis

Beck, Catriona
Clemons, Jane
Essex, David
Garrity, Patrick
Haley, Robert
Hebert, Roger
Kaelin, Michael
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
Messier, Irene

Pilotte, Maurice
Schulze, Joan
Smith, David
Sysyn, Mary

Brunelle, Michael
Cote, David
Fontas, Jeffrey
Goley, Jeffrey
Hall, Betty
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse
Movsesian, Lori

Reuschel, Michael
Shattuck, Gilman
Spratt, Stephen
Velez, Hector

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Hamm, Christine

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kelly, Sally

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kjellman, Eleanor
Glynn

Reardon, Tara
Tilton, Joy
Webb, Leigh

Bouchard, Candace
Davis, Frank
Foose, Robert
Hager, Elizabeth
McMahon, Patricia

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Richardson, Gary
Tupper, Frank
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Henson, John
Kepner, Susan
McKenna, Daniel
Pantelakos, Laura
Snow, Richard

Borden, David
Day, Judith
Howard, Doreen
Marsh, Michael
Moody, Marcia
Powers, James
Splaine, James

Brown, C. Pennington
Flockhart, Eileen
Kelley, Jane
McCarthy, Linda
Moore, Bennett
Preston, Mark

Cali-Pitts, Jacqueline
Grote, Otto
Kennedy, James
McGuirk, Thomas
Nord, Susi
Russell, Trinkia

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Larry
Burke, Rachel	Cyr, James	DeChane, Marlene	Domingo, Baldwin
Fargo, Thomas	Goodwin, Earle	Grassie, Anne	Hofemann, Roland
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Sprague, Dale	Vachon, Dennis	Wall, Janet
Warren, Nancy	Watson, Robert		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinizy, James	Skinder, Carla	

and floor amendment (1218h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Reps. Tobin, Kurk and Whalley spoke against.

Reps. Marjorie Smith and Wallner spoke in favor.

Rep. Lynne Ober requested a roll call; sufficiently seconded.

YEAS 208 NAYS 158

YEAS 208

BELKNAP

Arsenault, Beth	Reever, Judith
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CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia			

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

COOS

Hatch, William	Mears, Edgar	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Hammond, Lee	Harding, A Laurie	Laliberte, Suzanne	Lovett, Sid
Matheson, Robert	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Daler, Jennifer
Forest, Armand
Hackel, Paul
Harvey, Suzanne
Jeudy, Jean
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron

Mesa, Lily
O'Neil, James
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Francis

Beaulieu, Jane
Chase, Claudia
Edwards, Andrew
Foster, Linda
Haley, Robert
Hebert, Roger
Kaelin, Michael
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

Messier, Irene
Pilotte, Maurice
Schulze, Joan
Smith, David
Sysyn, Mary

Beck, Catriona
Clemons, Jane
Essex, David
Garrity, Patrick
Hall, Betty
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse

Movsesian, Lori
Reuschel, Michael
Shattuck, Gilman
Spratt, Stephen
Velez, Hector

Brunelle, Michael
Cote, David
Fontas, Jeffrey
Goley, Jeffrey
Hammond, Jill
Jean, Claudette
Knowles, John
Leishman, Peter
Long, Patrick
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Rochette, Eric
Shaw, Barbara
Sullivan, Daniel

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Hamm, Christine

Osborne, Jessie
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kelly, Sally

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kjellman, Eleanor
Glynn
Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Bouchard, Candace
Davis, Frank
Foosse, Robert
Hager, Elizabeth
McMahon, Patricia

Reardon, Tara
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Henson, John
Kepner, Susan
Moore, Bennett
Preston, Mark

Borden, David
Day, Judith
Howard, Doreen
Marsh, Michael
Nord, Susi
Russell, Trinkia

Brown, C. Pennington
Flockhart, Eileen
Kelley, Jane
McCarthy, Linda
Pantelakos, Laura
Snow, Richard

Cali-Pitts, Jacqueline
Grote, Otto
Kennedy, James
Moody, Marcia
Powers, James
Splaine, James

STRAFFORD

Berube, Roger
Burke, Rachel
Fargo, Thomas
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Warren, Nancy

Billian, Deborah
Cyr, James
Goodwin, Earle
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale

Brennan, William
DeChane, Marlene
Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Brown, Larry
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Phinzy, James

Donovan, Thomas
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

King, Frederick	Merrick, Evalyn	Merrick, Scott	Remick, William
Tholl, John Jr			

GRAFTON

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Fletcher, Richard	Gargas, Carolyn
Gorman, Mary	Graham, John	Haefner, Robert	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Holden, Randolph
Hunter, Bruce	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Manney, Pamela
McRae, Karen	Mooney, Maureen	Moran, Edward	O'Connell, Timothy
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Simon, Anthony
Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

MERRIMACK

Anderson, Eric	Hess, David	Humphries, Charlie	Kidder, David
Lockwood, Priscilla	MacKay, James	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Kappler, Lawrence

Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
McKenna, Daniel	McKinney, Betsy	Moore, Benjamin	Nowe, Ronald
Packard, Sherman	Pearson, Mark	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Wickson, Rick	Winchell, George

STRAFFORD

Brown, Julie Watson, Robert

SULLIVAN

Ferland, Brenda Rodeschin, Beverly
and the majority committee report was adopted.
Ordered to third reading.

The House recessed at 12:25 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 1:30 p.m.

REGULAR CALENDAR (CONT'D)

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for the Majority of Finance: *HB 2-FN-A*, sometimes referred to as the trailer bill, contains the changes to the laws of the State of New Hampshire needed to support the state budget and to ensure that the House passes a balanced budget to the Senate. An important component of *HB 2* is changes in existing legislation concerning revenues. There is significant evidence that tobacco use results in significant health care and related costs to the state. Both the Ways and Means and Finance Committees received weighty testimony that an increase of at least 40 cents was necessary in New Hampshire to begin to affect teen cigarette consumption. The Department of Revenue Administration's well-tested model shows that the sacrifice in packs lost to retailers relative to state revenues becomes significant at 45 cents. The majority therefore stopped at this number. That would bring the New Hampshire tax on tobacco to \$1.25. For comparison, the effective tax rate (including sales tax) in Vermont is \$2.12, with another 20 cent increase going into effect on July 1, 2008. In Maine the effective tax rate is \$2.23, although there is a bill now pending to increase the tax another \$1.00. In Massachusetts the rate is \$1.71, or 46 cents above the proposed New Hampshire rate. The increase in motor vehicle registration fees is a stop-gap measure to allow vital highway projects to continue while the highway fund finances are sorted out. The committee reduced a severe impact on large trucks and included motorcycles in the tax burden we all must share. The increase in motor vehicle fines, the first in 14 years which passed last term, was and is meant to finance the badly needed Nashua Legal Assistance Office. The sunset was put in the following year to allow the Criminal Justice Committee a chance to review the fines. The Real Estate Transfer Tax was originally instituted to fund the predecessor of LCHIP but was subsequently used by the legislature as a major general revenue source. A 4% increase would fund a dedicated LCHIP fund that should provide for its needs for a long time to come. The NH Housing Finance Authority has stated that this will not affect the ability of lower-income people to buy affordable housing. The Governor had originally suggested that each school district receive 5% more than they had received the current biennium. Subsequently he revisited this issue and asked that additional funds be directed to those districts that would have received an increase under the

existing law. While the legislature defines an adequate education, determines the cost of an education and addresses how to raise the necessary funds, the committee concluded that it was best to create as little disruption as possible in the school districts' budgets. Vote 15-10. Rep. Neal M. Kurk for the Minority of Finance: The minority cannot support the excessive tax and fee increases contained in the trailer bill. Two years ago, the legislature raised the cigarette tax from 52 cents to 80 cents, an increase of 28 cents, but one that still kept us competitive with other New England states. Now we are asked to raise it another 45 cents to \$1.25 per pack, effectively cutting our competitive advantage with Massachusetts in half, harming many small retailers and unfairly burdening one group of taxpayers. Motor vehicle registration fees are raised \$6 per vehicle for those weighing less than 8000 lbs. - that's a 25% increase for some vehicles - and nearly \$200 on average for large trucks. Highway fund revenues, already inadequate to maintain state roads and bridges, will be further reduced in future bienniums by about 5% to pay debt service on the "borrow and spend" highway bonds. The recent increases in motor vehicle fines, also passed two years ago are being ignored, and these higher fines will now continue for another two years. The real estate transfer tax, already among the highest in the nation, is inappropriately raised by 4% on the buyer and 4% on the seller in order to support LCHIP. Finally, this bill changes the education funding formula, arbitrarily reducing grants to most school districts to 94.6596522% of the anticipated level in order to provide an unanticipated 5% increase to a small group of school districts. This will increase local property taxes for those districts least able to afford them, a policy the minority finds unconscionable.

Majority Amendment (1194h)

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

1 Office of Information Technology; Increase Purchase Amount Requiring Approval of Chief Information Officer. Amend RSA 21-I:11, XI and XII to read as follows:

XI. Requiring, prior to an agency's submission of a request for proposal for state data processing equipment, software, or services exceeding [~~\$250~~] **\$500** in total cost, that the agency obtain approval of the proposal by the chief information officer to ensure that the procurement is consistent with the state information technology plan.

XII. Requiring agencies to submit the approval from the chief information officer in support of requests for purchases of information technology equipment or software in excess of [~~\$250~~] **\$500**.

2 Department of Safety; Motor Vehicle Registration Fees Increased. Amend RSA 261:141, III(g) and (h) to read as follows:

(g) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	[~~\$25.20~~] \$31.20 ([~~\$2.10~~] \$2.60 per month)
3001-5000 lbs.	[~~\$37.20~~] \$43.20 ([~~\$3.10~~] \$3.60 per month)
5001-8000 lbs.	[~~\$49.20~~] \$55.20 ([~~\$4.10~~] \$4.60 per month)
8001-73,280 lbs.	[~~\$.84~~] \$1.08 per hundred lbs. gross weight.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds—[~~\$.84~~] **\$1.08** per 100 pounds gross weight, over 73,280 pounds--\$1.44 shall be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds.

3 Department of Safety; Motor Vehicle Registration Fees Increased. Amend RSA 261:141, III(o) to read as follows:

(o) For each motorcycle—[~~\$12~~] **\$15**.

4 Sweepstakes Commission; Maximum Ticket Price Prior to July 1, 2009. Amend RSA 284:21-i, II(c)(1) to read as follows:

(1) The price for which tickets for drawings and sweepstakes races shall be sold; not to exceed [~~\$20~~] **\$30** per ticket.

5 Sweepstakes Commission; Maximum Ticket Price; July 1, 2009 Version. RSA 284:21-i, II(c)(1) is repealed and reenacted to read as follows:

(1) The price for which tickets for drawings shall be sold; not to exceed \$30 per ticket.

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

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$.80~~] **\$1.25** 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.

7 Tobacco Tax; Applicability. Section 6 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, 2007 shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

8 Tobacco Tax; Distribution of Funds. RSA 78:32 is repealed and reenacted to read as follows:

78:32 Application of Funds. The commissioner shall transmit all taxes, interest, additions to tax, and penalties imposed under this chapter to the state treasurer for deposit in the general fund.

9 New Section; Health and Human Services; Homeless Housing Access Fund Established. Amend RSA 126-A by inserting after section 62 the following new section:

126-A:63 Homeless Housing and Access Revolving Loan Fund. There is hereby established a non-lapsing and continually appropriated homeless housing and access revolving loan fund. The fund shall be administered by the department of health and human services with advice and recommendations from the governor’s interagency council on homelessness. Funds shall be used solely to provide loans for the first months’ rent and security deposit for homeless individuals and families transitioning from state-sponsored shelters to rental housing. Repayment terms of the loans shall be determined by the department in consultation with the interagency council and shall be based on need. Such payments shall not commence sooner than 120 days after the loan is granted.

10 New Subparagraph; Special Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the homeless housing and access revolving loan fund, established in RSA 126-A:63.

11 Long-Term Care Assistance Fund; ServiceLink New Hampshire. Notwithstanding RSA 167:94, III, the balance of funds in the long-term care assistance fund, established in RSA 167:94, on June 30, 2007 is hereby transferred and appropriated to the department of health and human services to support operation of the ServiceLink New Hampshire program in the fiscal year ending June 30, 2008.

12 Tobacco Use Prevention Funds Deposited in the General Fund. Notwithstanding RSA 126-K:15, RSA 198:39, or 2000, 212, in each year of the biennium ending June 30, 2009, all tobacco settlement funds received by the state of New Hampshire shall be deposited in the general fund.

13 Liquor Commission; Revenue. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2009, 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.

14 Name Change from Glencliff Home for the Elderly to Glencliff Home. Amend the following RSA provisions by replacing “Glencliff home for the elderly” with “Glencliff home”:

RSA 10:1; 94:1-a, I(b); 94:5, I(c); 94:8; 99:2-a; 99:11, I; 99:12; 99:13; 126-A:5, V and VI; 126-A:34, I(a); 135:21-b; 135-C:4, I; 135-C:6, I; 318:58, III(c); and 611:5-a.

15 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, 260:9 and 2005, 177:10, to read as follows:

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, ~~[2007]~~ **2008**.

16 County Payments of Funds for Persons Eligible to Receive Nursing Facility 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]~~ **2005** and June 30, ~~[2007]~~ **2008** exceed:

(a) State fiscal year ~~[2004]~~ **2006** – ~~[\$60,000,000]~~ **\$68,000,000**.

(b) State fiscal year ~~[2005]~~ **2007** – ~~[\$64,000,000]~~ **\$70,000,000**.

(c) State fiscal year ~~[2006]~~ **2008** – ~~[\$68,000,000]~~ **\$71,500,000**.

~~[(d) State fiscal year 2007 – \$70,000,000.]~~

17 Department of Health and Human Services; Limitation on Mental Health Services. For the biennium ending June 30, 2009, 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. 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.

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

I. For the biennium ending June 30, 2009, 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, 2009, 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 \$50,000, 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, 2009 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.

19 Medical Assistance; Memorandum of Understanding Between the Departments of Revenue Administration and Health and Human Services.

I. For the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and eligibility for Temporary Assistance to Needy Families (TANF), the commissioner of the department of health and human services (DHHS) and the commissioner of the department of revenue administration (DRA) shall renew the existing memorandum of understanding for the period of July 1, 2007 through June 30, 2009 under which:

(a) DHHS may supply DRA with financial information of applicants for and recipients of Titles XIX or XXI medical assistance, or TANF.

(b) DRA shall verify the accuracy of such financial information to the applicant or recipient and not to DHHS.

(c) DRA shall notify DHHS that the verification has been provided to the applicant or recipient.

(d) DHHS shall request the DRA verification be furnished to the DHHS by the applicant or recipient.

(e) DHHS shall comply with all applicable laws for timely case processing.

II. Nothing in the arrangement shall be construed to change the protections of confidentiality provided to individuals and information relating to them under applicable laws, and DRA and DHHS each shall at all times maintain the confidential nature of the records in its possession.

III. DHHS and DRA shall report annually to the fiscal committee of the general court on the benefits and costs of this program.

20 Department of Environmental Services; Fee for Department Review of Plan for Terrain Alteration. Amend RSA 485-A:17, II to read as follows:

II. The department shall charge a fee for each review of plans, including project inspections, required under this section. The fee shall be based on the extent of contiguous area to be disturbed. Except for RSA 483-B:9, the fee for plans encompassing an area of at least 100,000 square feet but less than 200,000 square feet shall be ~~[\$500]~~ **\$1,000**. For the purposes of RSA 483-B:9, the fee for plans encompassing an area of at least 50,000 square feet but less than 200,000 square feet shall be ~~[\$500]~~ **\$1,000**. An additional fee of ~~[\$200]~~ **\$400** shall be assessed for each additional area of up to 100,000 square feet to be disturbed. No permit shall be issued by the department until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the treasury as unrestricted funds.

21 Department of Environmental Services; Wetlands Fees Prior to July 1, 2010. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$100 for minimum impact projects under this chapter. The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be ~~[\$1]~~ **\$2** per square foot for permanent dock surface area; ~~[\$.50]~~ **\$1** per square foot for seasonal dock surface area; and ~~[\$.10]~~ **\$.20** per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be ~~[\$.10]~~ **\$.20** per square foot of proposed impact for all other projects under this chapter. For projects involving the repair, reconstruction, or

reconfiguration of an existing docking structure, the application fee shall be \$100. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

22 Department of Environmental Services; Wetlands Fees; Version Effective July 1, 2010. RSA 482-A:3, I is repealed and reenacted to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$100 for minimum impact projects under this chapter. The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$2 per square foot for permanent dock surface area; \$1 per square foot for seasonal dock surface area; and \$.20 per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be \$.20 per square foot of proposed impact for all other projects under this chapter. For projects involving the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$100. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

23 Department of Environmental Services; Revising the Laboratory Fee Schedule for Environmental Tests. RSA 131:3-a is repealed and reenacted to read as follows:

131:3-a Fee Required.

I. Notwithstanding the provisions of RSA 131:4, the commissioner of environmental services shall collect a fee for analyses made pursuant to RSA 131:3.

- (a) Fees for analyses offered as a service shall be set from the following schedule:
- | | |
|-----------------------------|-------|
| (1) Agricultural Pesticides | \$200 |
| (2) Alkalinity | \$15 |
| (3) Ammonia | \$30 |

(4) Asbestos	\$35
(5) Bacteria as cts/100mL (all types)	\$20
(6) Bacteria as MPN (all types)	\$30
(7) Bacteria as P/A (all types)	\$15
(8) Biosuitability	\$145
(9) Biochemical Oxygen Demand	\$35
(10) Carbamates	\$120
(11) Chloride	\$12
(12) Chlorine Residual	\$16
(13) Chlorophenoxy Herbicides	\$130
(14) Cyanide	\$35
(15) Diquat	\$125
(16) Ethylene dibromide/Dibromochloropropane	\$75
(17) Fluoride	\$12
(18) Glycols	\$150
(19) Glyphosate	\$100
(20) Gross Alpha	\$60
(21) Haloacetic Acids	\$100
(22) Heterotropic Plate Count	\$25
(23) Iron Bacteria	\$25
(24) Metals (each)	\$15
(25) Metals Preparation Charge	\$20
(26) Methyl-tert-butyl ether	\$75
(27) Nitrate	\$12
(28) Nitrite	\$12
(29) Oil & Grease (HEM)	\$60
(30) pH	\$9
(31) PolyaromaticHydrocarbons	\$150
(32) Phosphorus (all forms)	\$20
(33) Radium 226	\$150
(34) Radon	\$25
(35) Semivolatile Compounds	\$225
(36) Solids (all forms)	\$30
(37) Special Study (per hour)	\$50
(38) Specific Conductance	\$10
(39) Sulfate	\$20
(40) Sulfide	\$20
(41) Thermometer Calibration	\$15
(42) Total Organic Carbon	\$40
(43) Total Kjeldahl Nitrogen	\$25
(44) Total Petroleum Hydrocarbons (DRO)	\$125
(45) Total Petroleum Hydrocarbons (GRO)	\$125
(46) Total Trihalomethanes	\$75
(47) Toxaphene	\$75
(48) Turbidity	\$12
(49) Uranium (activity)	\$150
(50) UV-254	\$30
(51) Volatile Organic Compounds	\$120

(b) Fees for analyses of the following special parameter groupings required by the federal Safe Drinking Water Act shall be:

(1) Drinking Water Bacteria	\$15
(2) Haloacetic Acids	\$100
(3) Inorganic Chemicals	\$335

(4) Inorganic Chemicals (new system)	\$395
(5) Lead/Copper	\$30
(6) Nitrate/Nitrite	\$12
(7) Radiological Chemicals	\$75
(8) Synthetic Organic Chemicals	\$650
(9) Total Trihalomethanes	\$75
(10) Volatile Organic Compounds	\$120
(11) Water Quality Parameters	\$40

(c) Fees for analyses of the following parameters in support of the department's private homeowner initiative shall be:

(1) Bacteria/Nitrate/Chloride	\$30
(2) Drinking Water Bacteria	\$15
(3) Fluoride	\$12
(4) Methyl-tert-butyl ether	\$60
(5) Radon	\$20
(6) Standard Analysis	\$85
(7) Homeowner Radiologicals	\$80
(8) Volatile Organic Compounds	\$120

II. All such fees collected by the commissioner of environmental services from federal or state grants or from other state agencies shall be credited against the operating costs of the laboratory. Fees collected from public or private clients shall be deposited with the state treasurer as unrestricted revenue, with the exception that 50 percent of every analysis fee shall be deposited with the state treasurer and reserved in a special nonlapsing fund to be used by the commissioner of environmental services for the purchase of replacement or new laboratory equipment designed to improve service. The commissioner may, with prior approval of the governor and council, use funds in the nonlapsing account for unanticipated personnel or supply expenditures made necessary by unexpected changes in or additions to federal or state required laboratory analyses, or unusual volume of samples.

24 School Money; Determination of Grants. Notwithstanding the provisions of RSA 198:40-a, 198:40-b, 198:40-c and 198:41, for the fiscal year beginning July 1, 2007, each municipality shall receive total education grants in an amount that equals the greater of either: a 5 percent increase in the education grant amount received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2006, or 94.6596522 percent of the education grant amount to be received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2007. For the fiscal year beginning July 1, 2008, each municipality shall receive the same grant amount as determined for the fiscal year beginning July 1, 2007.

25 Highway and Bridge Betterment Program; Funding. Amend RSA 235:23-a, II to read as follows:

II. The program shall be funded from [~~\$.03~~] **\$.02** per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The amount deposited into the highway and bridge betterment account is hereby continually appropriated and shall be nonlapsing. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph.

26 Highway and Bridge Betterment Program; Funding Effective July 1, 2009. Amend RSA 235:23-a, II to read as follows:

II. The program shall be funded from [~~\$.02~~] **\$.03** per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The amount deposited into the highway and bridge betterment account is hereby continually appropriated and shall be

nonlapsing. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph.

27 New Paragraph; Retirement System; Coordination with Administrative Services.

Amend RSA 100-A:14 by inserting after paragraph XIV the following new paragraph:

XV. The board of trustees shall, consistent with RSA 21-I:13, V, provide the commissioner of the department of administrative services with information necessary for the commissioner to carry out the responsibilities set forth in RSA 21-I:27, including such information as the name and social security number of each covered retiree, spouse, and dependent; the retiree agency-identifying information in a format compatible with the billing needs of the department; and such other information that the commissioner of the department of administrative services shall request in order to carry out the retiree health benefits program administration.

28 Statement of Purpose. The general court finds that an actuarial valuation of the liabilities incurred for state retiree health care costs is necessary to accurately fund the cost of state retiree health benefits in the state. The general court also finds that the creation of a commission to establish assumptions used in the valuation of state retiree health care costs will promote the accurate calculation, disclosure, and funding of health benefits for state retirees.

29 New Chapter; State Retiree Health Plan Commission. Amend RSA by inserting after chapter 100-C the following new chapter:

CHAPTER 100-D

STATE RETIREE HEALTH PLAN COMMISSION

100-D:1 State Retiree Health Plan Commission.

I. There is hereby established a state retiree health plan commission consisting of the following members:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) One member appointed by the governor.

(d) The state treasurer.

(e) The commissioner of the department of administrative services.

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

III. The commission shall:

(a) Determine the actuarial assumptions to be used in the actuarial valuation of liabilities relative to state retiree health benefits.

(b) Ensure that an actuarial valuation report is completed by a qualified, independent actuary and submitted to the speaker of the house of representatives, the president of the senate, and the governor, on or before December 1 of every even-numbered year.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the member appointed by the speaker of the house of representatives. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum. The terms of the members of the commission shall be coterminous with their terms of office.

100-D:2 State Retiree Health Fund Established. There is hereby established the state retiree health fund which shall be administered by the department of administrative services. All funds accumulated from any source for state retiree health benefits shall be accounted for in this fund. The fund shall be used to pay for state retiree health care expenses and any administrative costs related thereto pursuant to RSA 21-I:30, and for expenses related to the production of the biennial actuarial valuation report, and shall not be used for any other purpose. The fund shall be nonlapsing and continually appropriated to

the department of administrative services. At the end of each fiscal year, the state treasurer shall credit the fund with interest and any other income earned.

30 New Subparagraph; Application of Receipts; State Retiree Health Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

(253) All funds accounted for in the state retiree health fund established pursuant to RSA 100-D:2.

31 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.

32 New Paragraph; Tobacco Tax; Stamps; Rules Relative to Bonding Requirements for Wholesalers. Amend RSA 78:9 by inserting after paragraph II the following new paragraph:

III. The commissioner shall adopt rules pursuant to RSA 541-A authorizing the department to adjust bonding requirements for wholesalers with an established history of payment of taxes under this section.

33 Tax on the Transfer of Real Property. Amend RSA 78-B:1, I(b) to read as follows:

(b) The rate of the tax is [~~\$.75~~] **\$.78** per \$100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

34 Distribution of Funds. Amend RSA 78-B:13 to read as follows:

78-B:13 Distribution of Funds.

I.**(a)** The commissioner shall determine the additional amounts of revenue produced by an increase of \$.25 per \$100 in the rate of tax imposed by RSA 78-B:1 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

(b) The commissioner shall determine the additional amounts of revenue produced by an increase of \$.03 per \$100 in the rate of tax imposed by RSA 78-B:1 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the trust fund for the New Hampshire land and community heritage investment program established under RSA 227-M:7.

II.**(a)** The commissioner shall make quarterly estimates of the amount of additional revenues that will be produced by the increase in tax rate ***under subparagraph I(a)*** for the next fiscal year and shall certify such amounts 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.

(b) The commissioner shall make quarterly estimates of the amount of additional revenues that will be produced by the increase in the tax rate under subparagraph I(b) for the next fiscal year and shall certify such amounts to the state treasurer for deposit in the trust fund for the New Hampshire land and community heritage investment program established under RSA 227-M:7. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

35 Commission Relative to Court Security Issues Established.

I. There is established a commission to study court security issues.

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

(a) A representative of the courts, appointed by the chief justice of the supreme court.

(b) A representative of the New Hampshire Sheriff's Association, appointed by the association.

(c) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and

public safety committee, one of whom shall be a member of the judiciary committee, and one of whom shall be a member of the finance committee.

(d) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the judiciary committee and one of whom shall be a member of the finance committee.

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

IV. The commission shall study issues relative to court security, including assessing the adequacy of the current security system, identifying potential improvements to current court security measures, and estimating the cost of such improvements. The commission shall develop an implementation plan relative to its recommendations.

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

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

36 Medicaid Enhancement Tax; Imposition of Tax. Amend RSA 84-A:2 to read as follows:

84-A:2 Imposition of Tax. A tax is imposed at a rate of [6] **5.5** percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.

37 Nursing Facility Quality Assessment; Imposition of Fee. Amend RSA 84-C:2 to read as follows:

84-C:2 Imposition of Fee. An assessment of [6] **5.5** percent of net patient services revenues is hereby imposed on all nursing facilities on the basis of patient days in each nursing facility. The fee shall be implemented in accordance with the provisions of 42 C.F.R. part 433.

38 New Paragraph; Department of Health and Human Services; RFPs. Amend RSA 126-A:5 by inserting after paragraph XV the following new paragraph:

XVI. Notwithstanding any other provision of law, administrative rule, or administrative process to the contrary, the commissioner of health and human services may advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media. The department shall regularly publish a notice in traditional print media referring prospective service providers and persons seeking state employment to the state's website for detailed information about opportunities.

39 Department of Health and Human Services; Authority to Fill Unfunded Positions. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services may fill any unfunded positions during the biennium ending June 30, 2009, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services, permanent, and personal services, unclassified.

40 New Paragraph; Family Mutual Support Services; Requests for Proposals. Amend RSA 126-P:2 by inserting after paragraph IV the following new paragraph:

V. The New Hampshire developmental disabilities council shall assist the department in developing any requests for proposal for family mutual support services before they are released for competitive bidding.

41 Nursing Facility Rates; Report by Department of Health and Human Services. For the biennium ending June 30, 2009, the department of health and human services shall provide a report to the fiscal committee of the general court detailing assumptions used by the department to calculate acuity-based rates paid to nursing facilities. Said report shall be filed with the committee prior to the effective date of any rate change, and shall include, but

not be limited to, the average monthly nursing facility bed days used to calculate rates, the projected surplus or deficit in current operating budget appropriations for nursing services, and the budget neutrality factor that will be applied to the rates, if any. The budget neutrality factor shall be defined as the adjustment to rates made by the department to accommodate the difference between the allowable medicaid costs, derived from the nursing facility Medicaid acuity rate setting system, which nursing facilities incur in providing care to Medicaid residents, and the amount which the state has budgeted in order to fund that care. The budget neutrality factor shall not consider amounts appropriated in the operating budget for the Medicaid quality incentive program (MQIP) or the proportionate share program (Proshare).

42 New Paragraph; Recovery of Assistance. Amend RSA 167:13 by inserting after paragraph III the following new paragraph:

IV. There is established in the state treasury an estate administration fund for use as a depository account by the department of health and human services for the purpose of estate administration conducted pursuant to RSA 553:2, III. The fund shall be used to receive and temporarily hold estate funds subject to supervision of the probate court until funds are disbursed, in accordance with RSA 554:19, to creditors, including the state, for public assistance provided under this chapter.

43 New Subparagraph; Treasury; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the estate administration fund established under RSA 167:13, IV.

44 Legal Services Study Commission Established.

I. There is established a commission to study the consolidation and centralization at the department of justice of legal services by the department of health and human services and other departments.

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

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

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

(c) Two members appointed by the governor.

(d) The attorney general, or designee.

(e) The commissioner of the department of health and human services, or designee.

(f) One member of the New Hampshire Bar Association who has both government service experience and experience in the private sector management of a large law firm, appointed by the attorney general.

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

IV. The commission shall study the employment of attorneys by the department of health and human services and other state agencies to determine whether transfer of those employees and responsibility for those legal service functions to the attorney general's office would improve the efficiency and effectiveness of legal services by the state. The study shall address whether centralization and consolidation of legal services within the state would allow the state to:

(a) More effectively and efficiently hire and retain highly qualified legal professionals.

(b) Standardize management, supervision, and accountability of attorneys and legal support staff working for the state.

(c) Establish a consistent and uniform training program for all attorneys and legal staff employed by the state.

(d) Provide more timely and consistent legal advice to state departments and officials.

(e) Eliminate duplication of legal services currently being performed by attorneys working at different departments.

(f) Establish uniform standards for attorneys appearing on behalf of the state before courts or administrative proceedings.

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

VI. Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

45 Fish and Game Fund; Game Management Account; Effective Date. Notwithstanding any provision of law to the contrary, if HB 623-FN of the 2007 legislative session becomes law, it shall take effect on July 1, 2007.

46 Fish and Game Fund. RSA 215-A:23, VIII(f) is repealed and reenacted to read as follows:

(f) Any other purposes of the fish and game department funded by the fish and game fund.

47 Moose; Permit Fees; Nonresident Minimum Fee. Amend RSA 208:1-a, II to read as follows:

II. The executive director, with the consent of the commission, shall also adopt rules under RSA 541-A to regulate the issuance of licenses or permits, including the establishment of a lottery for awarding of permits to applicants, and to set fees for applications, licenses, or permits for both resident and nonresident applicants, ***provided the fee for nonresident permits shall be at least \$450.***

48 Wild Turkey; Nonresident Fee. Amend RSA 214:9, XI to read as follows:

XI. If the applicant ***is a resident and*** wishes to hunt wild turkeys, [~~\$5~~] ***\$15, and if the applicant is a nonresident and wishes to hunt wild turkeys, \$30,*** and the fish and game department shall thereupon issue a wild turkey license or permit which shall entitle the licensee to hunt, shoot, kill and take turkey, except by the use of traps.

49 Motor Vehicle Fines; Review. The house criminal justice and public safety committee shall review fines for motor vehicle violations, as they have been amended by 2005, 177 and 2006, 259. The committee shall consider the appropriateness of the fine amounts and the advisability of reducing the fine amounts upon passage of the state operating budget. The committee shall report its findings to the speaker of the house of representatives and to the chairman of the house ways and means committee by November 1, 2007.

50 Motor Vehicle Fine Reductions; Effective Date. Amend 2006, 259:33-34 to read as follows:

259:33 Contingency. If HB 298 of the 2006 legislative session becomes law, sections 20, 21, and 22 of this act shall not take effect and sections 30, 31, and 32 of this act shall take effect one day after the passage of the state operating budget for the biennium ending June 30, [~~2009~~] ***2011.*** If HB 298 does not become law, sections 30, 31, and 32 of this act shall not take effect and sections 20, 21, and 22 of this act shall take effect one day after the passage of the state [~~operation~~] ***operating*** budget for the biennium ending June 30, 2009.

259:34 Effective Date.

I. Sections 20, 21, 22, 30, 31, and 32 of this act shall take effect as provided in section 33 of this act.

II. Section 33 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect one day after the passage of the state operating budget for the biennium ending June 30, [~~2009~~] ***2011.***

51 Regional Community-Technical College System; Authority to Accept Funds and Exemption from Hiring Freeze; Prospective Repeal Extended to July 1, 2009. Amend 2005; 227:6, I to read as follows:

I. Section 4 of this act shall take effect July 1, ~~2007~~ **2009**.

52 Regional Community-Technical Colleges; Contracts with the Community-Technical College Foundation; Prospective Repeal Extended. Amend 2004, 9:5, I to read as follows:

I. Section 3 of this act shall take effect July 1, ~~2007~~ **2009**.

53 Lease Agreements. Notwithstanding RSA 6:35, for the biennium ending June 30, 2009, the fish and game department, 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.

54 New Section; Compensation for Retired Full-Time Justices for Service after Retirement. Amend RSA 493-A by inserting after section 1-a the following new section:

493-A:1-b Compensation. Any retired full-time justice of the supreme, superior, district, or probate court who serves after retirement as a senior active status justice or a judicial referee shall be allowed his or her expenses and a per diem compensation determined by the supreme court upon recommendation by the judicial branch administrative council and based on the daily equivalent of the annual salary the retired justice would then be earning pursuant to RSA 491-A:1; provided however, that in any calendar year the total of the service retirement benefits that the retired justice receives pursuant to RSA 100-C:5 plus the compensation provided by this section shall not exceed the annual salary the retired justice would then be earning pursuant to RSA 491-A:1.

55 Appropriation. There is hereby appropriated to the judicial branch the sum of \$200,000 for the fiscal year ending June 30, 2008, and the sum of \$200,000 for the fiscal year ending June 30, 2009, for the purpose of compensating retired, full-time justices for service after retirement. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

56 Effective Date.

I. Section 5 of this act shall take effect on July 1, 2009 at 12:01 a.m.

II. Section 22 of this act shall take effect on July 1, 2010 at 12:01 a.m.

III. Section 26 of this act shall take effect on July 1, 2009.

IV. Sections 35, 49, and 50 of this act shall take effect upon its passage.

V. Sections 36, 37, 47, and 48 of this act shall take effect January 1, 2008.

VI. Section 51 of this act shall take effect June 30, 2007.

VII. Section 40 shall take effect 60 days after its passage.

VIII. The remainder of this act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill:

I. Increases the minimum purchase price for agency hardware and software that requires approval by the office of information technology.

II. Increases certain motor vehicle registration fees.

III. Increases the limit for sweepstakes ticket prices from \$20 to \$30.

IV. This bill increases the tobacco tax by 45 cents and provides that all tobacco tax revenues be deposited in the general fund.

V. Establishes the homeless housing and access revolving loan fund.

VI. Transfers the balance of the long-term care assistance fund on June 30, 2007 to the department of health and human services to support ServiceLink New Hampshire.

VII. Provides that, for the biennium ending June 30, 2009, all tobacco settlement funds shall be deposited in the general fund.

VIII. Provides that, for the biennium ending June 30, 2009, all revenue from the sale of liquor and from liquor licensing fees shall be deposited in the general fund.

IX. Changes the name of the Glencliff home for the elderly to the Glencliff home.

X. Extends the current funding formula relative to county nursing homes and proportionate share payments to July 1, 2008.

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. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2009.

XIII. Provides that, for the biennium ending June 30, 2009, 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.

XIV. 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.

XV. Directs the department of revenue administration and the department of health and human services to renew the existing memorandum of understanding between the agencies relative to eligibility for public assistance.

XVI. Increases certain department of environmental service fees for the review of terrain alteration plans and wetlands or shoreline structure impact fees.

XVII. Revises the laboratory fee schedule for environmental tests.

XVIII. Establishes that each municipality shall receive total education grants in an amount that equals the greater of either: a 5 percent increase in the education grant amount received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2006, or 94.6596522 percent of the education grant amount to be received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2007.

XIX. Decreases the percentage of the road toll used to fund the highway and bridge betterment program until July 1, 2009.

XX. Directs the New Hampshire retirement system to provide the department of administrative services with certain information relative to retirees for the retiree health benefits program.

XXI. Establishes the state retiree health plan commission and the state retiree health plan fund to ensure the accurate calculation, disclosure, and funding of the cost of state retiree health benefits.

XXII. Permits the office of information technology to transfer funds within the office with the approval of the fiscal committee.

XXIII. Directs the commissioner of revenue administration to adopt rules under RSA 541-A relative to bonding requirements for wholesalers of tobacco products.

XXIV. Increases the rate of tax on the transfer of real property.

XXV. Requires the commissioner of the department of revenue administration to certify the additional revenue to the treasurer for deposit in the trust fund for the New Hampshire land and community heritage investment program.

XXVI. Establishes a commission relative to court security issues.

XXVII. Reduces the Medicaid enhancement tax and the nursing facility quality assessment fee from 6 percent to 5.5 percent.

XXVIII. Permits the department of health and human services to use the Internet, rather than newspapers, for its requests for proposals and recruitment of personnel for the biennium ending June 30, 2009.

XXIX. Authorizes the commissioner of the department of health and human services to fill any unfunded position for the biennium ending June 30, 2009 within the limits of the appropriations for personal services, permanent, and personal services, unclassified.

XXX. Requires the developmental disabilities council to assist the department of health and human services in developing any requests for proposal for family mutual support services.

XXXI. Directs the department of health and human services to file a report relative to the calculation of acuity-based rates for nursing facilities with the fiscal committee prior to implementing a rate change.

XXXII. Establishes an estate administration fund for the department of health and human services to hold estate funds before disbursement by the probate court.

XXXIII. Establishes a commission to study the consolidation and centralization at the department of justice of legal services by the department of health and human services and other departments.

XXXIV. Establishes a July 1, 2007 effective date for HB 623-FN, relative to the fish and game fund, game management account.

XXXV. Provides that funds appropriated to the fish and game department may be used for any purpose of the fish and game department funded by the fish and game fund.

XXXVI. Sets a required minimum moose permit fee for nonresidents and increases the nonresident wild turkey license or permit fee issued by the fish and game department.

XXXVII. Requires the house criminal justice and public safety committee to review motor vehicle fines and extends the effective date for certain motor vehicle fine reductions.

XXXVIII. Extends the department of regional community-technical colleges' authority to accept certain funds without the approval of the governor and council and their exemption from a hiring freeze or delay until July 1, 2009.

XXXIX. Extends the prospective repeal of the regional community technical college system's contracting authority with the community-technical college foundation.

XL. For the biennium ending June 30, 2009, allows the fish and game department, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

XLI. Allows certain limited compensation for retired full-time justices for service after retirement, and makes an appropriation therefor.

Majority committee amendment adopted.

Rep. Camm offered floor amendment (1227h).

Floor Amendment (1227h)

Amend the bill by deleting sections 2 and 3 and renumbering the original sections 4-56 to read as 2-54, respectively.

Amend the bill by replacing section 5 with the following:

5 Tobacco Tax; Applicability. Section 4 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, 2007 shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

Amend the bill by replacing section 54 with the following:

54 Effective Date.

I. Section 3 of this act shall take effect on July 1, 2009 at 12:01 a.m.

II. Section 20 of this act shall take effect on July 1, 2010 at 12:01 a.m.

III. Section 24 of this act shall take effect on July 1, 2009.

IV. Sections 33, 47, and 48 of this act shall take effect upon its passage.

V. Sections 34, 35, 45, and 46 of this act shall take effect January 1, 2008.

VI. Section 49 of this act shall take effect June 30, 2007.

VII. Section 38 of this act shall take effect 60 days after its passage.

VIII. The remainder of this act shall take effect July 1, 2007.

Rep. Marsh spoke against.

Reps. Camm, Packard and Chandler spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

YEAS 149 NAYS 202

YEAS 149

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

King, Frederick	Remick, William	Tholl, John Jr
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GRAFTON

Andersen, Gene	Bulis, Lyle	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Daniels, Gary	Day, Russell	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Fletcher, Richard	Gargas, Carolyn
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Hunter, Bruce	Infantine, William
Jasper, Shawn	Kurk, Neal	Lawrence, James	Lessard, Rudy
Manney, Pamela	Martineau, Jesse	McRae, Karen	Messier, Irene
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Shaw, Barbara	Soucy, Connie
Spaulding, Jayne	Stepanek, Stephen	Sullivan, Daniel	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

MERRIMACK

Anderson, Eric	Hess, David	Humphries, Charlie	Kidder, David
Lockwood, Priscilla	MacKay, James	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garcia, Marilinda	Garrity, James
Gleason, John	Griffin, Mary	Guthrie, Joseph	Headd, James
Hopfgarten, Paul	Ingram, Russell	Introne, Robert	Itse, Daniel

Kappler, Lawrence
McMahon, Charles
Quandt, Marshall
Sanders, Elisabeth
Welch, David
Winchell, George

Katsakiores, George
Nowe, Ronald
Quandt, Matthew
Stiles, Nancy
Wells, Roger

Katsakiores, Phyllis
Packard, Sherman
Rausch, James
Waterhouse, Kevin
Weyler, Kenneth

Lund, Howie
Priestley, Anne
Reagan, John
Weare, Everett
Wickson, Rick

STRAFFORD

Brown, Julie

Hofemann, Roland

Sprague, Dale

SULLIVAN

Rodeschin, Beverly

NAYS 202

BELKNAP

Arsenault, Beth

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Parkhurst, Henry
Robertson, Timothy

Burrige, Delmar
Chase, William
Lerandeau, Alfred
Plifka, Stanley Jr
Sad, Tara

Butcher, Suzanne
Dunn, J. Timothy
Loll, Thomas
Richardson, Barbara
Weber, Lucy

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Theberge, Robert

Mears, Edgar
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Harding, A Laurie
McLeod, Martha
Preston, Philip

Almy, Susan
Estes, Carole
Laliberte, Suzanne
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Nordgren, Sharon

Bleyler, Ruth
Hammond, Lee
Matheson, Robert
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Daler, Jennifer
Forest, Armand
Gorman, Mary
Hammond, Jill
Jean, Claudette
Knowles, John
Leishman, Peter
Long, Patrick

Beaulieu, Jane
Chase, Claudia
Edwards, Andrew
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Judy, Jean
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron

Beck, Catriona
Clemons, Jane
Essex, David
Garritty, Patrick
Haley, Robert
Hebert, Roger
Kaelin, Michael
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

Brunelle, Michael
Cote, David
Fontas, Jeffrey
Goley, Jeffrey
Hall, Betty
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Lisle, Carolyn
Matarazzo, Anthony

Mesa, Lily
Pilotte, Maurice
Schulze, Joan
Smith, David
Velez, Hector

Movsesian, Lori
Reuschel, Michael
Shattuck, Gilman
Spratt, Stephen

O'Brien, Michael Sr
Rochette, Eric
Shaw, Kimberly
Sullivan, Francis

Sr
O'Neil, James
Rosenwald, Cindy
Simon, Anthony
Sysyn, Mary

MERRIMACK

Baxley, Maureen

Beauchesne,
Suzanne

Blanchard, Elizabeth

Brown, Carole

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent

Clarke, Claire
Ehlers, Eileen
Hamm, Christine

Davis, Frank
Foose, Robert
Kelly, Sally

DeJoie, John
French, Barbara
Kjellman, Eleanor
Glynn

McMahon, Patricia
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Osborne, Jessie
Ryan, Jim
Wallner, Mary
Williams, Robert

Porter, Margaret
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Potter, Frances
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Borden, David
Day, Judith
Henson, John
Kepner, Susan
McKenna, Daniel
Pantelakos, Laura
Splaine, James

Brown, C. Pennington
Flockhart, Eileen
Johnson, Robert
Major, Norman
Moody, Marcia
Powers, James

Cali-Pitts, Jacqueline
Gould, Kenneth
Kelley, Jane
Marsh, Michael
Moore, Bennett
Russell, Trink

Casey, Kimberley
Grote, Otto
Kennedy, James
McCarthy, Linda
Nord, Susi
Snow, Richard

STRAFFORD

Berube, Roger
Browne, Brendon
Domingo, Baldwin
Hutz, Sarah
Miller, Joseph
Rous, Emma
Vachon, Dennis

Billian, Deborah
Burke, Rachel
Fargo, Thomas
Kaen, Naida
Perry, Robert
Schmidt, Peter
Wall, Janet

Brennan, William
Cyr, James
Goodwin, Earle
Knowles, William
Rollo, Deanna
Smith, Marjorie
Watson, Robert

Brown, Larry
DeChane, Marlene
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Phinizy, James

Donovan, Thomas
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

and floor amendment (1227h) failed.

Rep. Major voted Nay and intended to vote Yea.

Rep. Vaillancourt offered floor amendment (1214h).

Floor Amendment (1214h)

Amend the bill by replacing section 6 with the following:

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

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$-.80~~]
\$1.08 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.

Reps. Almy and Daniel Eaton spoke against.

Rep. Vaillancourt spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 93 NAYS 268

YEAS 93

BELKNAP

Flanders, Donald	Heald, Bruce	Pilliod, James	Tobin, William
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CARROLL

Brown, Carolyn	Denley, William	Knox, J. David	Merrow, Harry
Stevens, Stanley			

CHESHIRE

Emerson, Susan	Johnson, Jane	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr			

COOS

Remick, William

GRAFTON

Bulis, Lyle	Ingbertson, Paul	Sorg, Gregory	Williams, Burton
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HILLSBOROUGH

Bergeron, Jean-Guy	Bergin, Peter	Christiansen, Lars	Crane, Elenore Casey
Day, Russell	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Fletcher, Richard	Fontas, Jeffrey	Gargas, Carolyn	Graham, John
Haefner, Robert	Hall, Betty	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Holden, Randolph	Lawrence, James
Levasseur, Nickolas	Martineau, Jesse	McRae, Karen	Messier, Irene
Moran, Edward	Ober, Russell III	Peterson, Andy	Renzullo, Andrew
Rochette, Eric	Shaw, Barbara	Simon, Anthony	Soucy, Connie
Spaulding, Jayne	Sullivan, Francis	Ulery, Jordan	Vaillancourt, Steve
Winters, Joel			

MERRIMACK

Anderson, Eric	Humphries, Charlie	Kidder, David	Lockwood, Priscilla
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ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Buxton, Donald
Cali-Pitts, Jacqueline	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert
Fesh, Bob	Headd, James	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Robert	Kappler, Lawrence	Lund, Howie
McKinney, Betsy	Nowe, Ronald	Preston, Mark	Reagan, John
Sanders, Elisabeth	Stiles, Nancy	Weare, Everett	

STRAFFORD

Berube, Roger
Sprague, Dale

Brennan, William
Watson, Robert

Brown, Julie

Hofemann, Roland

SULLIVAN

None

NAYS 268

BELKNAP

Allen, Janet
Millham, Alida
Thomas, John

Arsenault, Beth
Nedeau, Stephen
Tilton, Franklin

Boyce, Laurie
Reever, Judith
Wendelboe, Fran

Clark, Charles
Russell, David
Whalley, Michael

CARROLL

Ahlgren, Christopher
Chandler, Gene
Patten, Betsey

Bridgham, Robert
Cunningham, Howard

Buco, Thomas
Heard, Virginia

Butler, Edward
Martin, James

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Mitchell, Bonnie
Sad, Tara

Burridge, Delmar
Chase, William
Hunt, John
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Dunn, J. Timothy
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Loll, Thomas
Robertson, Timothy

COOS

Hatch, William
Merrick, Scott

King, Frederick
Theberge, Robert

Mears, Edgar
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

GRAFTON

Aguir, James
Bleyler, Ruth
Friedrich, Carol
Laliberte, Suzanne
Mulholland, Catherine
Solomon, Peter

Almy, Susan
Cooney, Mary
Gionet, Edmond
Lovett, Sid
Nordgren, Sharon

Andersen, Gene
Eaton, Stephanie
Hammond, Lee
Matheson, Robert
Pierce, David

Benn, Bernard
Estes, Carole
Harding, A Laurie
McLeod, Martha
Preston, Philip

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Christensen, Chris
Coughlin, Pamela
Emerton, Larry
Garrity, Patrick
Haley, Robert
Hunter, Bruce
Jean, Claudette
Knowles, John
Lasky, Bette

Barry, Richard
Brunelle, Michael
Clark, Mark
Daler, Jennifer
Essex, David
Goley, Jeffrey
Hammond, Jill
Infantine, William
Jeudy, Jean
Knowles, Mary Ann
Leishman, Peter

Batula, Peter
Campbell, David
Clemons, Jane
Daniels, Gary
Forest, Armand
Gorman, Mary
Harvey, Suzanne
Irwin, Anne-Marie
Kaelin, Michael
Kopka, Angeline
Lessard, Rudy

Beaulieu, Jane
Chase, Claudia
Cote, David
Edwards, Andrew
Foster, Linda
Hackel, Paul
Hebert, Roger
Jasper, Shawn
Kelley, John
Kurk, Neal
Levesque, Melanie

Lisle, Carolyn
Marshall, Seth

Movsesian, Lori
Ober, Lynne
Reuschel, Michael
Shattuck, Gilman
Stepanek, Stephen
Velez, Hector

Long, Patrick
Matarazzo, Anthony
Sr

O'Brien, Michael Sr
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Daniel
Villeneuve, Maurice

Mack, Ron
Mesa, Lily

O'Connell, Timothy
Price, Pamela
Rowe, Robert
Smith, David
Sysyn, Mary

Manney, Pamela
Mooney, Maureen

O'Neil, James
Reeves, Sandra
Schulze, Joan
Spratt, Stephen
Tahir, Saghir

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Hess, David

McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kelly, Sally

Osborne, Jessie
Reed, Dennis
Tilton, Joy
Webb, Leigh

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kjellman, Eleanor
Glynn

Porter, Margaret
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Bouchard, Candace
Davis, Frank
Foose, Robert
Hamm, Christine
MackKay, James

Potter, Frances
Ryan, Jim
Wallner, Mary
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Day, Judith
Garcia, Marilinda
Griffin, Mary
Hopfgarten, Paul
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Packard, Sherman
Quandt, Marshall
Snow, Richard
Wells, Roger

Belanger, Ronald
Camm, Kevin
Emiro, Frank
Garrity, James
Grote, Otto
Howard, Doreen
Kelley, Jane
Marsh, Michael
Moody, Marcia
Pantelakos, Laura
Quandt, Matthew
Splaine, James
Weyler, Kenneth

Bettencourt, David
Carson, Sharon
Flanders, John Sr
Gleason, John
Guthrie, Joseph
Ingram, Russell
Kennedy, James
McCarthy, Linda
Moore, Bennett
Powers, James
Rausch, James
Waterhouse, Kevin
Wickson, Rick

Borden, David
Casey, Kimberley
Flockhart, Eileen
Gould, Kenneth
Henson, John
Katsakiores, George
Kepner, Susan
McKenna, Daniel
Nord, Susi
Priestley, Anne
Russell, Trinkia
Welch, David
Winchell, George

STRAFFORD

Billian, Deborah
Cyr, James
Goodwin, Earle
Knowles, William
Rollo, Deanna
Smith, Marjorie

Brown, Larry
DeChane, Marlene
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith

Browne, Brendon
Domingo, Baldwin
Hutz, Sarah
Miller, Joseph
Rous, Emma
Vachon, Dennis

Burke, Rachel
Fargo, Thomas
Kaen, Naida
Perry, Robert
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Nielsen, Ellen
and floor amendment (1214h) failed.
Rep. Major offered floor amendment (1226h).

Converse, Larry
Gottling, Suzanne
Phinizy, James

Donovan, Thomas
Houde, Matthew
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr
Skinder, Carla

Floor Amendment (1226h)

Amend the bill by deleting sections 6-7 and renumbering the original sections 8-56 to read as 6-54, respectively.

Amend the bill by replacing section 54 with the following:

54 Effective Date.

- I. Section 5 of this act shall take effect on July 1, 2009 at 12:01 a.m.
- II. Section 20 of this act shall take effect on July 1, 2010 at 12:01 a.m.
- III. Section 24 of this act shall take effect on July 1, 2009.
- IV. Sections 33, 47, and 48 of this act shall take effect upon its passage.
- V. Sections 34, 35, 45, and 46 of this act shall take effect January 1, 2008.
- VI. Section 49 of this act shall take effect June 30, 2007.
- VII. Section 38 of this act shall take effect 60 days after its passage.
- VIII. The remainder of this act shall take effect July 1, 2007.

Rep. Hamm spoke against.

Reps. Major, Waterhouse, Wendelboe and Hess spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

YEAS 165 NAYS 197

YEAS 165

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedean, Stephen	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr		

COOS

King, Frederick	Remick, William	Tholl, John Jr
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GRAFTON

Andersen, Gene	Bulis, Lyle	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Edwards, Andrew	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Fontas, Jeffrey	Gargasz, Carolyn	Gorman, Mary
Graham, John	Haefner, Robert	Hall, Betty	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Holden, Randolph
Hunter, Bruce	Infantine, William	Jasper, Shawn	Kurk, Neal

L'Heureux, Robert
Manney, Pamela
Mooney, Maureen
Ober, Russell III
Renzullo, Andrew
Spaulding, Jayne
Vaillancourt, Steve

Lawrence, James
Martineau, Jesse
Moran, Edward
Peterson, Andy
Rowe, Robert
Stepanek, Stephen
Villeneuve, Maurice

Lessard, Rudy
McRae, Karen
O'Connell, Timothy
Price, Pamela
Shaw, Barbara
Tahir, Saghir
Winters, Joel

Levasseur, Nickolas
Messier, Irene
Ober, Lynne
Reeves, Sandra
Soucy, Connie
Ulery, Jordan

MERRIMACK

Anderson, Eric
Lockwood, Priscilla

Hess, David
MacKay, James

Humphries, Charlie
Reed, Dennis

Kidder, David
Tupper, Frank

ROCKINGHAM

Allen, Mary
Bettencourt, David
Case, Frank
DiFruscia, Anthony
Fesh, Bob
Gleason, John
Hopfgarten, Paul
Itse, Daniel
Katsakiores, Phyllis
McMahon, Charles
Preston, Mark
Rausch, James
Waterhouse, Kevin
Weyler, Kenneth

Baldasaro, Alfred
Buxton, Donald
Charron, Gene
Dumaine, Dudley
Flanders, John Sr
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Lund, Howie
Nowe, Ronald
Priestley, Anne
Reagan, John
Weare, Everett
Wickson, Rick

Bedrick, Jason
Camm, Kevin
Dalrymple, David
Elliott, Robert
Garcia, Marilinda
Guthrie, Joseph
Ingram, Russell
Kappler, Lawrence
Major, Norman
Packard, Sherman
Quandt, Marshall
Sanders, Elisabeth
Welch, David
Winchell, George

Belanger, Ronald
Carson, Sharon
Devine, James
Emiro, Frank
Garritty, James
Headd, James
Introne, Robert
Katsakiores, George
McKinney, Betsy
Pearson, Mark
Quandt, Matthew
Stiles, Nancy
Wells, Roger

STRAFFORD

Brown, Julie

Browne, Brendon

Watson, Robert

SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

NAYS 197

BELKNAP

Arsenault, Beth

Pilliod, James

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Richardson, Barbara
Weed, Charles

Burridge, Delmar
Chase, William
Lerandau, Alfred
Robertson, Timothy

Butcher, Suzanne
Dunn, J. Timothy
Loll, Thomas
Sad, Tara

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Weber, Lucy

COOS

Hatch, William
Theberge, Robert

Mears, Edgar
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Harding, A Laurie
McLeod, Martha
Preston, Philip

Almy, Susan
Estes, Carole
Laliberte, Suzanne
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Nordgren, Sharon

Bleyler, Ruth
Hammond, Lee
Matheson, Robert
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Daler, Jennifer
Garritty, Patrick
Hammond, Jill
Jean, Claudette
Knowles, John
Leishman, Peter
Mack, Ron

Beaulieu, Jane
Chase, Claudia
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Jeudy, Jean
Knowles, Mary Ann
Levesque, Melanie
Marshall, Seth

Beck, Catriona
Clemons, Jane
Forest, Armand
Hackel, Paul
Hebert, Roger
Kaelin, Michael
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr
O'Neil, James
Rosenwald, Cindy
Simon, Anthony
Sullivan, Francis

Brunelle, Michael
Cote, David
Foster, Linda
Haley, Robert
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Long, Patrick
Mesa, Lily

Movsesian, Lori
Reuschel, Michael
Shattuck, Gilman
Spratt, Stephen
Velez, Hector

O'Brien, Michael Sr
Rochette, Eric
Shaw, Kimberly
Sullivan, Daniel

Pilotte, Maurice
Schulze, Joan
Smith, David
Sysyn, Mary

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Kelly, Sally

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kjellman, Eleanor
Glynn

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
McMahon, Patricia

Bouchard, Candace
Davis, Frank
Foosse, Robert
Hamm, Christine
Osborne, Jessie

Porter, Margaret
Ryan, Jim
Walz, Mary
Yeaton, Charles

Potter, Frances
Shurtleff, Stephen
Webb, Leigh

Reardon, Tara
Tilton, Joy
Wheeler, Deborah

Richardson, Gary
Wallner, Mary
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Grote, Otto
Kepner, Susan
Moody, Marcia
Powers, James

Borden, David
Day, Judith
Henson, John
Marsh, Michael
Moore, Bennett
Russell, Trinka

Brown, C. Pennington
Flockhart, Eileen
Howard, Doreen
McCarthy, Linda
Nord, Susi
Snow, Richard

Cali-Pitts, Jacqueline
Gould, Kenneth
Kelley, Jane
McKenna, Daniel
Pantelakos, Laura
Splaine, James

STRAFFORD

Berube, Roger
Burke, Rachel
Fargo, Thomas
Hutz, Sarah
Miller, Joseph

Billian, Deborah
Cyr, James
Goodwin, Earle
Kaen, Naida
Perry, Robert

Brennan, William
DeChane, Marlene
Hofemann, Roland
Knowles, William
Rollo, Deanna

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael

Rous, Emma
Sprague, Dale

Schmidt, Peter
Vachon, Dennis

Smith, Marjorie
Wall, Janet

Spang, Judith

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Phinizy, James

Donovan, Thomas
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

and floor amendment (1226h) failed.

Rep. Kurk offered floor amendment (1217h).

Floor Amendment (1217h)

Amend the bill by deleting sections 33 and 34 and renumbering the original sections 35-56 to read as 33-54, respectively.

Amend the bill by replacing section 54 with the following:

54 Effective Date.

I. Section 5 of this act shall take effect on July 1, 2009 at 12:01 a.m.

II. Section 22 of this act shall take effect on July 1, 2010 at 12:01 a.m.

III. Section 26 of this act shall take effect on July 1, 2009.

IV. Sections 33, 47, and 48 of this act shall take effect upon its passage.

V. Sections 34, 35, 45, and 46 of this act shall take effect January 1, 2008.

VI. Section 49 of this act shall take effect June 30, 2007.

VII. Section 38 of this act shall take effect 60 days after its passage.

VIII. The remainder of this act shall take effect July 1, 2007.

Rep. Hamm spoke against.

Reps. Kurk, Peterson and Whalley spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

YEAS 162 NAYS 197

YEAS 162

BELKNAP

Allen, Janet
Heald, Bruce
Russell, David
Wendelboe, Fran

Boyce, Laurie
Millham, Alida
Thomas, John
Whalley, Michael

Clark, Charles
Nedeau, Stephen
Tilton, Franklin

Flanders, Donald
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Stevens, Stanley

Brown, Carolyn
Martin, James

Chandler, Gene
Merrow, Harry

Denley, William
Patten, Betsey

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

COOS

Remick, William

Tholl, John Jr

GRAFTON

Andersen, Gene
Ingbretson, Paul

Bulis, Lyle
Solomon, Peter

Eaton, Stephanie
Sorg, Gregory

Gionet, Edmond
Williams, Burton

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Brunelle, Michael	Christensen, Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary	Day, Russell
Elliott, Nancy	Emerton, Larry	Fletcher, Richard	Gargas, Carolyn
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Holden, Randolph	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Simon, Anthony	Smith, David
Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	DeStefano, Stephen	Hess, David
Humphries, Charlie	Kidder, David	Lockwood, Priscilla	MacKay, James
Reed, Dennis			

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garcia, Marilinda	Garritty, James
Gleason, John	Gould, Kenneth	Griffin, Mary	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
McCarthy, Linda	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Pearson, Mark	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Wickson, Rick	Winchell, George

STRAFFORD

Berube, Roger	Billian, Deborah	Brown, Julie	Rollo, Michael
Sprague, Dale	Watson, Robert		

SULLIVAN

Donovan, Thomas	Rodeschin, Beverly
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NAYS 197

BELKNAP

Arsenault, Beth	Reever, Judith	Wood, Jane
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CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
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Heard, Virginia

CHESHIRE

Allen, Peter
Butynski, William
Espiefs, Peter
Plifka, Stanley Jr
Sad, Tara

Burridge, Delmar
Chase, William
Lerandean, Alfred
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Dunn, J. Timothy
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

COOS

Hatch, William
Merrick, Scott

King, Frederick
Theberge, Robert

Mears, Edgar
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Cooney, Mary
Harding, A Laurie
McLeod, Martha
Preston, Philip

Almy, Susan
Estes, Carole
Laliberte, Suzanne
Mulholland, Catherine

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Nordgren, Sharon

Bleyler, Ruth
Hammond, Lee
Matheson, Robert
Pierce, David

HILLSBOROUGH

Beaulieu, Jane
Clemons, Jane
Edwards, Andrew
Foster, Linda
Haley, Robert
Hebert, Roger
Kaelin, Michael
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse

Beck, Catriona
Cote, David
Essex, David
Garrity, Patrick
Hall, Betty
Irwin, Anne-Marie
Kelley, John
Leishman, Peter
Long, Patrick
Matarazzo, Anthony
Sr

Campbell, David
Daler, Jennifer
Fontas, Jeffrey
Gorman, Mary
Hammond, Jill
Jean, Claudette
Knowles, John
Levasseur, Nickolas
Mack, Ron
Mesa, Lily

Chase, Claudia
Dokmo, Cynthia
Forest, Armand
Hackel, Paul
Harvey, Suzanne
Judy, Jean
Knowles, Mary Ann
Levesque, Melanie
Marshall, Seth
Messier, Irene

Movsesian, Lori
Reuschel, Michael
Shattuck, Gilman
Sullivan, Daniel

O'Brien, Michael Sr
Rochette, Eric
Shaw, Barbara
Sullivan, Francis

O'Neil, James
Rosenwald, Cindy
Shaw, Kimberly
Sysyn, Mary

Pilotte, Maurice
Schulze, Joan
Spratt, Stephen
Velez, Hector

MERRIMACK

Baxley, Maureen

Beauchesne,
Suzanne

Bouchard, Candace

Brown, Carole

Brueggemann, Donald
Foote, Robert
Hager, Elizabeth

Clarke, Claire
French, Barbara
Hamm, Christine

Davis, Frank
Gile, Mary
Kelly, Sally

Ehlers, Eileen
Greco, Vincent
Kjellman, Eleanor
Glynn

McMahon, Patricia
Reardon, Tara
Tilton, Joy
Webb, Leigh

Osborne, Jessie
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley

Borden, David
Day, Judith

Brown, C. Pennington
Flockhart, Eileen

Cali-Pitts, Jacqueline
Grote, Otto

Henson, John
Kepner, Susan
Moore, Bennett
Russell, Trinka

Howard, Doreen
Marsh, Michael
Nord, Susi
Snow, Richard

Kelley, Jane
McKenna, Daniel
Pantelakos, Laura
Splaine, James

Kennedy, James
Moody, Marcia
Powers, James

STRAFFORD

Brennan, William
Cyr, James
Goodwin, Earle
Kaen, Naida
Perry, Robert
Smith, Marjorie

Brown, Larry
DeChane, Marlene
Hofemann, Roland
Knowles, William
Rollo, Deanna
Spang, Judith

Browne, Brendon
Domingo, Baldwin
Hubbard, Pamela
Mickelonis, Shawn
Rous, Emma
Vachon, Dennis

Burke, Rachel
Fargo, Thomas
Hutz, Sarah
Miller, Joseph
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Phinizy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

and floor amendment (1217h) failed.

Rep. Hess offered floor amendment (1220h).

Floor Amendment (1220h)

Amend the bill by deleting section 24 and renumbering the original sections 25-56 to read as 24-55, respectively.

Amend the bill by replacing section 55 with the following:

55 Effective Date.

- I. Section 5 of this act shall take effect on July 1, 2009 at 12:01 a.m.
- II. Section 22 of this act shall take effect on July 1, 2010 at 12:01 a.m.
- III. Section 25 of this act shall take effect on July 1, 2009.
- IV. Sections 34, 48, and 49 of this act shall take effect upon its passage.
- V. Sections 35, 36, 46, and 47 of this act shall take effect January 1, 2008.
- VI. Section 50 of this act shall take effect June 30, 2007.
- VII. Section 39 of this act shall take effect 60 days after its passage.
- VIII. The remainder of this act shall take effect July 1, 2007.

Rep. Hess spoke in favor and yielded to questions.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Dan Eaton spoke against.

Rep. Stepanek spoke in favor.

Rep. Hess requested a roll call; sufficiently seconded.

YEAS 156 NAYS 207

YEAS 156

BELKNAP

Allen, Janet
Heald, Bruce
Thomas, John

Boyce, Laurie
Millham, Alida
Tobin, William

Clark, Charles
Nedeau, Stephen
Wendelboe, Fran

Flanders, Donald
Russell, David
Whalley, Michael

CARROLL

Ahlgren, Christopher
Martin, James

Brown, Carolyn
Morrow, Harry

Chandler, Gene
Patten, Betsey

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

King, Frederick Thomas, Yvonne	Merrick, Scott	Remick, William	Tholl, John Jr
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GRAFTON

Bulis, Lyle Sorg, Gregory	Eaton, Stephanie Williams, Burton	Gionet, Edmond	Ingbretson, Paul
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HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Daniels, Gary	Day, Russell	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Fletcher, Richard	Gargasz, Carolyn	Graham, John
Haefner, Robert	Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton
Hogan, Edith	Holden, Randolph	Hunter, Bruce	Jasper, Shawn
Knowles, John	Knowles, Mary Ann	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mooney, Maureen	O'Connell, Timothy	O'Neil, James	Ober, Lynne
Ober, Russell III	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Smith, David	Soucy, Connie	Spaulding, Jayne
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice			

MERRIMACK

Anderson, Eric	Baxley, Maureen	Blanchard, Elizabeth	Hess, David
Humphries, Charlie	Lockwood, Priscilla	MacKay, James	Reed, Dennis

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garcia, Marilinda	Garrity, James
Gleason, John	Gould, Kenneth	Griffin, Mary	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
McCarthy, Linda	McKenna, Daniel	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Pearson, Mark	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Wickson, Rick	Winchell, George

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Julie
Hubbard, Pamela	Mickelonis, Shawn	Watson, Robert	

SULLIVAN

Rodeschin, Beverly

NAYS 207

BELKNAP

Arsenault, Beth
Wood, Jane

Pilliod, James

Reever, Judith

Tilton, Franklin

CARROLL

Bridgham, Robert
Denley, William

Buco, Thomas
Heard, Virginia

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Parkhurst, Henry
Robertson, Timothy

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Plifka, Stanley Jr
Sad, Tara

Butcher, Suzanne
Dunn, J. Timothy
Loll, Thomas
Richardson, Barbara
Weber, Lucy

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

COOS

Hatch, William

Mears, Edgar

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
Harding, A Laurie
McLeod, Martha
Preston, Philip

Almy, Susan
Cooney, Mary
Laliberte, Suzanne
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Estes, Carole
Lovett, Sid
Nordgren, Sharon

Benn, Bernard
Hammond, Lee
Matheson, Robert
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Brunelle, Michael
Cote, David
Essex, David
Garrity, Patrick
Haley, Robert
Hebert, Roger
Kaelin, Michael
Leishman, Peter
Long, Patrick
Matarazzo, Anthony
Sr
Movsesian, Lori
Reuschel, Michael
Shattuck, Gilman
Spratt, Stephen
Velez, Hector

Beaulieu, Jane
Campbell, David
Daler, Jennifer
Fontas, Jeffrey
Goley, Jeffrey
Hall, Betty
Irwin, Anne-Marie
Kelley, John
Levasseur, Nickolas
Mack, Ron
Mesa, Lily

O'Brien, Michael Sr
Rochette, Eric
Shaw, Barbara
Sullivan, Daniel
Winters, Joel

Beck, Catriona
Chase, Claudia
Dokmo, Cynthia
Forest, Armand
Gorman, Mary
Hammond, Jill
Jean, Claudette
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
Messier, Irene

Peterson, Andy
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Francis

Bergin, Peter
Clemons, Jane
Edwards, Andrew
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Jeudy, Jean
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse
Moran, Edward

Pilotte, Maurice
Schulze, Joan
Simon, Anthony
Sysyn, Mary

MERRIMACK

Beauchesne,
Suzanne

Bouchard, Candace

Brown, Carole

Brueggemann, Donald

Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kidder, David

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

Davis, Frank
Foose, Robert
Hager, Elizabeth
Kjellman, Eleanor
Glynn

Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

DeJoie, John
French, Barbara
Hamm, Christine
McMahon, Patricia

Reardon, Tara
Tilton, Joy
Webb, Leigh

DeStefano, Stephen
Gile, Mary
Kelly, Sally
Osborne, Jessie

Richardson, Gary
Tupper, Frank
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Henson, John
Kepner, Susan
Moore, Bennett
Russell, Trinka

Borden, David
Day, Judith
Howard, Doreen
Marsh, Michael
Nord, Susi
Snow, Richard

Brown, C. Pennington
Flockhart, Eileen
Kelley, Jane
McKinney, Betsy
Pantelakos, Laura
Splaine, James

Cali-Pitts, Jacqueline
Grote, Otto
Kennedy, James
Moody, Marcia
Powers, James

STRAFFORD

Brown, Larry
DeChane, Marlene
Hofemann, Roland
Miller, Joseph
Rous, Emma
Sprague, Dale

Browne, Brendon
Domingo, Baldwin
Hutz, Sarah
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Burke, Rachel
Fargo, Thomas
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Cyr, James
Goodwin, Earle
Knowles, William
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr
and floor amendment (1220h) failed.

Converse, Larry
Gagnon, Raymond
Nielsen, Ellen

Donovan, Thomas
Gottling, Suzanne
Phinzy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Reps. Kurk and Chandler spoke against.

Reps. Marjorie Smith and Daniel Eaton spoke in favor.

Rep. Daniels requested a roll call; sufficiently seconded.

YEAS 202 NAYS 151

YEAS 202

BELKNAP

Arsenault, Beth

Pilliod, James

Reever, Judith

Wood, Jane

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William

Burridge, Delmar
Chase, William

Butcher, Suzanne
Eaton, Daniel

Butterworth, Timothy
Espieffs, Peter

Lerandeau, Alfred
Plifka, Stanley Jr
Sad, Tara

Loll, Thomas
Richardson, Barbara
Weber, Lucy

Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Parkhurst, Henry
Robertson, Timothy

COOS

Hatch, William
Thomas, Yvonne

Mears, Edgar

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Laliberte, Suzanne
Mulholland, Catherine
Solomon, Peter

Almy, Susan
Estes, Carole
Lovett, Sid
Nordgren, Sharon

Benn, Bernard
Hammond, Lee
Matheson, Robert
Pierce, David

Bleyler, Ruth
Harding, A Laurie
McLeod, Martha
Preston, Philip

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Daler, Jennifer
Forest, Armand
Gorman, Mary
Hammond, Jill
Jean, Claudette
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
Messier, Irene
Pilotte, Maurice
Schulze, Joan
Simon, Anthony
Sullivan, Francis

Beaulieu, Jane
Chase, Claudia
Edwards, Andrew
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Kaelin, Michael
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
Movsesian, Lori
Reuschel, Michael
Shattuck, Gilman
Smith, David
Sysyn, Mary

Beck, Catriona
Clemons, Jane
Essex, David
Garrity, Patrick
Haley, Robert
Hebert, Roger
Kelley, John
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse
O'Brien, Michael Sr
Rochette, Eric
Shaw, Barbara
Spratt, Stephen
Velez, Hector

Brunelle, Michael
Cote, David
Fontas, Jeffrey
Goley, Jeffrey
Hall, Betty
Irwin, Anne-Marie
Knowles, John
Leishman, Peter
Long, Patrick
Mesa, Lily
O'Neil, James
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Daniel

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Hamm, Christine

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kelly, Sally

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kjellman, Eleanor
Glynn

Bouchard, Candace
Davis, Frank
Foose, Robert
Hager, Elizabeth
McMahon, Patricia

Osborne, Jessie
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Reardon, Tara
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Henson, John
Marsh, Michael
Nord, Susi
Snow, Richard

Borden, David
Day, Judith
Howard, Doreen
McCarthy, Linda
Pantelakos, Laura
Splaine, James

Brown, C. Pennington
Flockhart, Eileen
Kennedy, James
McKenna, Daniel
Powers, James

Cali-Pitts, Jacqueline
Grote, Otto
Kepner, Susan
Moody, Marcia
Russell, Trinkia

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Larry
Burke, Rachel	Cyr, James	DeChane, Marlene	Domingo, Baldwin
Fargo, Thomas	Goodwin, Earle	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Knowles, William	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Sprague, Dale	Vachon, Dennis
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinizy, James	Skinder, Carla	

NAYS 151

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

King, Frederick	Remick, William	Tholl, John Jr
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GRAFTON

Andersen, Gene	Bulis, Lyle	Eaton, Stephanie	Gionet, Edmond
Ingretson, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Fletcher, Richard
Gargas, Carolyn	Graham, John	Haefner, Robert	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Holden, Randolph
Hunter, Bruce	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Soucy, Connie	Spaulding, Jayne
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

MERRIMACK

Anderson, Eric	Hess, David	Humphries, Charlie	Kidder, David
Lockwood, Priscilla	MacKay, James	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gleason, John
Gould, Kenneth	Griffin, Mary	Guthrie, Joseph	Headd, James
Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell	Itse, Daniel
Johnson, Robert	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	Packard, Sherman	Pearson, Mark	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reagan, John
Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin	Weare, Everett
Welch, David	Wells, Roger	Weyler, Kenneth	Wickson, Rick
Winchell, George			

STRAFFORD

Brown, Julie	Hofemann, Roland	Watson, Robert
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SULLIVAN

Ferland, Brenda Rodeschin, Beverly
and the majority committee report was adopted.
Ordered to third reading.

HB 43*, relative to the procedure for establishing medicaid reimbursement rates. **OUGHT TO PASS WITH AMENDMENT.*

Rep. John DeJoie for Finance: This bill is the result of a study committee from the summer of 2006. The bill makes changes to the Medicaid Rate Setting process to provide increased transparency to providers and consumers. The House has already passed the policy in this bill. During the work session, Finance Division III received testimony regarding Medicaid rate changes to a particular service code, relating to hospital based physician billing. HHS is moving ahead with this rate change, which they believe will save \$5,000,000 as a result of this rate change. The Governor did not include the HHS savings from this initiative in the budget. As a result of the significant difference between the HHS estimates of savings versus the hospitals' estimated losses, the committee determined that the most prudent action was to prevent action on this single rate code pending further study of the issue. The amendment from the committee authorized the rate setting changes previously approved by the House, except for the hospital based physicians, which it puts a moratorium on changing, until the completion of the study committee's work. The study committee is directed to finish its report by November 2007. Vote 18-6.

Amendment (0745h)

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

AN ACT relative to the procedure for establishing Medicaid reimbursement rates, establishing a committee to study Medicaid payments for hospital-based physician and outpatient services, and establishing a moratorium on certain reimbursement policy changes pending the results of the study.

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

2 Committee Established. There is established a committee to study Medicaid payments for hospital-based physician and outpatient services.

3 Membership and Compensation.

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

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

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

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

4 Duties. The committee shall study current Medicaid reimbursement policies for hospital-based physician and outpatient services billed using the National Uniform Billing Committee Revenue Code 510, including differences in billing instructions from the New Hampshire Medicaid program and the Centers for Medicare and Medicaid Services (CMS) for comparable services covered by Medicare.

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

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 15th, 2007.

7 Moratorium. Notwithstanding any law to the contrary, there shall be a moratorium on reimbursement policy changes for hospital-based physician and outpatient services billed using the National Uniform Billing Committee Revenue Code 510 until the committee has reported its findings and recommendations.

8 Effective Date. This act shall take effect upon passage.

AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to review medicaid reimbursement rates every 2 years and establishes certain reporting requirements relative to such rates.

II. Establishes a committee to study Medicaid payments for hospital-based physician and outpatient services billed using the National Uniform Billing Committee Revenue Code 510 and establishes a moratorium on reimbursement changes for such services pending the results of the study.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

***HB 407-FN-A*, relative to assistance for milk producers. OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne M. Ober for Finance: This bill is the first part of a two step process to ensure that New Hampshire not only will retain as many dairy farms as possible, but ensure agricultural viability. New York and Vermont have already enacted similar emergency dairy relief. The Committee was presented with testimony outlining the drastic losses incurred by dairy farmers in 2006, not only due to bad weather, which caused crop failure and the necessity to replant, but also huge increases in fuel, feed and energy costs. Contrary to popular belief, milk prices are set nationally by the federal government and are not determined by the marketplace. These prices do not take into account regional factors and hardships such as weather. In 2006, New Hampshire's dairy farmers saw the lowest milk prices in 25 years, yet retail prices of milk have remained constant, varying no more than

five or ten cents per gallon. In fact, the price of milk has always been heavily regulated for the benefit of the consumer, despite skyrocketing costs at the farm. The funds made available through this bill (\$3 million) will in no way compensate these farmers for all their losses, but will act as a bridge in providing them with necessary funds for spring planting. Vote 22-0.

Amendment (1106h)

Amend RSA 184-B:2, V as inserted by section 1 of the bill by replacing it with the following:

V. When applying for assistance, a milk producer shall sign an agreement to reimburse the department of agriculture, markets, and food for payments if the producer disperses the herd or reduces herd production by more than 50 percent by July 1, 2009. Funds collected by the department in the form of a reimbursement shall be deposited into the general fund.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Cunningham requested a roll call; sufficiently seconded.

YEAS 325 NAYS 28

YEAS 325

BELKNAP

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Reever, Judith
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Wood, Jane		

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Brown, Carolyn	Buco, Thomas
Butler, Edward	Cunningham, Howard	Heard, Virginia	Knox, J. David
Martin, James	Merrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Hunt, John	Johnson, Jane
Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

COOS

Hatch, William	King, Frederick	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Remick, William	Theberge, Robert	Tholl, John Jr
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Bulis, Lyle	Cooney, Mary	Eaton, Stephanie
Estes, Carole	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Laliberte, Suzanne	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David

Preston, Philip

Solomon, Peter

Williams, Burton

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Campbell, David
Clemons, Jane
Daler, Jennifer
Elliott, Nancy
Forest, Armand
Goley, Jeffrey
Haefner, Robert
Hansen, Ryan
Hogan, Edith
Jean, Claudette
Knowles, John
L'Heureux, Robert
Lessard, Rudy
Long, Patrick
Martineau, Jesse

Messier, Irene
O'Connell, Timothy
Peterson, Andy
Rochette, Eric
Shattuck, Gilman
Smith, David
Stepanek, Stephen
Tahir, Saghir

Barry, Richard
Bergeron, Jean-Guy
Chase, Claudia
Cote, David
Day, Russell
Emerton, Larry
Foster, Linda
Gorman, Mary
Haley, Robert
Harvey, Suzanne
Holden, Randolph
Jeudy, Jean
Knowles, Mary Ann
Lasky, Bette
Levasseur, Nickolas
Mack, Ron
Matarazzo, Anthony
Sr

Mooney, Maureen
O'Neil, James
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Barbara
Soucy, Connie
Sullivan, Daniel
Ulery, Jordan

Batula, Peter
Bergin, Peter
Christensen, Chris
Coughlin, Pamela
Dokmo, Cynthia
Essex, David
Gargasz, Carolyn
Graham, John
Hall, Betty
Hebert, Roger
Irwin, Anne-Marie
Kaelin, Michael
Kopka, Angeline
Lawrence, James
Levesque, Melanie
Manney, Pamela
McRae, Karen

Movsesian, Lori
Ober, Lynne
Reeves, Sandra
Rowe, Robert
Shaw, Kimberly
Spaulding, Jayne
Sullivan, Francis
Velez, Hector

Beaulieu, Jane
Brunelle, Michael
Clark, Mark
Crane, Elenore Casey
Edwards, Andrew
Fontas, Jeffrey
Garrity, Patrick
Hackel, Paul
Hammond, Jill
Hinkle, Peyton
Jasper, Shawn
Kelley, John
Kurk, Neal
Leishman, Peter
Lisle, Carolyn
Marshall, Seth
Mesa, Lily

O'Brien, Michael Sr
Ober, Russell III
Reuschel, Michael
Schulze, Joan
Simon, Anthony
Spratt, Stephen
Sysyn, Mary

MERRIMACK

Anderson, Eric
Bouchard, Candace
Davis, Frank
Foose, Robert
Hager, Elizabeth
Kjellman, Eleanor
Glynn
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Webb, Leigh

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Hamm, Christine
Lockwood, Priscilla

Porter, Margaret
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kelly, Sally
MacKay, James

Potter, Frances
Ryan, Jim
Wallner, Mary
Williams, Robert

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kidder, David
McMahon, Patricia

Reardon, Tara
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Borden, David
Carson, Sharon
Dalrymple, David
Emiro, Frank
Garcia, Marilinda
Griffin, Mary
Henson, John
Johnson, Robert
Kepner, Susan

Allen, Mary
Brown, C. Pennington
Case, Frank
Day, Judith
Fesh, Bob
Garrity, James
Grote, Otto
Howard, Doreen
Katsakiores, George
Lund, Howie

Belanger, Ronald
Buxton, Donald
Casey, Kimberley
DiFruscia, Anthony
Flanders, John Sr
Gleason, John
Guthrie, Joseph
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman

Bettencourt, David
Camm, Kevin
Charron, Gene
Dumaine, Dudley
Flockhart, Eileen
Gould, Kenneth
Headd, James
Ingram, Russell
Kennedy, James
Marsh, Michael

McCarthy, Linda
Moody, Marcia
Powers, James
Rausch, James
Snow, Richard
Weare, Everett
Wickson, Rick

McKenna, Daniel
Nord, Susi
Priestley, Anne
Reagan, John
Splaine, James
Welch, David
Winchell, George

McKinney, Betsy
Nowe, Ronald
Quandt, Marshall
Russell, Trink
Stiles, Nancy
Wells, Roger

McMahon, Charles
Pantelakos, Laura
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Berube, Roger
Browne, Brendon
Fargo, Thomas
Hutz, Sarah
Perry, Robert
Schmidt, Peter
Wall, Janet

Billian, Deborah
Burke, Rachel
Goodwin, Earle
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Watson, Robert

Brennan, William
DeChane, Marlene
Hofemann, Roland
Knowles, William
Rollo, Michael
Spang, Judith

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Miller, Joseph
Rous, Emma
Sprague, Dale

SULLIVAN

Converse, Larry
Gagnon, Raymond
Nielsen, Ellen

Donovan, Thomas
Gottling, Suzanne
Phinizy, James

Ferland, Brenda
Houde, Matthew
Rodeschin, Beverly

Franklin, Peter
Jillette, Arthur Jr
Skinder, Carla

NAYS 28

BELKNAP

Clark, Charles

Heald, Bruce

Whalley, Michael

CARROLL

Denley, William

CHESHIRE

None

COOS

None

GRAFTON

Sorg, Gregory

HILLSBOROUGH

Christiansen, Lars
Hawkins, Ken
Vaillancourt, Steve

Daniels, Gary
Moran, Edward
Villeneuve, Maurice

Drisko, Richard
Price, Pamela
Winters, Joel

Fletcher, Richard
Renzullo, Andrew

MERRIMACK

Hess, David

Humphries, Charlie

ROCKINGHAM

Baldasaro, Alfred
Hopfgarten, Paul

Bedrick, Jason
Itse, Daniel

Devine, James
Kappler, Lawrence

Elliott, Robert
Pearson, Mark

STRAFFORD

Cyr, James

Vachon, Dennis

SULLIVAN

None

and the committee report was adopted.

Ordered to third reading.

HB 488-FN-A-L, relative to the state chief medical examiner and medico-legal death investigations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter R. Leishman for Finance: This bill repeals RSA 611, relative to medical examiners, and RSA 611-A, relative to the office of the chief medical examiner. The bill recodifies the responsibilities of the office of the chief medical examiner and the procedure for medico-legal death investigations in one new chapter, RSA 611-B. This legislation is the result of a comprehensive study by members of the House and Senate, and representatives from the justice department, office of the chief medical examiner, county government, funeral home directors, and crematory operators. With the passage of this legislation, the state will conduct all autopsies and medical examinations and county governments will be removed from this responsibility, and all costs borne by the counties for autopsies and medical investigations (more than \$550,000) will end. This legislation will also improve communications between police authorities, funeral homes and family members as all investigations will be conducted by the chief medical examiner's office. Additionally, the confusion regarding the payments to funeral homes for their services will be eliminated. Vote 23-0.

Amendment (0975h)

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

AN ACT relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs. Amend RSA 611-B:27-28 as inserted by section 1 of the bill by replacing them with the following:

611-B:27 Assistant Deputy Medical Examiner Accounts.

I. Assistant deputy medical examiners shall be paid at the following rates: telephone consultations - \$25; death investigations involving an external examination of the body - \$140, plus mileage at the state rate; pre-cremation examinations conducted pursuant to RSA 325-A:18 - \$50.

II. Assistant deputy medical examiners shall submit all claims for telephone consultation fees, death investigation fees and expenses, and pre-cremation examination fees to the office of the chief medical examiner, which shall authorize such claims and submit them for payment to the state treasurer, chargeable to the medico-legal investigation fund established pursuant to RSA 611-B:28. On a monthly basis, the office of the chief medical examiner shall bill each of the counties for the services provided to that county by the assistant deputy medical examiners during the previous month, and any body transportation costs associated with the billed services, as provided under RSA 611-B:15, I. Services shall be billed at the following rates: telephone consultation - \$34; death investigation - \$149; travel expenses – the state mileage rate. The county treasurer shall submit payment to the state treasurer, for deposit in the medico-legal investigation fund.

611-B:28 Medico-Legal Investigation Fund.

I. There is established in the office of the state treasurer a nonlapsing fund to be known as the medico-legal investigation fund, which shall be kept distinct and separate from all other funds. The medico-legal investigation fund is established to receive all fees paid to the state related to medico-legal investigations and reports, to pay fees due to assistant

deputy medical examiners for investigations conducted related administrative salaries, and the costs of recruitment, training, administration, and supervision of assistant deputy medical examiners.

II. The treasurer shall deposit in the medico-legal investigation fund all fees collected by the department of justice, office of the chief medical examiner pursuant to RSA 611-B. The treasurer shall also deposit in the medico-legal investigation fund such other funds received under state or federal law, or donated to the state by private parties, for the purposes related to medico-legal investigations, the recruitment, training, administration, and supervision of assistant deputy medical examiners, and related technology projects and improvements, and the treasurer shall credit any interest or income earned on moneys on deposit to the fund.

III. The attorney general is authorized to accept, budget, and expend moneys in the medico-legal investigation fund received from any party without the approval of the governor and council for the purposes of paying fees due by law to assistant deputy medical examiners, and for recruitment, training, administration, and supervision of assistant deputy medical examiners, administrative support costs, and related information technology.

IV. All moneys in the medico-legal investigation fund shall be continually appropriated to the department of justice and shall not lapse.

V. The treasurer, upon approval of the attorney general, shall pay assistant deputy medical examiners fees to which they are entitled by law, the expenses of recruiting, training, administering, and supervising assistant deputy medical examiners, administrative support costs, and the expenses of related information technology.

VI. The attorney general shall include the medico-legal investigation fund in the department budget submitted pursuant to RSA 9:4.

Amend the bill by inserting after section 16 the following and renumbering the original sections 17-18 to read as 19-20, respectively:

17 Administrative Support Position Established. The department of justice shall have the authority to hire a full-time support person in a supervisor II position at labor grade 21, who shall be responsible for administrative duties associated with the office of the chief medical examiner. The position shall be funded through the medico-legal investigation fund established in RSA 611-B:28.

18 Appropriation. There is hereby appropriated the sum of \$181,000 for the fiscal year ending June 30, 2008, and the sum of \$204,000 for the fiscal year ending June 30, 2009, to the department of justice for autopsy expenses. The appropriation in this section shall be in addition to any other sums appropriated to the department for such purpose. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill:

I. Repeals RSA 611, relative to medical examiners, and RSA 611-A, relative to the office of chief medical examiner, and recodifies the responsibilities of the office of the chief medical examiner and the procedure for medico-legal death investigations in one new chapter, RSA 611-B.

II. Establishes a classified administrative support position for the office of chief medical examiner.

III. Makes an appropriation to the department of justice for autopsy costs.

Rep. Rochette spoke in favor.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

HB 498-FN-A, dedicating certain OHRV and snowmobile unfunded road tolls to the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A. Foose for Finance: This bill continues to dedicate certain OHRV and small snowmobile unrefunded road tolls to the Fish and Game Department and the Bureau of Trails. The bill increases the average estimated purchase of gas from 50 to 100 gallons and directs that the increase in funds resulting from the change in assumption be directed to the Fish and Game Department to provide badly needed additional funds. Vote 23-0.

Amendment (0985h)

Amend the bill by replacing section 1 with the following:

1 Road Tolls; Credit Provided; OHRV and Snowmobiles; Fish and Game Department Use. Amend RSA 260:61, I to read as follows:

I. Annually on or before June 30 the state treasurer shall transfer, from road tolls collected, an amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the average number of gallons consumed per year per OHRV and snowmobile times the gasoline road toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the previous year, to the *fish and game department and the bureau of trails as follows. The road toll administrator shall report to the state treasurer if there is a balance of unrefunded road tolls collected. The administrator shall certify the amount to the state treasurer who shall credit ½ of such balance to the bureau of trails for use as provided in paragraph I-a, and ½ of such balance to the fish and game department.* For the purposes of this section, “the average number of gallons consumed per year per OHRV or snowmobile” is ~~[50]~~ 100.

I-a. The bureau shall use 66 2/3 percent of the amount credited for grants under its grant-in-aid program, and 33 1/3 percent for general operating expenses and expenses incurred in administering and supervising the grant-in-aid program. Any balances in the funds hereby transferred shall not lapse at the end of the fiscal year but shall remain in the OHRV and snowmobile fund.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Abbott requested a roll call; sufficiently seconded.

YEAS 267 NAYS 85

YEAS 267

BELKNAP

Arsenault, Beth
Reever, Judith

Heald, Bruce
Russell, David

Millham, Alida
Wood, Jane

Pilliod, James

CARROLL

Bridgham, Robert
Cunningham, Howard
Merrow, Harry

Brown, Carolyn
Denley, William

Buco, Thomas
Heard, Virginia

Butler, Edward
Knox, J. David

CHESHIRE

Allen, Peter
Butynski, William
Espiefs, Peter
Parkhurst, Henry
Robertson, Timothy

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Plifka, Stanley Jr
Sad, Tara

Butcher, Suzanne
Dunn, J. Timothy
Loll, Thomas
Richardson, Barbara
Weber, Lucy

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Remick, William

Mears, Edgar
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Merrick, Scott
Thomas, Yvonne

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
Matheson, Robert
Pierce, David

Almy, Susan
Bulis, Lyle
Harding, A Laurie
McLeod, Martha
Preston, Philip

Andersen, Gene
Cooney, Mary
Laliberte, Suzanne
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Estes, Carole
Lovett, Sid
Nordgren, Sharon
Williams, Burton

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Christensen, Chris
Dokmo, Cynthia
Fletcher, Richard
Gargas, Carolyn
Hackel, Paul
Hebert, Roger
Jean, Claudette
Knowles, John
L'Heureux, Robert
Levasseur, Nickolas
Mack, Ron

Barry, Richard
Brunelle, Michael
Clemons, Jane
Edwards, Andrew
Fontas, Jeffrey
Garrity, Patrick
Haley, Robert
Hinkle, Peyton
Judy, Jean
Knowles, Mary Ann
Lasky, Bette
Levesque, Melanie
Marshall, Seth

Beaulieu, Jane
Campbell, David
Cote, David
Emerton, Larry
Forest, Armand
Goley, Jeffrey
Hammond, Jill
Holden, Randolph
Kaelin, Michael
Kopka, Angeline
Lawrence, James
Lisle, Carolyn
Martineau, Jesse

Beck, Catriona
Chase, Claudia
Daler, Jennifer
Essex, David
Foster, Linda
Gorman, Mary
Harvey, Suzanne
Irwin, Anne-Marie
Kelley, John
Kurk, Neal
Leishman, Peter
Long, Patrick
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Ober, Russell III
Rochette, Eric
Shaw, Barbara
Spaulding, Jayne
Sullivan, Francis

Mesa, Lily
O'Connell, Timothy
Peterson, Andy
Rosenwald, Cindy
Shaw, Kimberly
Spratt, Stephen
Sysyn, Mary

Messier, Irene
O'Neil, James
Pilotte, Maurice
Schulze, Joan
Simon, Anthony
Stepanek, Stephen
Velez, Hector

Movsesian, Lori
Ober, Lynne
Reuschel, Michael
Shattuck, Gilman
Smith, David
Sullivan, Daniel
Winters, Joel

MERRIMACK

Anderson, Eric
Bouchard, Candace
Davis, Frank
French, Barbara
Hamm, Christine
Kjellman, Eleanor
Glynn
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Webb, Leigh

Baxley, Maureen
Brown, Carole
DeStefano, Stephen
Gile, Mary
Hess, David
Lockwood, Priscilla
Porter, Margaret
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Beauchesne, Suzanne
Brueggemann, Donald
Ehlers, Eileen
Greco, Vincent
Kelly, Sally
MacKay, James
Potter, Frances
Ryan, Jim
Wallner, Mary
Williams, Robert

Blanchard, Elizabeth
Clarke, Claire
Foote, Robert
Hager, Elizabeth
Kidder, David
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Case, Frank
DiFruscia, Anthony
Grote, Otto
Johnson, Robert
Kelley, Jane
Marsh, Michael

Borden, David
Casey, Kimberley
Flockhart, Eileen
Guthrie, Joseph
Kappler, Lawrence
Kennedy, James
McCarthy, Linda

Brown, C. Pennington
Charron, Gene
Gleason, John
Henson, John
Katsakiores, George
Kepner, Susan
McKenna, Daniel

Buxton, Donald
Day, Judith
Gould, Kenneth
Howard, Doreen
Katsakiores, Phyllis
Major, Norman
McKinney, Betsy

Moody, Marcia
Pantelakos, Laura
Reagan, John
Splaine, James

Moore, Bennett
Pearson, Mark
Russell, Trink
Weyler, Kenneth

Nord, Susi
Powers, James
Sanders, Elisabeth
Wickson, Rick

Nowe, Ronald
Rausch, James
Snow, Richard

STRAFFORD

Berube, Roger
Browne, Brendon
Domingo, Baldwin
Hubbard, Pamela
Miller, Joseph
Rous, Emma
Sprague, Dale

Billian, Deborah
Burke, Rachel
Fargo, Thomas
Hutz, Sarah
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Brennan, William
Cyr, James
Goodwin, Earle
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Larry
DeChane, Marlene
Hofemann, Roland
Knowles, William
Rollo, Michael
Spang, Judith
Watson, Robert

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr
Skinder, Carla

Converse, Larry
Gagnon, Raymond
Nielsen, Ellen

Donovan, Thomas
Gottling, Suzanne
Phinzy, James

Ferland, Brenda
Houde, Matthew
Rodeschin, Beverly

NAYS 85

BELKNAP

Allen, Janet
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Thomas, John
Whalley, Michael

Clark, Charles
Tilton, Franklin

Flanders, Donald
Tobin, William

CARROLL

Ahlgren, Christopher

Martin, James

Patten, Betsey

Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

COOS

King, Frederick

GRAFTON

Eaton, Stephanie

Gionet, Edmond

Ingretson, Paul

Sorg, Gregory

HILLSBOROUGH

Batula, Peter
Daniels, Gary
Graham, John
Hawkins, Ken
Lessard, Rudy
Moran, Edward
Soucy, Connie
Villeneuve, Maurice

Bergeron, Jean-Guy
Day, Russell
Haefner, Robert
Hogan, Edith
Manney, Pamela
Reeves, Sandra
Tahir, Saghir

Christiansen, Lars
Drisko, Richard
Hall, Betty
Hunter, Bruce
McRae, Karen
Renzullo, Andrew
Ulery, Jordan

Coughlin, Pamela
Elliott, Nancy
Hansen, Ryan
Jasper, Shawn
Mooney, Maureen
Rowe, Robert
Vaillancourt, Steve

MERRIMACK

DeJoie, John

Humphries, Charlie

ROCKINGHAM

Allen, Mary
Bettencourt, David
Dumaine, Dudley
Flanders, John Sr
Headd, James
Lund, Howie
Quandt, Marshall
Welch, David

Baldasaro, Alfred
Carson, Sharon
Elliott, Robert
Garcia, Marilinda
Hopfgarten, Paul
McMahon, Charles
Stiles, Nancy
Wells, Roger

Bedrick, Jason
Dalrymple, David
Emiro, Frank
Garrity, James
Ingram, Russell
Packard, Sherman
Waterhouse, Kevin
Winchell, George

Belanger, Ronald
Devine, James
Fesh, Bob
Griffin, Mary
Itse, Daniel
Priestley, Anne
Weare, Everett

STRAFFORD

None

SULLIVAN

None

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

HB 661-FN-A, establishing an executive planning commission on special education.
OUGHT TO PASS.

Rep. Linda T. Foster for Finance: The cost, scope, and delivery of services associated with special education continue to be of major importance to school districts throughout our state. The committee believes that the \$50,000 appropriation will allow this important executive commission to retain consultants and to fund other expenses which are necessary to accomplish its mission. The reporting date for this commission shall be October 1, 2008. Any unexpended funds as of June 30, 2008 shall lapse to the general fund. Vote 22-0.
Committee report adopted.
Ordered to third reading.

HB 663-FN-A, relative to the comprehensive shoreland protection act and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Neal M. Kurk for Finance: This bill is the funding vehicle for three other shoreland protection policy bills passed earlier this session. As the bill came to Finance, it appropriated \$750,000 for the biennium for up to six new positions and established permits, together with fees, to implement these policy changes. After consultation with the Ways and Means Committee, Finance amended the bill to phase in the new positions, appropriating \$375,000 for the biennium. This "seed money" will be repaid from the permit fees, most likely during the biennium. Thus, we expect that there will be no net impact on the general fund. The amended bill retains the fees at the level proposed by the policy committee, but caps them and places them into an existing dedicated fund from which the positions will be paid. At the request of the policy committee, timber harvesting operations and public road and utility construction were exempted from permitting. Vote 20-0.

Amendment (1110h)

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

AN ACT relative to the protected shoreland permitting process and establishing and funding positions within the department of environmental services.

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

1 New Section; Permit Required. Amend RSA 483-B by inserting after section 5 the following new section:

483-B:5-a Permit Required; Exemption.

I.(a) No person shall commence construction, excavation or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter.

(b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed activities and shall be deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be capped as follows:

- (1) For projects of 0-9,999 square feet, \$750.
- (2) For projects of 10,000 – 24,999 square feet, \$1,875.
- (3) For projects of 25,000 square feet or more, \$3,750.

II. Timber harvesting operations permitting requirements shall be in accordance with RSA 485-A:17, IV and therefore shall be exempt from the permitting requirement under paragraph I.

III. Construction of public roads and public utility lines and associated structures and facilities shall be exempt from the permitting fees of paragraph I.

2 New Paragraph; Rulemaking. Amend RSA 483-B:17 by inserting after paragraph X the following new paragraph:

XI. Procedures and criteria for permitting under RSA 483-B:5-a, including permit by notification and the identification of those activities that may be conducted without obtaining a permit, all consistent with the provisions of this chapter.

3 Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, III to read as follows:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) **and RSA 483-B:5-a** are **continually** appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to the wetlands of the state **and protected shorelands under RSA 483-B**, conducting field investigations, and holding public hearings. Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands **and shorelands** review fund.

4 Application of Receipts. Amend RSA 6:12, I(b)(131) to read as follows:

(131) Moneys deposited in the wetlands **and shorelands** review fund under RSA 482-A:3, III.

5 Positions Established. The department of environmental services may hire up to 6 additional staff positions to implement RSA 483-B and to perform education and outreach. Authorized positions include, at a minimum, 2 environmentalist II and 2 environmental III positions for implementation of RSA 483-B, and one environmentalist II position for education and outreach. Funding for the positions and associated costs shall be drawn from the wetlands and shorelands review fund under RSA 482-A:3, III.

6 Funding Transfer and Repayment. The state treasurer shall transfer \$375,000 from the general fund to the wetlands and shorelands review fund under RSA 482-A:3, III for the biennium ending June 30, 2009. Notwithstanding any provision of law to the contrary, 1/2 of the permit fees collected under RSA 483-B:5-a shall be deposited in the general fund until such time as the \$375,000 is repaid.

7 Repeal. RSA 483-B:5-a, I(b), relative to permit application fees, is repealed.

8 Effective Date.

I. Section 1 of this act shall take effect March 1, 2008.

II. Section 7 of this act shall take effect July 1, 2011.

III. The remainder of this act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill:

I. Requires a permit prior to construction, excavation, or filling activities within the protected shoreland and establishes a permit application fee.

II. Limits the purposes for which the fee shall be expended.

III. Establishes new positions within the department of environmental services.

IV. Requires the state treasure to transfer certain funds from the general fund to the wetlands and shorelands review fund.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

HB 721, relative to the appropriation to the department of health and human services for rates paid for nursing services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John DeJoie for Finance: This bill pertains to the "budget neutrality" factor applied to nursing home rates by the Department of Health and Human Services (DHHS). Budget neutrality is intended so the department does not overspend the money appropriated for nursing homes. However, the department has used budget neutrality to lapse dollars, effectively reducing nursing home rates without using required rate setting methodologies. The committee amended this bill to address only the current fiscal year. With this bill, the nursing homes will receive the full rates to which they are entitled for the patients they served in 2007. Subsequent years will be addressed through the budget. Vote 21-1.

Amendment (1066h)

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill adds a footnote to the operating budget for the appropriation to the department of health and human services for rates paid for nursing services.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

HB 790-FN, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives. **OUGHT TO PASS.**

Rep. Bonnie G. Mitchell for Finance: This bill expands the definition of dependent young adults to those who are less than 26 years of age for purposes of health insurance coverage. There are no direct public funding consequences of HB 790. The state employee's health plan is self-insured and not subject to this legislation. The NH Insurance Department estimates that while the number is difficult to determine it would possibly be in the area of 4,000 lives and involves a cost increase (not premium) of less than 1%. This legislation would have the impact of extending health insurance to the NH population that has the highest percent of uninsured with no fiscal impact to the State. This is not a mandate, but an excellent idea. Insurers and employers will benefit by having a larger and healthier pool from which to draw. Employers still have the option of offering the coverage. Vote 15-8. Rep. Ingbretson requested a roll call; sufficiently seconded.

YEAS 231 NAYS 118

YEAS 231

BELKNAP

Arsenault, Beth
Wood, Jane

Millham, Alida

Pilliod, James

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas
Merrow, Harry

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

COOS

Hatch, William	King, Frederick	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Theberge, Robert	Thomas, Yvonne	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Hammond, Lee	Harding, A Laurie
Laliberte, Suzanne	Lovett, Sid	Matheson, Robert	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Pierce, David	Preston, Philip
Solomon, Peter	Williams, Burton		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
Brunelle, Michael	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Daler, Jennifer	Dokmo, Cynthia	Edwards, Andrew
Emerton, Larry	Essex, David	Fletcher, Richard	Fontas, Jeffrey
Forest, Armand	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Goley, Jeffrey	Gorman, Mary	Hackel, Paul	Haley, Robert
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie
Jean, Claudette	Jeady, Jean	Kaelin, Michael	Kelley, John
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette
Leishman, Peter	Lessard, Rudy	Levasseur, Nickolas	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Manney, Pamela
Marshall, Seth	Martineau, Jesse	Matarazzo, Anthony Sr	Mesa, Lily
Moran, Edward	Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James
Peterson, Andy	Pilotte, Maurice	Reuschel, Michael	Rochette, Eric
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Simon, Anthony	Smith, David	Spaulding, Jayne
Spratt, Stephen	Sullivan, Daniel	Sullivan, Francis	Sysyn, Mary
Velez, Hector			

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	Ehlers, Eileen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Kelly, Sally	Kjellman, Eleanor Glynn	MacKay, James
McMahon, Patricia	Osborne, Jessie	Porter, Margaret	Potter, Frances
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary	Webb, Leigh
Wheeler, Deborah	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis
Case, Frank
DiFruscia, Anthony
Henson, John
Kelley, Jane
McCarthy, Linda
Nord, Susi
Russell, Trinkia
Wells, Roger

Borden, David
Casey, Kimberley
Flockhart, Eileen
Howard, Doreen
Kennedy, James
McKenna, Daniel
Pantelakos, Laura
Sanders, Elisabeth
Winchell, George

Brown, C. Pennington
Charron, Gene
Grote, Otto
Ingram, Russell
Kepner, Susan
Moody, Marcia
Pearson, Mark
Snow, Richard

Buxton, Donald
Day, Judith
Guthrie, Joseph
Johnson, Robert
Marsh, Michael
Moore, Bennett
Powers, James
Splaine, James

STRAFFORD

Berube, Roger
Browne, Brendon
Domingo, Baldwin
Hubbard, Pamela
Miller, Joseph
Rous, Emma
Sprague, Dale

Billian, Deborah
Burke, Rachel
Fargo, Thomas
Hutz, Sarah
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Brennan, William
Cyr, James
Goodwin, Earle
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Larry
DeChane, Marlene
Hofemann, Roland
Knowles, William
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Skinder, Carla

Donovan, Thomas
Houde, Matthew

Ferland, Brenda
Jillette, Arthur Jr

NAYS 118

BELKNAP

Allen, Janet
Heald, Bruce
Tilton, Franklin

Boyce, Laurie
Nedeau, Stephen
Tobin, William

Clark, Charles
Russell, David
Wendelboe, Fran

Flanders, Donald
Thomas, John
Whalley, Michael

CARROLL

Ahlgren, Christopher
Martin, James

Brown, Carolyn
Patten, Betsey

Denley, William
Stevens, Stanley

Knox, J. David

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

COOS

Remick, William

Tholl, John Jr

GRAFTON

Andersen, Gene
Ingbretson, Paul

Bulis, Lyle
Sorg, Gregory

Eaton, Stephanie

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Christiansen, Lars
Drisko, Richard
Hall, Betty
Hogan, Edith

Batula, Peter
Coughlin, Pamela
Elliott, Nancy
Hansen, Ryan
Holden, Randolph

Bergeron, Jean-Guy
Daniels, Gary
Graham, John
Hawkins, Ken
Hunter, Bruce

Christensen, Chris
Day, Russell
Haefner, Robert
Hinkle, Peyton
Kurk, Neal

L'Heureux, Robert
Mooney, Maureen
Price, Pamela
Soucy, Connie
Vaillancourt, Steve

Lawrence, James
O'Connell, Timothy
Reeves, Sandra
Stepanek, Stephen
Villeneuve, Maurice

McRae, Karen
Ober, Lynne
Renzullo, Andrew
Tahir, Saghir
Winters, Joel

Messier, Irene
Ober, Russell III
Rowe, Robert
Ulery, Jordan

MERRIMACK

Anderson, Eric
Lockwood, Priscilla

Hess, David
Reed, Dennis

Humphries, Charlie

Kidder, David

ROCKINGHAM

Allen, Mary
Bettencourt, David
Dumaine, Dudley
Flanders, John Sr
Gould, Kenneth
Itse, Daniel
Lund, Howie
Nowe, Ronald
Rausch, James
Weare, Everett

Baldasaro, Alfred
Carson, Sharon
Elliott, Robert
Garcia, Marilinda
Griffin, Mary
Kappler, Lawrence
Major, Norman
Packard, Sherman
Reagan, John
Welch, David

Bedrick, Jason
Dalrymple, David
Emiro, Frank
Garritty, James
Headd, James
Katsakiores, George
McKinney, Betsy
Priestley, Anne
Stiles, Nancy
Weyler, Kenneth

Belanger, Ronald
Devine, James
Fesh, Bob
Gleason, John
Hopfgarten, Paul
Katsakiores, Phyllis
McMahon, Charles
Quandt, Marshall
Waterhouse, Kevin
Wickson, Rick

STRAFFORD

Watson, Robert

SULLIVAN

Rodeschin, Beverly
and the committee report was adopted.
Ordered to third reading.

HB 796*, relative to civil liability for damaging highway protective barriers. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Gregory M. Sorg for Judiciary: This was a second committee referral of a bill whose intent is to amend RSA 236:39 so as to expand the ability of the State of New Hampshire and municipalities to recover for damages to highways and protective barriers caused by motorists and other persons. The committee amended the bill to enable recovery only from persons causing damage intentionally or negligently, and made general grammatical revisions to clarify the statute. Vote 11-4.

Amendment (1196h)

Amend the bill by replacing section 1 with the following:

1 Civil Liability Expanded. RSA 236:39 is repealed and reenacted to read as follows:

236:39 Civil Liability. If any person negligently or intentionally, without authority, shall place any obstruction in a highway, or cause any defect, insufficiency, or want of repair of a highway which renders it unsuitable for public travel, he or she shall be liable to the state for all damages to the highway, including replacement costs of protective barriers, when maintained by the state, or to the municipality for all damages to a highway, including replacement costs of protective barriers, when maintained by the municipality, and for all damages and costs which the state or municipality shall be compelled to pay to any person injured by such obstruction, defect, insufficiency or want of repair.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

HB 25-FN-A*, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT.*

Reps. Candace C.W. Bouchard and David B. Campbell for Public Works and Highways: This bill (Capital Budget) as amended had two public hearings and numerous work sessions and all agencies requesting an appropriation testified at least once. Departments not included in the Capital Budget were also allocated time to testify. The committee also had a work session with Division II of Finance. A subcommittee reviewed lapse dates and made recommendations. Lapse dates are projects given bonding authority in previous Capital Budgets that have some, or all, unexpended appropriations. Capital Bonds are issued for projects such as building maintenance, construction, land acquisition, furnishings and equipment that have a life expectancy of 20 years. However, HB 25 is unique in that it bonds highway funds for one-time appropriations for the Highway Transportation Plan. The treasurer does not object to this as a “short term solution.” Bonding General Funds – Amendment Changes: HB 25 as amended fully funds, as requested by the Adjutant General, the acquisition of land in Pembroke for a new 195th NH Regional Training Institute (NHRTI). The NHRTI is the NH Army National Guard’s military academy. This facility provides training for soldiers from NH and around the country. The state must provide the land to receive the \$38,000,000 federal grant for construction. The current NHRTI facility in Strafford is not adequate and will be used for other purposes. The Capital Budget, as presented by the Governor, did not include any courthouse projects. While the Governor was developing the Capital Budget, no courthouse was ready to be included due to community disagreement over site location. However, during the House Capital Budget hearings, Merrimack offered a site for the Merrimack District Court. The other two towns within the district, Bedford and Litchfield, agreed to the site. The courts testified that the site is suitable for the existing plans of a 24,000 square foot facility that will include the district court and family division. Merrimack District Court was third on the court’s priority list. The other two courts, Merrimack County Superior Court and Cheshire Superior Court are not ready to move forward. Recognizing that the current Merrimack District Court is grossly inadequate, has severe security issues, lacks privacy, has ADA accessibility restrictions and insufficient secure office space, the committee voted to include this court. However, the appropriation has a footnote requiring the land be acquired prior to 7/1/2008 and the site work and infrastructure cost no more than the appropriation. The Merrimack County Superior Court does have a proposed site and because Cheshire County does not, the lapse appropriation for design of the Cheshire County Courthouse was amended to Merrimack County Superior Courthouse Design. Under the Department of Administrative Services, the committee increased the appropriated amount for the State House, State Library and LOB maintenance and granite re-pointing by \$170,000. The Department of Transportation was equally sharing the \$2,100,000 project for the Hazen Drive improvements, with the Department of Administrative Services. The Department of Transportation testified they could do the entire Hazen Drive Roadway improvements, including the sidewalk extension for \$1,100,000. This project will be bonded with highway funds. DOT also requested Hazen Drive be its responsibility. The committee agreed. Also, under Administrative Services, the State House repairs and Hugh Gallen State Office Park roof repairs are funded by previously appropriated lapse funds from the Bridges Enhancement fund which Health and Human Services asked to be reduced. Changes to the Community – Technical College System request included Nursing labs and Classroom renovations along with a new student service center for the Claremont campus. The committee did reduce the request for planning and funding for future projects. The Department of Corrections request remained the same except for a reduction to \$10,000,000 line item. The committee believed the DOC could not do all the work in the line item appropriation this biennium and thought it more prudent to fund a new 150 bed minimum security unit (MSU) in Berlin, appropriated funds for the

architectural and engineering for the Berlin 500 bed expansion and Phase I of the Concord residential treatment unit. HB 25 as amended includes \$100,000 for the Housing Authority housing fund. The funds are used to facilitate the purchase and rehabilitation of affordable housing primarily for low and moderate income persons and families. The committee fully funded the 75% state match for the Exeter and Manchester regional career technical centers. The Temple Mountain appropriation of \$535,000 included \$100,000 for operating costs which the committee omitted. The committee also added a footnote that excludes the deed restrictions that were in HB 183 and prohibits DRED from using any state park fund money for the purposes of development, operation, or maintenance of the Temple Mountain property. The amendment authorizes DRED to sell its facility in Concord on Langdon Street and to build a new facility in Allenstown, Bear Brook State Park. The committee heard testimony that the current facility is too small, energy inefficient and lacks adequate parking (currently DRED leases parking) and the adjacent property owner will purchase the facility. The sum appropriated for the sale of the current facility shall be received before DRED can begin building the new facility. The rail match for the Nashua/Manchester project was amended to appropriate \$500,000 of lapse funds and reduces the new requested appropriation by \$500,000, thus reducing by \$500,000 new General Fund bonding. The appropriation for the rail match remains \$1,000,000. Bonding Highway Funds – Amendment Changes: The Department of Safety's request for the VISION, Office of Information Technology and DMV project was reduced from \$8,305,000 to \$1,915,000. This new appropriation allows the department to begin the estimated \$12,000,000 VISION system. The department testified that the current OIT system, although old, was in no immediate danger of failing. However, it is important to note that completion of VISION (as was true with the un-amended appropriation) will require appropriations in future Capital Budgets. The Department of Transportation (DOT) oil underground fuel tank replacement request has been amended to be appropriated out of the ODD Fund. The ODD Fund is able to support this appropriation. The amendment includes a new Welcome Center in Chesterfield on Route 9. The Chesterfield Welcome Center will accommodate a liquor store, Department of Resources and Economic Development, (DRED) and the Department of Safety. The Liquor Commission will pay rent to the Welcome Center and the sum shall be credited to the highway fund. The Liquor Commission testified with a larger store sales would more than double. DRED has been invited and will be allocated space by DOT to provide services for tourist. DOT is allocating space to the Department of Safety and thus will have the benefit of state troopers using the Welcome Center. A new request for a fuel center computer system was approved. This computer system will enable the department to have an accurate record of fuel being pumped from their fueling stations and provide an efficient means of payment from municipalities that use the stations. The most difficult decision for the committee was the inclusion of the bonding proposal in the Capital Budget that was put forth by the Governor. The committee reluctantly agreed to bond almost 60 million dollars (\$59,895,260) as a one time short-term fix in HB 25 because there is no fiscally prudent alternative at this time. The Commissioner of Transportation testified that because of the current 60 million dollar shortfall in the NHDOT budget this biennium there are only three alternatives: 1) Raise revenues (that means the gas tax) in this year's budget, 2) Cut 60 million dollars in highway bridge projects that are ready to go out to bid or, 3) Issue bonds to cover the shortfall. The DOT Commissioner and the majority of the committee support the bonding as a short-term solution to a long-term problem; which is the deteriorating condition of the State's highways and bridge infrastructure, and because of a lack of adequate revenue and inflation, the 10 Year Highway Plan has become a 16 Year Plan. A second alternative is to raise the gas tax to balance the books. A "quick fix" increase of 3 or 4 cents in the gas tax (even if sunsetted) is opposed by the majority of the Committee, The DOT Commissioner and the Governor for the same reason: NH DOT's books are currently in a condition that makes it impossible to determine the full financial picture or the actual long-term revenue needs. The House and Senate have already passed HB 103,

establishing a study committee which will explore this problem in depth and along with the Commissioner of DOT will recommend to the Legislature long-term solutions before November 2007. In the meantime, raising the gas tax without fully understanding the financial ramifications on the 10 Year Highway Plan was deemed by the committee to be imprudent. The third alternative: to delay or cut up to 60 million dollars in scheduled highway construction projects was also rejected by the committee. Such a move would only worsen the back log of projects, cost the state millions more in inflated construction costs, and would have negative impacts on jobs and the state's economy. Nobody has brought forth any other alternative other than bonding. The State Treasurer testified that the bonding the 60 million dollars this biennium is a "fiscally viable short-term solution and that it *would not* damage the state's bond rating or financial integrity." She did warn however, that to continue this practice would put the state on a "slippery slope." To help the Legislature's ability to make this a temporary solution, the Treasurer indicated she would probably issue variable 20 year bonds that could be paid off at any time. Additionally, Public Works & Highways worked with the Finance Committee to include in HB 2 a provision to sunset on July 1, 2009 the one cent allocation from the Betterment portion of gas tax revenues used to pay the loan for this budget cycle. This insures that there is *no decrease* in the Betterment Program this biennium or in the future. Finally, the House can be assured that these bonds *do not* bond operating expenses, as NHDOT supplied the committee and the Treasurer with a list of 20 year capital projects the equal or exceed the bonding allocations of the 60 million dollars. Vote 19-0.

Amendment (1178h)

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

A. Armory - Roofing Projects	\$600,000
B. Armory - Statewide Auxiliary Power	1,500,000
Less Federal	<u>-750,000</u>
Net state appropriation subparagraph B	750,000
C. Armory - Alarm Fire Systems	575,000
Less Federal	<u>-287,500</u>
Net state appropriation subparagraph C	287,500
D. NHSVC - Columbarium Expansion	765,000
Less Federal	<u>-765,000</u>
Net state appropriation subparagraph D	0
E. 195th Training Institute Land Acquisition	3,500,000
F. Regional Training Institute Construction	38,000,000
Less Federal	<u>-38,000,000</u>
Net state appropriation subparagraph F	0
G. Mini-Excavator-Veterans' Cemetery	62,000
H. Pole Barn - Veterans' Cemetery	<u>70,000</u>
Total state appropriation paragraph I	\$5,269,500

II. Department of Administrative Services.

A. Bureau of Court Facilities.	
1. Hillsborough County North - Asbestos Abatement	\$2,000,000
2. Merrimack District Courthouse*	<u>7,000,000</u>
Total state appropriation subparagraph A	\$9,000,000

* The sum appropriated in subparagraph A. 2 for the Merrimack district courthouse shall not be spent, obligated, or encumbered until land suitable for a standard court facility similar to the Dover district court layout has been acquired prior to July 1, 2008 provided

that there is no cost of land acquisition by the state and that site work and infrastructure costs can be accomplished within the sum appropriated or the authority shall lapse.

B. Bureau of General Services.

1. State House Annex - Renovate Restrooms	\$177,000
2. State House, State Library and LOB – Maintenance and Repointing	270,000
3. Safety Building - Replace HVAC Chillers	720,000
4. Monadnock Mill - New Roof	225,000
5. All State Owned Facilities	100,000
6. All State Owned Buildings - Energy Improvement Fund	250,000
7. Legislative Office Building - Replace Ice Stop System	104,000
8. Statewide Library Roof Repairs	<u>775,000</u>
Total state appropriation subparagraph B	<u>\$2,621,000</u>
Total state appropriation paragraph II	\$11,621,000

III. Department of Agriculture, Markets, and Food.

A. NH Building at Eastern States Exposition	<u>\$190,000</u>
Total state appropriation paragraph III	\$190,000

IV. Community-Technical College System.

A. Automotive Bldg Education and Training Center Updates	\$3,000,000
B. Main Building Renovations - Interior	1,000,000
C. Main Campus Renovations	2,000,000
D. Wellness Student Center	1,160,000
Less Other*	<u>-1,160,000</u>
Net state appropriation subparagraph D	0

*To provide funds for the appropriations made in subparagraphs D, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,160,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from student fees.

E. Health, Education, Technology Center	500,000
F. Academic, Career and Health Education Center	6,500,000
Less Federal	-491,032
Less Other*	<u>-2,008,968</u>
Net state appropriation subparagraph F	4,000,000

*To provide funds for the appropriations made in subparagraphs F, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,008,968 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from donations, pledges, and grants.

G. Pease Campus Renovation - Main Campus	11,000,000
Less Other (Sale of Land) *	<u>-11,000,000</u>
Net state appropriation subparagraph G	0

*The proceeds from the sale of the Stratham campus land shall be used up to July 1, 2010 to offset the sum appropriated for the Pease campus renovation authorized in subparagraph G.

H. Planning Funding for Future Projects	250,000
I. Information Technology- Standardize System wide Network Architecture	1,000,000
J. Critical Maintenance/Repairs	4,000,000
K. Student Services, Nursing Lab and Classroom - Claremont	450,000
L. Christa McAuliffe Planetarium - Alan B Shepard Mem. Wing	4,263,167
Less Other*	<u>-4,263,167</u>
Net state appropriation subparagraph L	<u>0</u>

*To provide funds for the appropriations made in subparagraph L, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,263,167 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the planetarium fund established in RSA 12-L:10.

Total state appropriation paragraph IV \$16,200,000

V. Department of Corrections.

A. Electronic Security Upgrades - Men's Prison	\$ 350,000
B. NHSP/M Chiller and Tower Replacement	349,400
C. NHSP/M Structural Wall and Beam Repair	1,780,000
D. NHSP/M and NHSP/W Boiler Room Upgrades	370,000
E. Roof Repairs	1,300,000
F. LRF - Sewer Stormwater Water System Repairs*	1,300,000

*The department shall seek and apply for federal matching funds and state revolving funds for the project in subparagraph F. Any matching funds received shall reduce the state appropriation as provided in section 9 of this act.

G. Residential Treatment Unit, Phase 1 - Concord	1,480,000
H. MSU 150-beds, Berlin	5,300,000
I. Architectural and Engineering – 500 bed, Max. Security - Berlin	200,000
J. Comprehensive Master Plan and Secure Psychiatric Care	500,000
K. Community Corrections HVAC and Water Upgrades	<u>410,000</u>

Total state appropriation paragraph V \$13,339,400

VI. Department of Education.

A. Renovation Regional Career and Tech Ed Center - Exeter	\$6,375,000
B. Renovation Regional Career and Tech Ed Center - Manchester	7,425,000
C. Pre-Engineering Technology	<u>400,000</u>

Total state appropriation paragraph VI \$14,200,000

VII. Department of Environmental Services.

A. Drinking Water SRF Matching Funds*	\$3,249,460
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* The department shall give a priority to the SRF project authorized for the department of corrections in subparagraph V. F.

B. Wastewater SRF Matching Funds	3,008,863
C. Hazardous Waste Superfund Match I	1,210,000
D. Dam Repairs, Removal and Reconstruction *	1,810,000

*The sum appropriated in subparagraph D shall not be spent, obligated, or encumbered until the department has received approval of the dam repair, removal, or reconstruction projects from the capital budget overview committee.

E. Technical Services - Air Monitoring Program	<u>274,100</u>
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Total state appropriation paragraph VII \$9,552,423

VIII. Fish and Game Department.

A. Dam Construction and Repair	<u>\$450,000</u>
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Total state appropriation paragraph VIII \$450,000

IX. Department of Health And Human Services.

A. Main Building - Asbestos Abatement	\$250,000
B. Main Building - Lead Paint Abatement	191,000
C. Glencliff - Brown Building Patient Room Floor Abatement	950,000
D. Replacement of Huntress and Lodge Houses	976,000
E. Twitchell Bldg - Roof Replacement and Electrical Upgrade	<u>160,000</u>

Total state appropriation paragraph IX \$2,527,000

X. Housing Finance Authority.

A. Affordable Housing	<u>100,000</u>
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Total state appropriation paragraph X \$100,000

XI. Liquor Commission.

A. Renovate Store Parking Lot #76	\$790,000
B. Concord Warehouse Racking	<u>270,000</u>
Total state appropriation paragraph XI	\$1,060,000
XII. Pease Development Authority.	
A. Market Street Marine Terminal Pier	2,300,000
Less Other*	<u>-2,300,000</u>
Net state appropriation subparagraph A	<u>0</u>
B. Rye Harbor Commercial Fish Pier	1,560,000
Less Other*	<u>-1,560,000</u>
Net state appropriation subparagraph B	<u>0</u>

*To provide funds for the appropriations made in subparagraphs A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,860,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42. For the appropriation made in subparagraph A, the Pease development authority and the attorney general shall seek reimbursement or restitution for the cost of repairs of damage to the facility, and the appropriation may not be expended until approval is received by the capital budget overview committee.

Total state appropriation paragraph XII	\$0
XIII. Department of Resources and Economic Development.	
A. Statewide Park Funding	\$6,000,000
B. Temple Mountain Purchase*	435,000

*The sum appropriated in subparagraph B shall not be spent, obligated, or encumbered until the remaining sums required for the purchase are received. The purchase of property shall not be subject to deed restrictions which prohibit the installation of telecommunications or similar towers and associated facilities on the property or which prohibit any off-road motorized vehicular recreational activities. The department of resources and economic development shall not develop, operate, or maintain any recreational facilities on the property unless funding for such development, operation, or maintenance is provided through state, federal, or municipal sources, private contributions, or other sources, nor shall the department use any state park fund money for the purposes of development, operation, or maintenance of the Temple Mountain property.

C. Statewide - Exterior Repairs, Roofing	400,000
D. New Facility – Allenstown	1,149,758
Less Other (Sale of Land- Concord) *	<u>-332,000</u>
Total state appropriation subparagraph D	817,758

* The sum appropriated in subparagraph D shall not be spent, obligated, or encumbered until the proceeds from the sale of land are received.

E. Statewide Radio System	<u>883,000</u>
Total state appropriation paragraph XIII	\$8,535,758

XIV. Department of Transportation.

A. 5-10% Match for FAA Projects	\$50,765,517
Less Federal	-41,423,900
Less Other	<u>-6,632,870</u>
Net state appropriation subparagraph A	2,708,747
B. Public Transit Bus Replacement	384,500
C. Rail - Match	500,000
D. Repair State Rail Lines	950,000
E. Maintenance Hanger at the Skyhaven Airport	650,000
Less Other*	<u>-650,000</u>
Net state appropriation subparagraph E	<u>0</u>

*To provide funds for the appropriations made in subparagraph E, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$650,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Skyhaven airport maintenance and operations fund under RSA 422:39.

Total state appropriation paragraph XIV	\$ 4,543,247
XV. Veterans' Home.	
A. Upgrades to Facility/Asbestos Abatement	\$1,165,000
Less Federal	<u>-757,250</u>
Net state appropriation subparagraph A	407,750
B. Energy Enhancements	5,000,000
Less Federal	<u>-3,250,000</u>
Net state appropriation subparagraph B	1,750,000
C. Therapeutic Pool Study	<u>50,000</u>
Total state appropriation paragraph XV	\$ <u>2,207,750</u>
Total state appropriation section 1	\$89,796,078
2 Appropriations; Highway Fund. The sums hereinafter detailed are appropriated for the projects specified:	
I. Department of Safety.	
A. Sprinklers 3rd Floor 33 Hazen & Elevator Control Upgrades	\$550,000
B. 33 Hazen - Computer Room Electrical Upgrades	548,000
C. Lab HVAC Modification/Upgrade	220,000
D. OIT projects for DMV	<u>1,915,000</u>
Total state appropriation paragraph I	\$ 3,233,000
II. Department of Transportation.	
A. Patrol and Salt Sheds	\$ 1,300,000
B. Statewide - Underground Fuel Tank Replacement	3,000,000
Less Other *	<u>3,000,000</u>
Net state appropriation subparagraph B	0
*To provide funds for the appropriations made in subparagraph B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the oil discharge and disposal cleanup fund established in RSA 146-D:3.	
C. Statewide - Energy/Environmental Renovations	500,000
D. Chesterfield Welcome Center *	3,000,000
* All rents and lease payments made for use of the Chesterfield welcome center property shall be credited to the highway fund. The liquor commission shall pay rent to the department of transportation for its facility on the property at the rate paid for non-state facilities.	
E. Fuel Center Computer System	800,000
F. Hazen Drive – Roadway Improvements and Sidewalk Extension	1,100,000
G. Highway Construction Projects	
1. Consolidated Federal Funds – State Match	27,695,260
2. Betterment *	15,000,000
3. State Highway Construction Aid	3,600,000
4. Municipal Bridge Program *	<u>13,600,000</u>
Total state appropriation subparagraph G	<u>59,895,260</u>
* Section 8 of this act shall not apply to the sums appropriated in subparagraph G. 2 and G.4 .	
Total state appropriation paragraph II	\$ <u>66,595,260</u>

Total state appropriation section 2

\$69,828,260

3 Expenditures; General. The appropriation made for the purpose mentioned in sections 1 and 2 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

4 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 2 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of department of transportation with the approval of governor and council.

5 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$159,624,338 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

6 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in section 2 shall be made from the highway fund.

7 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 2 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 5 of this act shall be reduced by the same amount.

8 Transfers. The individual project appropriations provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

9 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1 and 2 of this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 5 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

10 Commission Established; Road Toll Authority.

I. There is established a commission to study the transfer of road toll collections to the department of revenue administration.

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

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

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

(c) The commissioner of safety, or designee.

(d) The commissioner of revenue administration, or designee.

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

IV. The commission shall study transferring the authority for road toll collections and administration from the department of safety to the department of revenue administration.

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

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

11 Appropriation Purpose Amended. Cheshire County Courthouse. Amend 2005, 259:1, II, A, 2 to read as follows:

2. ~~[Cheshire]~~ **Merrimack** County Courthouse Design [*] 250,000

~~[* The appropriation for the design of the Cheshire County courthouse shall not be expended until input is received from the Cheshire County commissioners.]~~

12 Appropriation Purpose Amended. Department of Transportation. Amend 2005, 259:4, II, D to read as follows:

D. District 5 Office – ~~[Hooksett]~~ **Bedford** 1,780,000

13 Appropriation Purpose Amended. Department of Transportation. Amend 2005, 259:1, XIII, F to read as follows:

F. Railroad Acquisition, Right of First Refusal – **Rail Match** 500,000

14 Christa McAuliffe Planetarium; Alan B. Shepard Memorial Wing; Project Funding. Amend 2003, 240:1, III to read as follows:

III. Community-Technical College System.

A. Library Expansion - Academic Program Support - Stratham	\$ 2,373,000
B. Library Addition - Design - Claremont	125,000
C. Ventilation - Berlin	307,000
D. Student Residence Hall Rehabilitation -NHTI	270,000
E. New Academic Building – Laconia	5,500,000
F. MacRury Hall Addition – Dental Facility	1,500,000
G. Critical Repairs	1,252,000
H. Christa McAuliffe Planetarium –	
Alan B. Shepard Mem. Wing	~~[6,200,000]~~ 5,019,000
Less Federal	~~-[4,900,000]~~ 3,719,000
Net state appropriation subparagraph H	1,300,000
I. Police Standards and Training – Storage Building Expansion	<u>95,000</u>
Total state appropriation paragraph III	\$12,722,000

The sum appropriated in subparagraph E for the academic building in Laconia shall not be spent, obligated, or encumbered until the department has received approval of the master plan process from the capital budget overview committee. In addition to the approval of the master plan process, the department shall submit the program and design development drawings which include cost estimates, design criteria, and square footage requirements for the project in subparagraph E to the capital budget overview committee for its review and approval.

~~[No state funds may be expended for the Shepard memorial wing project in subparagraph H until all the federal funds for the project have been received.]~~

15 2001 Capital Budget; Administrative Services; Projects Added. Amend 2001, 202:1, II to read as follows:

II. Administrative Services.

A. Bureau of General Services.

1. State Laboratory - Complete HVAC Repairs	\$ 8,552,200
2. E-911 Install Ventilation Unit	133,000
3. 6 Hazen Drive - Install Fire Suppression System	807,500
4. State Library - Install Fire Suppression System	310,000
5. State House Annex - Life Safety Code Improvements	106,500
6. State House Annex - Upgrade Elevators	198,000
7. 6 Hazen Drive - Replace State Laboratory Roof	160,000
8. State House - Upgrade Elevators	198,000
9. State House - Repoint Exterior Granite & Caulk Windows	205,000
10. State House – Dome	300,000
11. State House Annex – Mailroom Lift	93,500
12. Johnson Hall Renovations - State Office Park South	229,576
13. Storrs Street Garage - Parking Garage Repairs	513,000
14. State House Complex, Repairs	316,000
15. Hugh Gallen State Office Park – Roof Repairs	622,930
Total state appropriation subparagraph A	~~[\$11,806,276]~~ \$12,745,206

B. Bureau of Court Facilities.

1. Carroll County Courthouse Construction	\$ 6,250,000
2. Roof – Nashua District Court	115,700
Total state appropriation subparagraph B	<u>\$ 6,365,700</u>
Total state appropriation paragraph II	~~[\$18,171,976]~~ \$19,110,906

16 2001 Capital Budget; Health and Human Services; Project Amended. Amend 2001, 202:1, IX to read as follows:

IX. Department Of Health & Human Services.

A. Patient Res. ADA & Fire Sys/Transitional Housing – State Office Park South	\$433,750
B. Asbestos Abatement - State Office Park South	996,250
C. Main Building - ADA, Fire/Life Safety Renovations	265,000
D. MOP Roof Replacement/Wiring, Phone, Alarm - Laconia	210,000
E. Laconia MR Offenders New Building	500,000
F. Patient Care Network *	700,000
G. LITS (Lab Information Tracking System) *	250,000
H. Bridges Enhancement *	~~[3,000,000]~~ 2,061,070
Less Federal	<u>-1,500,000</u>
Net state appropriation subparagraph H	~~[1,500,000]~~ 561,070
I. DFA New Heights Enhancements	3,100,000
Less Federal	<u>-1,550,000</u>
Net state appropriation subparagraph I	1,550,000
J. Public Health Laboratories Replacement Equipment	<u>495,000</u>
Total state appropriation paragraph IX	~~[\$6,900,000]~~ \$5,961,070

17 Community Technical Colleges; Pease Added. Amend 2005, 259:1, III, D to read as follows:

D. Critical Maintenance Manchester/Stratham/ Pease	900,000
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18 Lapse Dates Extended to June 30, 2009. The following appropriations are hereby extended to June 30, 2009:

I. The appropriation made to the adjutant general in 2001, 202:1, I, C, as extended by 2003, 240:34, IV, and 2005, 259:25, I, for army aviation support facility construction - Concord.

II. The appropriation made to the adjutant general in 2003, 240:1, I, A, as extended by 2005, 259:25, II, and as amended by 2006, 272:2, for armory renovations, disposals, or and acquisition.

III. The appropriation made to the adjutant general in 2003, 240:1, I, D, as extended by 2005, 259:25, V, for joint service training facility design.

IV. The appropriation made to the adjutant general in 2005, 259:1, I, A, for armory renovations.

V. The appropriation made to the adjutant general in 2005, 259:1, I, B, for armory kitchen expansion.

VI. The appropriation made to the adjutant general in 2005, 259:1, I, C, for re-roofing building F & L.

VII. The appropriation made to the department of administrative services - bureau of court facilities in 2003, 240:, II, A, 1, as extended by 2005, 259:25, VII, for architectural and engineering - Hampton district court.

VIII. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 1, for Laconia district court renovation.

IX. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 2, as amended by section 11 of this act, for Merrimack county courthouse design.

X. The appropriation made to the department of administrative services - bureau of general services, in 1999, 226:1, II, A, 8, as extended by 2001, 202:28, XIV, 2003, 240:34, XX, and 2005, 259:25, VI, for executive/legislative budget system.

XI. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 11, as extended 2005, 259:25, XIII, for Monadnock mill - repair building foundation.

XII. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 12, as extended by 2005, 259:25, XIV, for site and design parking garage - executive/legislative.

XIII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 3, for Londergan hall - replace defective windows.

XIV. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 4, for all state owned facilities - emergency repairs.

XV. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 6, for Monadnock mill - report defective masonry.

XVI. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 10, for legislative office building - replace chiller.

XVII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 12, for M.S. building, renovation.

XVIII. The appropriation made to the department of administrative services - financial data management in 2003, 240:1, II, C, 2, as extended by 2005, 259:25, XVI, for enterprise resource planning.

XIX. The appropriation made to the department of administrative services - financial data management in 2003, 240:3, III, A, as extended by 2005, 259:25, LIV, for enterprise resource planning.

XX. The appropriation made to the department of administrative services in 2006, 258:16, I, for quality assurance evaluation, monitoring and reporting related to the implementation of the ERP system.

XXI. The appropriation made to the community technical college system in 2003, 240:1, III, H, as extended by 2005, 259:25, XVII, and as amended by section 14 of this act for Christa McAuliffe planetarium - Alan Shepard memorial wing.

XXII. The appropriation made to the community technical college system in 2003, 240:1, III, G, as extended by 2005, 259:25, XX, for critical repairs.

XXIII. The appropriation made to the community technical college system in 2005, 259:1, III, A, for critical maintenance NH technical institute.

XXIV. The appropriation made to the community technical college system in 2005, 259:1, III, B, for critical maintenance Berlin, Laconia.

XXV. The appropriation made to the community technical college system in 2005, 259:1, III, D, as amended by section 17 of this act, for critical maintenance Manchester, Stratham, Pease.

XXVI. The appropriation made to the department of corrections in 2005, 259:1, IV, A for electronic security upgrades – men’s prison.

XXVII. The appropriation made to the department of corrections in 2005, 259:1, IV, C for fire alarm and sprinkler system upgrades – men’s prison.

XXVIII. The appropriation made to the department of education in 2001, 130:14, II, as extended by 2003, 240:34, XC, and 2005, 259:25, XXI, for information technology projects.

XXIX. The appropriation made to the department of education in 2003, 240:1, IV, B, as extended by 2005, 259:25, XXIII, for regional career and technical education center match - Berlin.

XXX. The appropriation made to the department of education in 2005, 259:1, V, A, for renovation regional career and tech ed center, Concord.

XXXI. The appropriation made to the department of education in 2005, 259:1, V, B, for renovation regional career and tech ed center, Conway.

XXXII. The appropriation made to the department of education in 2005, 259:1, V, C, for pre-engineering technology.

XXXIII. The appropriation made to the department of environmental services in 2001, 202:1, VIII, B, as extended by 2003, 240:34, XLI, and 2005, 259:25, XXVII, for wastewater state revolving fund matching funds.

XXXIV. The appropriation made to the department of environmental services in 2003, 240:1, V, A, as extended by 2005, 295:25, XXVIII, for hazardous waste superfund match.

XXXV. The appropriation made to the department of environmental services in 2003, 240:1, V, B, as extended by 2005, 295:25, XXIX, for drinking water SRF matching funds.

XXXVI. The appropriation made to the department of environmental services in 2003, 240:1, V, C, as extended by 2005, 295:25, XXX, for waste water SRF matching funds.

XXXVII. The appropriation made to the department of environmental services in 2005, 259:1, VI, A, for dam repairs, removal and reconstruction.

XXXVIII. The appropriation made to the department of environmental services in 2005, 259:1, VI, B, for drinking water SRF matching funds.

XXXIX. The appropriation made to the department of environmental services in 2005, 259:1, VI, C, for wastewater SRF matching funds.

XL. The appropriation made to the department of environmental services in 2005, 259:1, VI, D, for bedrock aquifer monitoring.

XLI. The appropriation made to the department of environmental services in 2005, 259:1, VI, F, for north country Gorham office.

XLII. The appropriation made to the department of environmental services in 2005, 259:1, VI, G, for laboratory clean room.

XLIII. The appropriation made to the fish and game department in 2003, 240:2, A, as extended by 2005, 259:25, XXXI, for hatchery system modernization.

XLIV. The appropriation made to the fish and game department in 2005, 259:3, I, for headquarters roof replacement.

XLV. The appropriation made to the fish and game department in 2005, 259:3, II, for hatchery system modernization.

XLVI. The appropriation made to the fish and game department in 2005, 259:3, III, for dam reconstruction.

XLVII. The appropriation made to the department of health and human services in 2003, 240:11, for a secure facility for committed and detained juveniles.

XLVIII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H, as extended by 2001, 202:28, XLIV, 2003, 240:34, LII, and 2005, 259:25, XXXII, for information technology.

XLIX. The appropriation made to the department of health and human services in 2001, 202:1, IX, B, as extended by 2003, 240:34, LIV, and 2005, 259:25, XXXIII, for asbestos abatement - state office park south.

L. The appropriation made to the department of health and human services in 2001, 202:1, IX, H, as extended by 2003, 240:34, LVIII, and, 2005, 259:25, XXXIV, and as amended by section 16 of this act for bridges enhancement.

LI. The appropriation made to the department of health and human services in 2005, 259:1, VII, A, for Dolloff building electrical/fire alarm system replacement.

LII. The appropriation made to the department of health and human services in 2005, 259:1, VII, B, for main building fire sprinkler replacement.

LIII. The appropriation made to the department of health and human services in 2005, 259:1, VII, C, for state office park south – electrical system upgrade.

LIV. The appropriation made to the department of health and human services in 2005, 259:1, VII, D, for water damage repair of buildings – Glencliff.

LV. The appropriation made to the department of health and human services in 2005, 259:1, VII, E, for renovation/moving of dietary area – Glencliff.

LVI. The appropriation made to the department of health and human services in 2005, 259:17, for YDC master plan.

LVII. The appropriation made to the liquor commission in 2005, 259:1, VIII, A, to construct public restrooms - store #38 Portsmouth.

LVIII. The appropriation made to the liquor commission in 2005, 259:1, VIII, B, to construct public restrooms - store #34 Salem.

LIX. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, D, as extended by 2005, 259:25, XXXVIII, for Mount Washington electrification.

LX. The appropriation made to the department of resources and economic development in 2005, 259:1, IX, E, for Mount Washington electrification.

LXI. The appropriation made to the office of information technology in 2005, 259:1, X, A, for administrative services, enterprise resource planning.

LXII. The appropriation made to office of information technology in 2005, 259:1, X, B, for department of health and human services, MMIS procurement.

LXIII. The appropriation made to the department of safety 2003, 240:3, I, D, as extended by 2005, 259:25, XLI, finish Troop D first floor.

LXIV. The appropriation made to the department of safety 2005, 259:4, I, A, for enhanced road toll system.

LXV. The appropriation made to the department of safety 2005, 259:4, I, C, for DMV offices add fire and intrusion alarms.

LXVI. The appropriation made to the department of safety 2005, 259:4, I, D, for Milford DMV office addition.

LXVII. The appropriation made to the department of safety 2005, 259:4, I, E, for 33 Hazen drive renovations.

LXVIII. The appropriation made to the department of safety 2005, 259:4, I, F, for radio maintenance expansion.

LXIX. The appropriation made to the department of safety 2005, 259:19, for a fire station addition.

LXX. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202:28 XXXIII, 2003, 240:34, LXXVI, and 2005, 259:25, LVI, for acquisition of railroad and airport properties.

LXXI. The appropriation made to the department of transportation in 2003, 240:1, XI, A, as extended by 2005, 259:25, XLVII, for 5-10 percent match for FAA projects.

LXXII. The appropriation made to the department of transportation in 2003, 240:3, II, A, as extended by 2005, 259:25, XLIX, for patrol and salt sheds-statewide.

LXXIII. The appropriation made to the department of transportation in 2005, 259:1, XIII, A, for 2 ½ - 5 percent match for FAA projects.

LXXIV. The appropriation made to the department of transportation in 2005, 259:1, XIII, B, for public transit bus replacement.

LXXV. The appropriation made to the department of transportation in 2005, 259:1, XIII, E, for railroad bridge repairs.

LXXVI. The appropriation made to the department of transportation in 2005, 259:1, XIII, F, as amended by section 13 of this act, for railroad acquisition, right of first refusal rail match.

LXXVII. The appropriation made to the department of transportation in 2005, 259:4, II, A, renovation and addition district 4 office - Swanzey.

LXXVIII. The appropriation made to the department of transportation in 2005, 259:4, II B, renovate patrol shed - Franconia.

LXXIX. The appropriation made to the department of transportation in 2005, 259:4, II, C, new patrol shed - Conway.

LXXX. The appropriation made to the department of transportation in 2005, 259:4, II, D, as amended by section 12 of this act, district 5 office - Bedford.

LXXXI. The appropriation made to the department of transportation in 2005, 259:4, II, E, salt storage sheds - statewide.

LXXXII. The appropriation made to the department of transportation in 2005, 259:4, II, H, energy/environmental renovations-statewide.

LXXXIII. The appropriation made to the department of transportation in 2005, 259:4, II, I, Chesterfield welcome center and Antrim rest area.

LXXXIV. The appropriation made to the department of transportation in 2005, 259:20, for underground fuel tank storage.

LXXXV. The appropriation made to the new Hampshire veterans' home in 2003, 240:1, XII, A, as extended by 2005, 259:25, LIII, for upgrade fire safety and renovation project.

LXXXVI. The appropriation made to the New Hampshire veterans' home in 2005, 259:1, XII, A, for HVAC, Tarr unit roof, life safety updates.

LXXXVII. The appropriation made to the New Hampshire veterans' home in 2006, 307:8, I, for recreation room storm repairs.

XXXXVIII. The appropriation made to the New Hampshire veterans' home in 2006, 307:8, II, for recreation room renovation.

19 Effective Date.

I. Section 18 of this act shall take effect June 30, 2007.

II. The remainder of this act shall take effect July 1, 2007.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Packard spoke against.
Reps. Campbell and Bouchard spoke in favor.
Rep. Daniels requested a roll call; sufficiently seconded.

YEAS 283 NAYS 73

YEAS 283

BELKNAP

Arsenault, Beth
Nedeau, Stephen

Flanders, Donald
Pilliod, James

Heald, Bruce
Reever, Judith

Millham, Alida
Russell, David

Thomas, John
Wood, Jane

Tilton, Franklin

Tobin, William

Whalley, Michael

CARROLL

Ahlgren, Christopher
Butler, Edward
Knox, J. David

Bridgham, Robert
Chandler, Gene
Morrow, Harry

Brown, Carolyn
Cunningham, Howard
Patten, Betsey

Buco, Thomas
Heard, Virginia

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Burridge, Delmar
Chase, William
Hunt, John
Parkhurst, Henry
Robertson, Timothy

Butcher, Suzanne
Dunn, J. Timothy
Lerandeau, Alfred
Plifka, Stanley Jr
Sad, Tara

Butterworth, Timothy
Eaton, Daniel
Loll, Thomas
Richardson, Barbara
Weber, Lucy

COOS

Hatch, William
Remick, William

Mears, Edgar
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Merrick, Scott
Thomas, Yvonne

GRAFTON

Aguiar, James
Bleyler, Ruth
Gionet, Edmond
Lovett, Sid
Nordgren, Sharon
Sorg, Gregory

Almy, Susan
Bulis, Lyle
Hammond, Lee
Matheson, Robert
Pierce, David
Williams, Burton

Andersen, Gene
Cooney, Mary
Harding, A Laurie
McLeod, Martha
Preston, Philip

Benn, Bernard
Estes, Carole
Laliberte, Suzanne
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Chase, Claudia
Daler, Jennifer
Elliott, Nancy
Fontas, Jeffrey
Garrity, Patrick
Hackel, Paul
Hawkins, Ken
Hunter, Bruce
Kaelin, Michael
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron
Matarazzo, Anthony
Sr
Movsesian, Lori
Peterson, Andy
Rochette, Eric
Shaw, Barbara
Spratt, Stephen
Tahir, Saghir

Barry, Richard
Bergin, Peter
Christensen, Chris
Dokmo, Cynthia
Emerton, Larry
Forest, Armand
Goley, Jeffrey
Hall, Betty
Hebert, Roger
Irwin, Anne-Marie
Kelley, John
L'Heureux, Robert
Levesque, Melanie
Manney, Pamela
Mesa, Lily
O'Brien, Michael Sr
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Daniel
Velez, Hector

Batula, Peter
Brunelle, Michael
Clemons, Jane
Drisko, Richard
Essex, David
Foster, Linda
Gorman, Mary
Hammond, Jill
Hinkle, Peyton
Jean, Claudette
Knowles, John
Lasky, Bette
Lisle, Carolyn
Marshall, Seth
Messier, Irene

O'Connell, Timothy
Reeves, Sandra
Schulze, Joan
Simon, Anthony
Sullivan, Francis

Beaulieu, Jane
Campbell, David
Cote, David
Edwards, Andrew
Fletcher, Richard
Gargas, Carolyn
Graham, John
Harvey, Suzanne
Holden, Randolph
Jeudy, Jean
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Martineau, Jesse
Mooney, Maureen

O'Neil, James
Reuschel, Michael
Shattuck, Gilman
Smith, David
Sysyn, Mary

MERRIMACK

Anderson, Eric	Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth
Bouchard, Candace	Brown, Carole	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Kelly, Sally	Kidder, David
Kjellman, Eleanor	Lockwood, Priscilla	MacKay, James	McMahon, Patricia
Glynn			
Osborne, Jessie	Porter, Margaret	Potter, Frances	Reardon, Tara
Richardson, Gary	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Walz, Mary	Webb, Leigh
Wheeler, Deborah	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Borden, David	Brown, C. Pennington
Buxton, Donald	Case, Frank	Casey, Kimberley	Charron, Gene
Dalrymple, David	Day, Judith	DiFruscia, Anthony	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Garcia, Marilinda	Garrity, James
Gould, Kenneth	Griffin, Mary	Grote, Otto	Guthrie, Joseph
Henson, John	Howard, Doreen	Hutchinson, Karen	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kennedy, James	Marsh, Michael	McCarthy, Linda	McKenna, Daniel
McMahon, Charles	Moody, Marcia	Moore, Bennett	Nord, Susi
Pantelakos, Laura	Pearson, Mark	Powers, James	Rausch, James
Russell, Trinkia	Sanders, Elisabeth	Snow, Richard	Splaine, James
Waterhouse, Kevin	Weare, Everett	Welch, David	Wells, Roger
Wickson, Rick			

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Larry
Browne, Brendon	Burke, Rachel	Cyr, James	DeChane, Marlene
Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle	Hofemann, Roland
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Knowles, William
Miller, Joseph	Perry, Robert	Rollo, Deanna	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Sprague, Dale
Vachon, Dennis	Wall, Janet	Watson, Robert	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew
Jillette, Arthur Jr	Nielsen, Ellen	Skinder, Carla	

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BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Wendelboe, Fran
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CARROLL

Denley, William	Martin, James	Stevens, Stanley
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CHESHIRE

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

COOS

King, Frederick

GRAFTON

Eaton, Stephanie

Ingbertson, Paul

HILLSBOROUGH

Bergeron, Jean-Guy
Daniels, Gary
Hogan, Edith
Lessard, Rudy
Ober, Russell III
Soucy, Connie
Vaillancourt, Steve

Christiansen, Lars
Day, Russell
Jasper, Shawn
McRae, Karen
Price, Pamela
Spaulding, Jayne
Villeneuve, Maurice

Clark, Mark
Haefner, Robert
Kurk, Neal
Moran, Edward
Renzullo, Andrew
Stepanek, Stephen
Winters, Joel

Coughlin, Pamela
Hansen, Ryan
Lawrence, James
Ober, Lynne
Rowe, Robert
Ulery, Jordan

MERRIMACK

Hess, David

Humphries, Charlie

Reed, Dennis

ROCKINGHAM

Allen, Mary
Camm, Kevin
Elliott, Robert
Hopfgarten, Paul
Lund, Howie
Packard, Sherman
Reagan, John

Baldasaro, Alfred
Carson, Sharon
Emiro, Frank
Itse, Daniel
Major, Norman
Priestley, Anne
Stiles, Nancy

Bedrick, Jason
Devine, James
Gleason, John
Kappler, Lawrence
McKinney, Betsy
Quandt, Marshall
Weyler, Kenneth

Bettencourt, David
Dumaine, Dudley
Headd, James
Kepner, Susan
Nowe, Ronald
Quandt, Matthew
Winchell, George

STRAFFORD

Spang, Judith

SULLIVAN

Rodeschin, Beverly

and the committee report was adopted.

Ordered to third reading.

(Deputy Speaker Foster in the Chair)

REGULAR CALENDAR (CONT'D)

HB 472-FN, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements. **OUGHT TO PASS.**

Rep. Michael G. Marsh for Ways and Means: This bill increases the fee for hazardous waste permits, self-certification fees for small quantity waste generators, and fees for hazardous waste notifications. The bill also increases the fee for the generation of hazardous wastes by \$.03 per pound. The committee heard testimony that these fees go the Department of Environmental Services' Hazardous Waste Cleanup Fund, which pays to clean up waste sites in the state. This fund has seen its balance shrink in the current biennium. Without these fee increases, the Hazardous Waste Cleanup Fund will have a balance of less than \$1.4 million at the end of FY09, and the cost of cleaning up a single gas station spill could exceed this amount. In the hearing, we heard opposing testimony from a representative of the NH Auto Dealers Association who was concerned about the fee increase for small quantity waste

generators like car repair shops. His concerns were answered by DES and he withdrew his opposition to the bill. Vote 15-0.

Committee report adopted.

Ordered to third reading.

HB 599-FN, relative to fees for meals and rentals licenses. **OUGHT TO PASS.**

Rep. Norman L. Major for Ways and Means: This bill was introduced at the request of the Department of Revenue Administration (DRA) to enable DRA to keep track of restaurant and restaurant licensees, many of whom change hands without notifying DRA thus making the collection of the meals and rentals tax difficult. This bill establishes an original license fee and a renewal fee of \$5 for meals and rental licenses. In years past, restaurants and rental licenses expired every two years but the statute was amended to make the licenses of indefinite term. As a result of that experiment, DRA has found it difficult to track the current owner of some facilities in order to collect the tax. This bill solves that problem at minimum cost and inconvenience to the owners. Vote 14-0.

Committee report adopted.

Ordered to third reading.

HB 664-FN, relative to annual dam registration and permit application fees. **OUGHT TO PASS.**

Rep. Michael G. Marsh for Ways and Means: This bill raises the annual inspection fees the state charges owners of certain dams, and the fees it charges for dam construction or reconstruction permits. The fees are deposited in the dam maintenance fund and are used to pay for the inspection of dams. The Department of Environmental Services testified that these fee increases were required to fully fund and staff its dam inspection department, to insure that all of the approximately 1100 hazardous dams in state are inspected on a reasonable schedule. The committee was made aware of the cost in both money and lives should dams not be adequately inspected, and believed this was an important program and the self-funding mechanism is reasonable. The committee learned that non-hazard dams such as those found on farms are not subject to annual fees, and the cost of the fee is based on the anticipated cost to perform the inspection or permitting process. Vote 12-3.

Committee report adopted.

Ordered to third reading.

HB 815-FN-A, requiring the display of boater education decals on vessels registered in other states. **OUGHT TO PASS.**

Rep. Michael G. Marsh for Ways and Means: This bill requires owners of boats not registered in New Hampshire to purchase and display an annual boater education decal on their boats if they wish to use them on New Hampshire waters. The decal is purchased for \$20, and the purchaser will receive boater educational safety materials. The committee heard testimony that at least 30,000 out-of-state boaters use New Hampshire lakes and rivers each year, and the state will receive between \$600,000 and \$750,000 in revenue from this program. This revenue will be equally shared between the lake restoration and preservation fund, the dam maintenance fund, the statewide public boat access fund, and the navigation safety fund. As all of these funds in some way benefit users of New Hampshire waters, and since out-of-state boaters otherwise do not pay the state for the use of our waters, the committee believed this was a reasonable fee to impose on out-of-state users. Vote 9-6.

On a division vote, 236 members having voted in the affirmative and 109 in the negative, the committee report was adopted.

Ordered to third reading.

(Speaker Norelli in the Chair)

BILLS REMOVED FROM CONSENT CALENDAR

HB 660-FN, relative to an assistant state veterinarian. **INEXPEDIENT TO LEGISLATE.**

Rep. Frederick W. King for Finance: The committee believes that this position can be established when federal funds are available to support such a position through approval from the Fiscal Committee. This has become an acceptable procedure of state agencies and does not require general funds as the source of funds for new positions. Vote 21-2.

Rep. Vaillancourt spoke in favor.

On a division vote, 280 members having voted in the affirmative and 66 in the negative, the committee report was adopted.

HB 897-FN-A, relative to the salary of the state veterinarian. **INEXPEDIENT TO LEGISLATE.**

Rep. Neal M. Kurk for Finance: This bill would raise the labor grade of the state veterinarian. There is an established process to deal with such matters. The Department of Administrative Services, after consultation with an advisor, currently the Hay Group, periodically recommends labor grades and the appropriate salary range for each unclassified position in state government. The recommendations become law when approved by the legislature, usually in the so-called trailer bill that accompanies the budget. The committee believes that singling out one position for different treatment, as this bill does, would compromise the fairness underlying our salary-setting process and establish a very inappropriate precedent. Vote 24-0.

Rep. Vaillancourt spoke in favor.

On a division vote, 279 members having voted in the affirmative and 67 in the negative, the committee report was adopted.

RESOLUTION

Rep. Wallner 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 at the call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

HB 137, relative to food safety in restaurants.

HB 440-FN, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting.

HB 221, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services.

HB 239-FN-A, appropriating funds to the barn preservation fund matching grants program.

HB 597-FN, relative to expenditure caps for institutional health facilities under the certificate of need law.

HB 623-FN, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account.

HB 911-FN-L, establishing an automated external defibrillator advisory commission.

HB 862-FN, establishing an incapacitated adult fatality review committee.

HB 337, relative to penalties for failure to have workers' compensation coverage and continually appropriating a special fund.

HB 471-FN-A, relative to workers' compensation compliance in the construction sector and

continually appropriating a special fund.

HB 714-FN, relative to motorized watercraft rental agencies.

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009.

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

HB 43, relative to the procedure for establishing Medicaid reimbursement rates, establishing a committee to study Medicaid payments for hospital-based physician and outpatient services, and establishing a moratorium on certain reimbursement policy changes pending the results of the study.

HB 407-FN-A, relative to assistance for milk producers.

HB 488-FN-A-L, relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs.

HB 498-FN-A, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department.

HB 661-FN-A, establishing an executive planning commission on special education.

HB 663-FN-A, relative to the protected shoreland permitting process and establishing and funding positions within the department of environmental services.

HB 721, relative to the appropriation to the department of health and human services for rates paid for nursing services.

HB 790-FN, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives.

HB 796, relative to civil liability for damaging highway protective barriers.

HB 25-FN-A, making appropriations for capital improvements.

HB 472-FN, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements.

HB 599-FN, relative to fees for meals and rentals licenses.

HB 664-FN, relative to annual dam registration and permit application fees.

HB 815-FN-A, requiring the display of boater education decals on vessels registered in other states.

SENATE MESSAGES CONCURRENCE

HB 33, relative to the compensation of members of the county convention.

HB 167, relative to areas of assessment required under the statewide improvement and assessment program.

HB 704, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.

HCR 2, urging the federal government to establish a post office and a zip code in the town of Lee.

HCR 4, recognizing the sacrifices and service of New Hampshire Air Force veterans on the 60th anniversary of the United States Air Force.

SENATE MESSAGE LAID ON THE TABLE

HB 87, relative to the exceptions to compulsory school attendance.

UNANIMOUS CONSENT

Rep. Guthrie addressed the House.

Rep. Graham moved that the remarks made by Rep. Guthrie be printed in the Permanent Journal.

Without objection, the Speaker so ordered.

REMARKS

Rep. Guthrie: Thank you, Madam Speaker. It is with deep regret that I have to rise to say that we have lost a native son in Iraq. Hampstead resident Captain Jonathan Grassbaugh, U.S. Army Ranger, was killed last week outside of Baghdad. He was killed in a roadside bomb incident that killed at least three others. He was 25 years old and on his 2nd tour of duty in Iraq. He leaves behind his wife who he married just last June, Jenna, mother Patty, father Mark and a brother Jason. They are a military family. Jonathan will be remembered as an exceptional student, a wonderful son, brother and husband. He was a proud and dedicated career military officer. The town of Hampstead was grief stricken in losing their 2nd son in little over a year. Marine PFC Matthew Bertolino was killed in Afghanistan on February 9, 2006. Please join me in reflecting on all the losses of our brave servicemen and women and take a moment of silence in respect to the loss of Jonathan. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and memory of fallen soldier, Captain Jonathan Grassbaugh.

RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose enrolled bill amendments, enrolled bill reports and receiving Senate messages.
Adopted.

The House recessed at 4:35 p.m.

RECESS

(Rep. Wallner in the Chair)

RESOLUTION

Rep. Roberts offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 71, 82, 102, 117, 123, 126, 131, 143, 146, 154, 157, 162, 166, 172, 173, 182, 183, 189, 194, 201, 204, 207, 233 through 235, 237, 241, 242, 244, 247, 254, 258, 261 and Senate Concurrent Resolution number 3 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS AND SCR

First, second reading and referral

SB 71, relative to setback requirements for new landfills located near designated rivers. (Environment and Agriculture)

SB 82-FN, reorganizing the administration and governance of the regional community-technical college system. (Education)

SB 102-FN, relative to the powers of state government in the event of an incident or outbreak of communicable disease. (Health, Human Services and Elderly Affairs)

SB 117-FN, relative to fireworks display permits and the position of permissible fireworks inspector. (Executive Departments and Administration)

SB 123, relative to pole attachments. (Science, Technology and Energy)

SB 126-FN-A, relative to motor vehicle fines. (Transportation)

SB 131, relative to insurance coverage for services of midwives. (Commerce)

SB 143, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park. (Resources, Recreation and Development)

SB 146-FN, relative to allowing service credit for certain court system employment. (Executive Departments and Administration)

SB 154, relative to the workers' compensation compliance statement. (Labor, Industrial and Rehabilitative Services)

SB 157, establishing a committee to study the criteria necessary for the creation of a master plan for the development of future all-terrain vehicle parks. (Resources, Recreation and Development)

SB 162, establishing a commission to oversee and negotiate issues relative to the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO). (Labor, Industrial and Rehabilitative Services)

SB 166-FN, relative to port moorings. (Executive Departments and Administration)

SB 172-FN-L, allowing counties to share correctional facilities. (Municipal and County Government)

SB 173, relative to regulation of private postsecondary career schools. (Education)

SB 182, establishing a committee to study the confidentiality of health care records in abuse and neglect proceedings. (Health, Human Services and Elderly Affairs)

SB 183-FN, requiring health insurance plans for family coverage to extend to dependent under age 26. (Commerce)

SB 189, relative to medical benefits under motor vehicle insurance. (Commerce)

SB 194, establishing a commission to study the trafficking of persons across borders for sexual and labor exploitation. (Criminal Justice and Public Safety)

SB 201, authorizing certain Keene state college campus safety officers to detain individuals pending arrest or protective custody. (Criminal Justice and Public Safety)

SB 204-FN-A, relative to collection of debts owed the state. (Executive Departments and Administration)

SB 207, extending the committee to study the funding necessary to operate the hazardous materials program in New Hampshire. (Environment and Agriculture)

SB 233-FN, relative to sales by beverage manufacturers and relative to the definition of specialty beer. (Executive Departments and Administration)

SB 234-FN, relative to privileges, benefits, and immunities for national guard members. (State-Federal Relations and Veterans Affairs)

SB 235-FN-A, relative to milk support for dairy farmers. (Environment and Agriculture)

SB 237, establishing a council on employment issues affecting veterans. (Labor, Industrial and Rehabilitative Services)

SB 241, relative to availability of cable television in manufactured housing parks. (Science, Technology and Energy)

SB 242-FN, establishing the intellectual property business loan development program. (Commerce)

SB 244, relative to employers withholding from employees' wages for certain purposes. (Labor, Industrial and Rehabilitative Services)

SB 247, establishing a committee to study the adjudication of land use issues and ordinance violations. (Municipal and County Government)

SB 254, relative to legal representation during contract negotiations. (Commerce)

SB 258, relative to reliance on ethics committee advisory opinions. (Legislative Administration)

SB 261, naming the state law library the John W. King law library. (Judiciary)

SCR 3, urging preservation of traditional powers of state and local governments under international trade agreements. (State-Federal Relations and Veterans Affairs)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 33, 167 and 704.

Rep. Hager, Sen. D'Allesandro for the Committee

RECESS

(Rep. Phyllis Katsakiores in the Chair)

RESOLUTION

Rep. Whalley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 45, 66 through 68, 81, 92, 98, 101, 109, 134, 138, 140, 152, 176, 178, 188, 191, 213, 217, 224, 226, 236, 251, 262, 263, 265 and Constitutional Amendment Concurrent Resolution number 18 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS AND CACR

First, second reading and referral

SB 45, changing the name of the ballot law commission to the elections and ballot law commission, increasing the membership of the commission, and requiring the commission to propose redistricting plans. (Election Law)

SB 66, relative to involuntary civil commitment of sexually violent predators and relative to payment of the sex offender registration fee by criminal offenders. (Criminal Justice and Public Safety)

SB 67-FN-A, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor. (Public Works and Highways)

SB 68-FN-A, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan. (Environment and Agriculture)

SB 81, relative to the state building code. (Executive Departments and Administration)

SB 92, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. (Labor, Industrial and Rehabilitative Services)

SB 98, relative to party access to voter information. (Election Law)

SB 101, relative to payment of costs for certain students attending alternative education programs. (Education)

SB 109, relative to emergency powers of the supreme court. (Judiciary)

SB 134-FN-A, establishing a research and development credit against business taxes. (Ways and Means)

SB 138-FN-A, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor. (Health, Human Services and Elderly Affairs)

SB 140, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation. (Science, Technology and Energy)

SB 152, relative to permanency planning for delinquent children, abused and neglected children, and children in need of services. (Children and Family Law)

SB 176-FN, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards. (Health, Human Services and Elderly Affairs)

SB 178-FN, relative to the judicial retirement plan. (Executive Departments and Administration)

SB 188, relative to unfair claim settlement practices by insurers. (Commerce)

SB 191-FN-A, relative to the nongame species account in the fish and game fund. (Fish and Game)

SB 213-FN-A, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board. (Health, Human Services and Elderly Affairs)

SB 217-FN-A, establishing the New Hampshire housing and conservation planning

program. (Municipal and County Government)

SB 224-FN-A, relative to the telecommunications planning and development advisory committee. (Science, Technology and Energy)

SB 226-FN, relative to the temporary assistance to needy families (TANF) program. (Health, Human Services and Elderly Affairs)

SB 236, extending the authority for police mutual aid. (Municipal and County Government)

SB 251, allowing the board of medicine to issue licenses for physicians to engage in a correctional institution medical practice. (Executive Departments and Administration)

SB 262, establishing a committee to study certain prohibitions on smoking. (Commerce)

SB 263, establishing a committee to study Medicaid payments for hospital-based physicians and outpatient services and establishing a moratorium on certain reimbursement policy changes pending the study's recommendations. (Finance)

SB 265-FN, relative to the state apprenticeship council and the regulation of apprenticeship programs. (Labor, Industrial and Rehabilitative Services)

CACR 18, relating to funding of public education. Providing that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than fifty percent of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education. (Finance)

RECESS

(Rep. Lasky in the Chair)

SENATE MESSAGES

CONCURRENCE

HB 72, relative to the payment of municipal sewage assessments.

HB 107-L, authorizing towns to charge property owners for solid waste removal.

HB 118, reducing a prior appropriation to the department of transportation to purchase flood damaged property and extending the commission to determine the appropriate public use of the property.

HB 120, relative to extending polling hours.

HB 132, relative to domicile for voting purposes.

HB 133, relative to voter registration forms.

HB 155, relative to membership of the state building code review board.

HB 166, relative to the definition of a bridge.

HB 209, relative to eligibility for farm plates.

HB 215, relative to fees for hearing care providers.

HB 216, establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary.

HB 220, establishing a reporting requirement for departments that receive highway funds.

HB 242, relative to the declaration of candidacy form.

HB 307, relative to examinations of electricians by the electricians' board.

HB 372-FN-A, exempting motor vehicles equipped and used for transporting disabled persons from the tax on rental of motor vehicles.

HB 417-FN-A, allowing the department of safety to transfer funds within the budget of the division of state police.

HB 438, renaming a certain island in Blackey's Cove in Lake Winnepesaukee.

HB 469, relative to on-premises cocktail lounge licenses for caterers and relative to beverage manufacturer hospitality rooms.

HB 473-FN, relative to reimbursement for members of the council for teacher education.

HB 483-FN, relative to mosquito control districts.

HB 658, prohibiting the taking of game by use of a tranquilizer.

HB 846, transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 72, 107, 118, 120, 132, 133, 155, 166, 209, 215, 242, 307, 372, 417, 438, 469, 473, 483 and 658.

Rep. Hager, Sen. D'Allesandro for the Committee

RECESS

(Rep. Foster in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bill number 514.

Rep. Hager, Sen. D'Allesandro for the Committee

RECESS