

HOUSE RECORD

First Year of the 161st General Court Calendar and Journal of the 2009 Session

Vol. 31

Concord, N.H.

Thursday, April 9, 2009

No. 33

HOUSE JOURNAL No. 12 (cont.)

Wednesday, April 8, 2009

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 13

Thursday, April 9, 2009

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 the member from Alton, Representative Peter Bolster. It's an awesome experience for us to be here with the responsibility that's before us. As I stand here, I look off in this direction to a spot about sixty years ago where a Representative from Derry, Harry Clark invited me to come as a high school student to sit with him through the session. I look at the pictures behind us and I think of the people that have sat in these seats over the years. Indeed we are surrounded by a great crowd of witnesses. In this spirit, let us hear the words of a couple of people who prayed in yesteryear. Harry Emerson Fosdick and John Greenleaf Whittier. These were the words that touch us today.

Dear Lord and Father of mankind,
Forgive our foolish ways!
Re-clothe us in our rightful mind,
In purer lives thy service find,
In deeper reverence, praise.
Drop Thy still dews of quietness,
Till all our striving cease;
Take from our souls the strain and stress,

And let our ordered lives confess
The beauty of Thy peace.
Cure Thy children's warring madness,
Bend our pride to Thy control.
Shame our wanton selfish gladness,
Rich in things and poor in soul.
Grant us wisdom, grant us courage,
Lest we miss Thy kingdom's goal,
Lest we miss Thy kingdom's goal.
Set our feet on lofty places,
Gird our lives that they may be,
Armored with all Christ-like graces,
In the fight to set men free.
Grant us wisdom, grant us courage,
That we fail not man nor Thee,
That we fail not man nor Thee.
Amen.

Representative Dennis Fields, member from Sanbornton, led the Pledge of Allegiance.

The National Anthem was sung by the Alvirne High School B Naturals Chorus, directed by Elizabeth Beaton.

LEAVES OF ABSENCE

Reps. Boutin, Hebert, Jeudy, Maiola, Pratt and Sanders, the day, illness.
Reps. Carlson, Coffey, Dokmo, Farley, Hodges, Doreen Howard, Thomas Howard, Nedeau, Mark Preston, Gary Richardson and Wells, the day, important business.
Reps. Julie Brown and Russell Day, the day, illness in the family.

INTRODUCTION OF GUESTS

Irene Kelly and Kevin O'Neil, daughter and guest of Rep. Sally Kelly. Charles Beland and Clemons Eppinger, guests of Rep. Ulery. Lou Vita, husband of Rep. Vita. Jim Taddeo, guest of Rep. Weed. Students from Nottingham West Elementary School, guests of the Hudson delegation.

SPECIAL ORDERS

REGULAR CALENDAR (CONT'D From April 8, 2009)

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

Rep. Marjorie K. Smith for the Majority of Finance: This bill, referred to as the trailer bill, provides the statutory language necessary to make the budget work. The governor had proposed changing the structure of the liquor commission so that it became an enterprise fund and had much more independence in making its business decisions. The committee was sympathetic to the purpose but did not agree that the commission had thought through the intended and unintended consequences of such a move. Therefore, the liquor commission expenditures and revenues which had been removed from the general fund were returned to the general fund. We did, however, take the advice of the consulting firm that worked with the governor's office to have the Liquor Commission focus on its core functions. As a result HB 2 moves liquor enforcement to the Department of Safety. The governor had included in HB 2 a complete restructuring of boards and commissions. The committee, after consulting with the Executive Departments and Administration committee (ED&A), concluded that

such a restructuring could indeed be beneficial but that such a change was a policy change and should not be made by the Finance committee. Therefore in HB 2 we establish a committee by which ED&A and Finance committee members could study the proposal and come back to the House in January with a recommendation. With the support of the Ways and Means committee, the Finance committee agreed to the increase in the tobacco tax (generating \$57 million) and rooms and meals tax proposed by the governor. Reflecting house policy and supported by the Ways and Means and Public Works and Highways committees we included the road toll (gas tax) increase. These funds will go to a restricted account in the highway fund to be used exclusively for the construction, reconstruction and maintenance of state and municipal roads and bridges in the state. We estimate that for the biennium \$85 million will go to the state and \$30 million to local communities for 'betterment' and block grant aid for their roads and bridges from this increase. The committee supported the governor's proposal of a gambling winnings tax (\$16 million), and supported the Ways and Means committee's proposal to freeze only for this biennium, the decrease in the insurance premium tax. The committee added two new taxes. The first puts an 8% tax on estates larger than \$2 million (or \$4 million for a couple). This will affect only the wealthiest New Hampshire estates- barely 100 people per year. The estate tax will not affect 99% of the estates in New Hampshire. Every penny will be paid by individuals with at least \$2 million in assets or couples with \$4 million. It protects surviving spouses, because transfers between spouses are tax-free. For a couple with a \$5 million estate, the effective tax rate is less than 2%. There are important exceptions in the tax that protect family farms and small businesses. All charitable gifts are deductible. The second important tax change in the budget is an expansion to our current Interest and Dividends tax. Today we have a 5% state tax on most forms of unearned income, including interest, dividends, and taxable annuities. This tax raised \$119 million last year. HB 2 helps small savers who currently pay the interest and dividends tax on modest bank accounts and stock holdings because it more than doubles the amount of interest and dividends income that is not subject to tax, from the current \$2,400 to \$5,000 per person (or \$10,000 for a couple). HB 2 extends this tax to include the largest source of unearned income: capital gains. Capital gains are the profits on the sale of assets like stocks, businesses, and real estate. Based on IRS data, more than 90% of this revenue will come from NH taxpayers who earn in excess of \$200,000 per year. The vast majority of taxpayers making less than \$60,000 would not pay this tax because their capital gains are below the threshold of \$5000 for a single person or \$10,000 for a couple. Capital gains on the sale of a primary residence are protected. There is a \$250,000 exemption (\$500,000 for a couple), and only gains above this amount are taxable. HB 2 is now more than 50 pages long and this blurb highlights only the major changes. Vote 14-9.

Rep. Neal M. Kurk for the Minority of Finance: The so-called "trailer bill" contains statutory changes necessary in order for the budget to work. The majority and minority agree on most of the changes to HB 2. However, in order to balance its budget, the majority imposed three new taxes, raised the rates on three existing taxes, and suspended a scheduled decrease in another tax to raise an additional \$259 million dollars. Without what the minority believes is the usual legislative process of committee and floor votes, these taxes included a new capital gains income tax rate of 5%, a new inheritance or "death" tax at a rate of 8%, and a new tax on gambling winnings at a rate of 10%. The majority would raise the rooms and meals to 8 3/4% and suspend a scheduled quarter point reduction in the insurance tax for the biennium. The majority is also raising, for the fourth time in five years, the cigarette tax by 35 cents to \$1.68 per pack. Raising taxes during a recession is just bad public policy. The minority balances its budget without any new or increased taxes. Taking millions of dollars out of the private sector inflicts further suffering on individuals who may have already lost their jobs, had their salaries and benefits reduced or face foreclosure on their homes. Individuals can't stimulate the economy with their spending because the state has more of their income, and they, in turn, have less to spend. Business, large and small, will see reduced cash flow, resulting in job cuts and delays in creating new jobs. We should not hurt

individuals and businesses in a fragile economy. This is not the New Hampshire way, and the minority cannot support it.

Majority Amendment (1197h)

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

1 New Hampshire Medical Malpractice Joint Underwriting Association; Transfer of Excess Surplus to General Fund.

I. Notwithstanding any other provision of law, the New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA), by and through its board of directors, and any person having responsibility and authority for the custody or investment of the assets of the NHMMJUA are hereby authorized and directed to transfer by June 30, 2009 the sum of \$50,000,000, and by June 30, 2010 the additional sum of \$30,000,000, and by June 30, 2011 the additional sum of \$30,000,000 from the Post-1985 Account to the general fund. This sum shall be used for the purpose of supporting programs that promote access to needed health care for underserved persons.

II. The general court hereby finds that the funds held in surplus by the NHMMJUA in the Post-1985 Account are significantly in excess of the amount reasonably required to support its obligations as determined by the insurance commissioner. The general court further finds that the purpose of promoting access to needed health care would be better served through a transfer of the excess surplus of the Post-1985 Account to the general fund.

III. Notwithstanding any other provision of law, no state officer, nor any person with responsibility and authority for the custody or investment of the assets of the NHMMJUA, nor any member of the board of directors of the NHMMJUA, nor any attorney, accountant, advisor, consultant, or actuary who shall have been employed or retained by or shall have advised such persons shall incur or suffer any liability by reason of actions taken pursuant to this section, except for fraudulent acts, acts taken in bad faith, or wanton or reckless misconduct.

IV. Notwithstanding any other provision of law, the state shall hold harmless, defend, and indemnify any state officer, any person with responsibility and authority for the custody or investment of the assets of the NHMMJUA, any member of the board of directors of the NHMMJUA, and any attorney, accountant, advisor, consultant, or actuary who shall have been employed or retained by or shall have advised such persons against any claim, demand, suit, action, proceeding, or judgment arising out of or in connection with any transaction pursuant to this section; provided that such person or entity shall, within 7 days after the date on which such person or entity is served with or receives actual notice of any writ, complaint, petition, process, notice, demand, claim, or pleading, give notice thereof in writing to the attorney general. Upon such notice the attorney general shall determine whether the acts complained of were committed within the scope of official duty for the state, and that such acts were not fraudulent, taken in bad faith, wanton, or reckless; and if so determined, the attorney general shall represent and defend such person or entity with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person; and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising therefrom, provided such person or entity cooperates fully with such representation or defense.

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

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.33~~] **\$1.68** 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.

3 Tobacco Tax; Applicability. Section 2 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, 2009 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.

4 New Subdivision; Gambling Tax. Amend RSA 77 by inserting after section 37 the following new subdivision:

Gambling Tax

77:38 Definitions.

I. "Gambling winnings" means any money distribution to winners of any gambling activity whether in-state or out-of-state including, but not limited to, bingo, lucky 7, sweepstakes, pari-mutuel, charitable gaming, casino gaming, internet gaming, or the equivalent.

II. "Payor" means any individual or entity that pays gambling winnings.

77:39 Registration.

I. No payor shall pay out any gambling winnings without first registering with the department. The registration shall not be assignable and shall not be transferred. Any payor who fails to register as provided in this section shall be subject to the penalty provisions of RSA 21-J:39.

II. Each payor shall apply for registration on a form designated by the commissioner. Applicants shall furnish the following:

(a) Evidence acceptable to the commissioner of such applicant's proper licensure and good standing with the appropriate licensing authority.

(b) Social security number, or federal employment identification number, as applicable. The number furnished shall be the same number used to file any applicable business tax returns.

(c) A declaration of any unpaid tax, interest, and penalty liability to the state. If none, such shall be stated.

(d) Consent by each signatory on a license application for the department to conduct a credit check.

(e) Signatures. The application shall be signed under the pains and penalties of perjury by the applicant or applicants as attesting to the information provided in this paragraph and acknowledging each applicant's personal liability for the payment of tax as provided under RSA 77:40. If the applicant is a business entity, every partner, member, or corporate officer shall sign the application.

(f) If a business entity, a copy of applicable articles of incorporation, limited liability company agreement, partnership agreement, franchise agreement, or other business document that clearly enumerates interest holders of such entity.

(g) Any other information that may be required by the commissioner.

III. Registrations shall expire one year from the original issue date, unless the business ceases operation, a change in ownership occurs to include changes in the interest holders of a business entity, or the license is revoked or suspended by the department prior to expiration of the license. The license shall be conspicuously posted in a public area upon the premises to which it relates.

IV. No applicant shall be registered or renewed if such person, or entity with which such person is affiliated, has any unpaid tax, interest, or penalty that has been assessed and finally determined to be due for any tax administered by the department.

V. No payor shall be issued an original registration if the issuance of such registration permits any person to circumvent or evade the payment of tax, interest, or

penalties. The commissioner shall have the authority to request any additional information or documentation from an applicant to aid in his or her determination.

VI. Any change of information required in paragraph II, shall be reported by the registrant to the department on a form designated by the commissioner. All such changes shall be reported within 30 days and shall be accompanied by relevant documentation.

77:40 Tax Imposed. A tax is hereby imposed at a rate of 10 percent upon:

I. Any individual who is an inhabitant or resident of this state whose gambling winnings from any payor either in-state or out-of-state equals \$600 or more.

II. Any individual who is not a resident of this state whose gambling winnings from any in-state payor equals \$600 or more.

77:41 Withholding. Each payor operating in-state shall withhold the tax from the distribution of taxable gambling winnings to the winner. Within 10 days after the end of each month, the payor shall pay over such tax to the department accompanied by such form or return as determined by the commissioner. The payor shall keep books and records in a form acceptable to the department showing the amount of all taxes collected.

77:42 Returns and Payment of Tax by Individuals. Every resident who receives taxable gambling winnings from an out-of-state payor shall pay the tax imposed under this subdivision and file a return on or before the fifteenth day of the fourth month following the expiration of the tax year.

77:43 Nature of Tax; Penalties and Violations.

I. The tax imposed by this subdivision shall become state funds at the moment a payor distributes gambling winnings to the winner.

II. Any resident who fails to pay tax or file returns as required by RSA 77:42 shall be subject to failure to file penalties under RSA 21-J:31 and failure to pay penalties under RSA 21-J:33.

III. A payor who willfully fails to withhold and pay over in full said funds on or before the due date for filing returns under RSA 77:41 shall be guilty of:

(a) A violation for 2 offenses in any 12-month period.

(b) Theft by misapplication of property under RSA 637:10 for the third offense and every offense thereafter within any 12-month period.

77:44 Enforcement. An action may be brought by the commissioner in the name of the state to recover the amount of taxes, penalties, and interest due from the operator, if the action is brought within 3 years after the taxes, penalties, and interest are due. The action is returnable in the county where the operator resides if he or she is a resident of the state; and if a nonresident, the action is returnable to the county of Merrimack. The limitation of 3 years in this section does not apply to a suit to collect taxes, penalties, interest, and costs when the operator filed a fraudulent return or failed to file a return when the return was due.

77:45 Bonds; State Agency Cooperation.

I. Any unpaid tax liability of a payor may be collected from any bond that a payor filed with the appropriate licensing authority or any other state agency.

II. All state agencies shall cooperate and assist the department in the administration of the tax imposed under this subdivision.

5 New Paragraph; Rulemaking. Amend RSA 21-J:13 by inserting after paragraph XII the following new paragraph:

XIII. The collection of state taxes administered by the department under RSA 77:38 – RSA 77:45, including required forms, information, documentation, and fees.

6 Repeal. RSA 284:21-r, relative to the exemption of sweepstakes prizes from taxation, is repealed.

7 Meals and Rooms Tax; Rate Increased. Amend RSA 78-A:6 to read as follows

78-A:6 Imposition of Tax.

I. A tax of [8] **8.75** percent of the rent is imposed upon each occupancy.

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

(a) Three cents for a charge between \$.36 and \$.37 inclusive;
(b) Four cents for a charge between \$.38 and \$.50 inclusive;
(c) Five cents for a charge between \$.51 and \$.62 inclusive;
(d) Six cents for a charge between \$.63 and \$.75 inclusive;
(e) Seven cents for a charge between \$.76 and \$.87 inclusive;
(f) Eight cents for a charge between \$.88 and \$1.00 inclusive;
(g) Eight **and 3/4** percent of the charge for taxable meals over \$1.00, provided that fractions of cents shall be rounded up to the next whole cent.

II-a. A tax of [8] **8.75** percent is imposed upon the gross rental receipts of each rental.

III. The operator shall collect the taxes imposed by this section and shall pay them over to the state as provided in this chapter.

8 Meals and Rooms Tax; Distributions to Cities and Towns. Notwithstanding any provision of law, for each fiscal year of the biennium ending June 30, 2011, the state treasurer shall fund the distribution of revenue to cities and towns pursuant to the formula for determining the amount of revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year 2009 level of distribution.

9 State Treasurer and State Accounts; Suspension of Revenue Sharing. Notwithstanding any provision of law, for the biennium ending June 30, 2011, the state treasurer shall suspend the distribution of revenue to cities and towns pursuant to the formula for determining the amount of revenue returnable to cities and towns under RSA 31-A.

10 Contingent School Building Aid Transfer; Fiscal Year 2009. Amend 2008S, 1:8 to read as follows:

1:8 Contingent School Building Aid Transfer; Fiscal Year 2009.

I. ~~[In the event of a general fund unreserved, undesignated deficit at the close of fiscal year 2009 as determined by the official audit performed pursuant to RSA 21-I:8, I(h),]~~ The commissioner of administrative services shall transfer appropriation authority and expenditures from the general fund to the capital fund related to the school building aid program pursuant to 2007, 262, PAU 06-03-02-02, in an amount equal to ~~[the lesser of:~~

~~(a) \$40,000,000; or~~

~~(b) The unreserved, undesignated deficit in the general fund on June 30, 2009].~~

II. The state treasurer is hereby authorized to borrow upon the credit of the state and may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A, in the amount transferred from the general fund to the capital fund for the school building aid program as provided in paragraph I. Payments of principal and interest on the bonds and notes shall be made from the general fund.

III. The bond authorization provided by paragraph II is intended to provide funds for a portion of the expenditure made in fiscal year 2009 pursuant to 2007, 262, PAU 06-03-02-02-02, for school building aid.

11 Copies of Motor Vehicle Records; Fees. Amend RSA 260:15, II to read as follows:

II. The department may issue a copy of any motor vehicle record upon the request of an insurance company or any other authorized agent, and **notwithstanding RSA 91-A shall require** payment by the insurance company or authorized agent of a fee of [8] **\$10.50 for email or other computer-generated requests where payment is debited against an account established with the department, or \$15 for all other requests**, which shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d. **Agreements for records made available to bulk data users shall continue to be negotiated as provided in RSA 260:14, XV(b).**

12 Fees Collected from Drivers. Amend RSA 263:42, II to read as follows:

II. For every certified copy of a registration, license, or driving record, ~~[\$10]~~ **\$15**, except that the commissioner shall waive the fee for local, state, and federal law enforcement and criminal justice agencies requesting such information for investigative purposes and

may, for good cause, waive the fee in cases involving other government agencies or the public defender if the commissioner determines that such a waiver is in the public interest.

13 Department of Safety; Personnel Reallocations Authorized. For the biennium ending June 30, 2011, the commissioner of safety, whenever he or she deems it will improve the efficiency and effectiveness of the delivery of service within the department, may, with approval of the fiscal committee of the general court and governor and council and further subject to approval of the position classifications by the director of personnel, eliminate certain personnel positions that may become vacant during the biennium and establish in their place other personnel positions from the same funding source, provided the cost of the new positions does not exceed the amounts budgeted for the positions being eliminated. The commissioner of safety shall submit reports on or before December 1, 2009, June 30, 2010, and December 1, 2010 to the chairmen of the house and senate executive departments and administration committees on any actions taken as a result of this authorization.

14 Division of State Police; Transfers Authorized. Notwithstanding the provisions of RSA 9:16-a, RSA 9:17, RSA 9:17-a, and RSA 9:17-c, the commissioner of administrative services, upon the request of the commissioner of safety, is authorized to transfer within and among any and all components and class codes of the budget of the division of state police for the biennium ending June 30, 2011, regardless of funding source or mix, sufficient funds to cover overtime obligations for state police activities within the traffic bureau and detective bureau, witness fees, and the accompanying benefits. The total amount transferred shall not exceed \$300,000. When making the transfers, every effort shall be made to maintain the original funding sources for the amounts transferred.

15 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 unfunded positions during the biennium ending June 30, 2011, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services, permanent, and personal services, unclassified.

16 Department of Health and Human Services; Department of Revenue Administration; Medical Assistance; Memorandum of Understanding.

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, 2009 through June 30, 2011 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 this 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.

17 Department of Health and Human Services; Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the biennium ending June 30, 2011, 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.

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

II.(a) The total billings to all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal years 2009-~~2010~~ **2011**:

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

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

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

(b) The caps on total billings for fiscal years after fiscal year ~~2010~~ **2011** shall be established by the legislature on a biennial basis.

19 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund Suspended. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2011, all gross revenue derived by the liquor commission from the sale of liquor and related products, or from license fees, shall be deposited into the state general fund.

20 Department of Health and Human Services; Direct Graduate Medical Education. The commissioner shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to cease the provision of direct graduate medical education payments to hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) to be effective July 1, 2009. Upon approval of said state plan amendment, and as of the effective date of said state plan amendment, any obligations for payment of direct graduate medical education are terminated.

21 New Paragraph; Department of Health and Human Services; State Children's Health Insurance Program. Amend RSA 126-A:3 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner shall submit a Title XXI state plan amendment and adopt administrative rules pursuant to RSA 541-A for the purposes of increasing the State Children's Health Insurance (SCHIP) premiums. For SCHIP recipients with income 185-249 percent of federal poverty limits the premium increase shall be \$7 per month. For SCHIP recipients with income of 250-300 percent of current federal poverty limits the premium increase shall be \$9 per month. Such Title XXI state plan amendment and administrative rules may be done in conjunction with any premium related state plan amendment and rules necessary to implement changes occasioned by SCHIP contract reprocurement.

22 Department of Health and Human Services; Medicaid State Plan Amendment; Medicaid Provider Classification for Certain Critical Access Hospitals. The department of health and human services shall submit a state plan amendment for approval by the federal Centers of Medicare and Medicaid Services creating a Medicaid provider classification for critical access hospitals located in Coos and Grafton Counties to allow for differentiated reimbursement for maternity-related labor and delivery services to assure uninterrupted access to such services consistent with 42 C.F.R. section 447.253(b)(1)(ii)(C).

23 Department of Health and Human Services; Medical Home Pilot Program. The department of health and human services shall develop a Medical Home pilot program utilizing disease management funds available when the disease management contract ends and other such grant funds as may become available for this purpose. The department shall report to the health and human services oversight committee every 6 months commencing in October 2009 until the pilot concludes.

24 Repeal. RSA 126-A:4-d, relative to a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services, is repealed.

25 Department of Health and Human Services; Lead Poisoning Prevention Fund; Application of Receipts. Amend RSA 6:12, I(b)(51) to read as follows:

(51) The ~~[fees]~~ **moneys** collected under RSA 130-A, which shall be credited to the lead poisoning prevention fund established in RSA 130-A:15.

26 Department of Health and Human Services; Unclassified Positions Established.

I. The following positions are hereby established in the department of health and human services.

Department of health and human services	chief pharmacist
Department of health and human services	pharmacist (1)
Department of health and human services	pharmacist (2)
Department of health and human services	pharmacist (3)
Department of health and human services	pharmacist (4)
Department of health and human services	pharmacist (5)
Department of health and human services	pharmacist (6)

II. The salary of these positions shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

III. The following classified positions are abolished as of June 30, 2009:

chief pharmacist #15719
pharmacist #15704
pharmacist #15706
pharmacist #15741
pharmacist #15810
pharmacist #15831
pharmacist #16360

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

XVI. Encourage cities, towns and counties to develop and maintain prevention programs, court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and counties which have, or are developing, prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than ~~[5 percent of the amount appropriated in fiscal year 1994 and not less than 6 percent in each fiscal year thereafter;]~~ **4.5 percent of the annual amount appropriated** to the department of health and human services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the commissioner. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect.

28 Department of Health and Human Services; Suspension of Residential Rate Setting Rule. Notwithstanding any provision of the law or rule to the contrary, for the biennium ending June 30, 2011, He-C 6422 relative to the residential child care facilities rate setting is suspended. The base rate for residential providers for the biennium ending June 30, 2011 shall be the rate in effect on June 30, 2009.

29 Department of Health and Human Services; Delinquent Children; Accompanied Transportation. Amend RSA 169-B:40, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of the minor at the Philbrook center **or to expenses incurred for the cost of accompanied transportation.**

30 Department of Health and Human Services; Child Protection Act; Accompanied Transportation. Amend RSA 169-C:27, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of the child at the Philbrook center **or to expenses incurred for the cost of accompanied transportation.**

31 Department of Health and Human Services; Children in Need of Services; Accompanied Transportation. Amend RSA 169-D:29, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of the child at the Philbrook center ***or to expenses incurred for the cost of accompanied transportation.***

32 New Subparagraph; Delinquent Children; Liability of Expenses and Hearing on Liability. Amend RSA 169-B:40, I by inserting after subparagraph (e) the following new subparagraph:

(f) Notwithstanding any provision of law to the contrary, the department of health and human services shall have no responsibility for the payment of the cost of assigned counsel for any party under this chapter.

33 New Subparagraph; Child Protection Act; Liability of Expenses and Hearing on Liability. Amend RSA 169-C:27, I by inserting after subparagraph (e) the following new subparagraph:

(f) Notwithstanding any provision of law to the contrary, the department shall have no responsibility for the payment of the cost of assigned counsel for any party under this chapter.

34 New Subparagraph; Children in Need of Services; Liability of Expenses and Hearing on Liability. Amend RSA 169-D:29, I by inserting after subparagraph (e) the following new subparagraph:

(f) Notwithstanding any provision of law to the contrary, the department of health and human services shall have no responsibility for the payment of the cost of assigned counsel for any party under this chapter.

35 Repeal. The following are repealed:

I. RSA 167:3-c, III, relative to rulemaking for funeral expenses.

II. RSA 167:11, relative to funeral expenses to recipients of public assistance.

III. RSA 165:20, relative to reimbursement for aid to assisted persons.

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

I. For the biennium ending June 30, 2011, 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, 2011, 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 except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2011, 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, with the exception of class 60 transfers.

37 New Paragraph; Powers and Duties of Commissioners; Advertising. Amend RSA 21-G:9 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other provision of law, administrative rule, or administrative process to the contrary, the commissioner 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.

38 Repeal. RSA 126-A:5, XVI, relative to advertising by the department of health and human services, is repealed.

39 Department of Environmental Services; State Revolving Loan Fund; Administrative Fee Increase. Amend RSA 486:14(b) to read as follows:

(b) A sum equal to ~~one~~ 2 percent of all loan principal balances outstanding each year, which shall be an administrative charge, shall be set aside to be used by the department of environmental services to pay the costs of administering the state water pollution control and drinking water revolving loan funds. The funds set aside shall be deposited in nonlapsing water pollution control and drinking water loan administration funds and shall be continually appropriated to the department exclusively for the purposes of this section. ***If the sum of the administrative charge plus interest charge as established by rules of the department of environmental services based on market rates is less than 2 percent for a loan, then the administrative charge shall be equal to this sum and no interest charge shall be assessed on the loan.***

40 Department of Environmental Services; Fee for Department Review of Subsurface Plans and Subdivisions. Amend RSA 485-A:30, I to read as follows:

I. Any person submitting plans and specifications for a subdivision of land shall pay to the department a fee of ~~[\$150]~~ \$300 per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the department a fee of \$140 for each system. Said fee shall be for reviewing such plans and specifications, making site inspections, the administration of sludge and septage management programs, and for establishing a system for electronic permitting for waste disposal systems, subdivision plans, and for permits and approvals under the department's land regulation authority. The fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited ~~[with the treasurer as unrestricted revenue]~~ ***in the subsurface systems fund established in paragraph I-b.*** For the purposes of this paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.

41 New Paragraphs; Department of Environmental Services; Fee for Department Review of Subsurface Plans and Subdivisions. Amend RSA 485-A:30 by inserting after paragraph I-a the following new paragraphs:

I-b. There is hereby established the subsurface systems fund into which the fees collected under paragraph I shall be deposited. The fund shall be a separate, nonlapsing fund, continually appropriated to the department for the purpose of paying all costs and salaries associated with the subsurface systems program.

I-c. Beginning October 1, 2009 and each fiscal quarter thereafter, the department shall submit a quarterly report to the house and senate finance committees, the house resources, recreation, and development committee, and the senate energy, environment, and economic development committee relative to administration of the subsurface systems program.

42 New Subparagraph; Dedicated Fund; Subsurface Systems Fund Added. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

(277) Moneys deposited in the subsurface systems fund, under RSA 485-A:30, I-b.

43 New Subparagraph; General Revenue Exemptions; Motor Vehicle Air Pollution Abatement Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

(277) Funds deposited in the motor vehicle air pollution abatement fund established in RSA 125-S:3.

44 New Chapter; Motor Vehicle Air Pollution Abatement Fund. Amend RSA by inserting after chapter 125-R the following new chapter:

CHAPTER 125-S

MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

125-S:1 Purpose. The general court finds that emissions of air contaminants from motor vehicles represent a potential serious health problem to the citizens of New Hampshire and a threat to the air quality of the state. The purpose of this chapter is to establish a fund to be used for costs incurred by the department of environmental services in the prevention and abatement of emissions of air contaminants from motor vehicles registered for on-road use in the state of New Hampshire.

125-S:2 Definitions. In this chapter:

I. "Department" means the department of environmental services.

II. "Motor vehicle inspection fee" means the fee collected by the department of safety pursuant to RSA 266:2.

III. "Mobile source" means, for the purposes of this chapter, any motor vehicle registered for on-road use by the department of safety, division of motor vehicles.

125-S:3 Fund Established. There is established a motor vehicle air pollution abatement fund, which shall be administered by the department of environmental services. This fund shall be used for costs incurred by the department in the course of carrying out activities that are designed to reduce air pollution in the state from the mobile source sector. All fees and monetary grants, gifts, donations, or interest generated by these funds shall be deposited with the state treasurer in a special nonlapsing fund to be known as the motor vehicle air pollution abatement fund and shall be continually appropriated to the department for the administration of this chapter.

125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2.

45 Inspection Sticker Fees. Amend RSA 266:2 to read as follows:

266:2 Fees. The fee for inspection stickers shall be ~~[\$2.50]~~ **\$2.90** for each sticker furnished an approved inspection station. ***The division shall transfer \$.25 of each fee collected under this section to the motor vehicle air pollution abatement fund established by RSA 125-S:3.*** All unused stickers returned by the approved inspection station to the division shall be refundable at the rate of ~~[\$2.50]~~ **\$2.90** each, except that unused stickers purchased from the division for a fee of \$2.50 shall be refundable at the rate of \$2.50 each.

46 Retirement System; Member Contribution Rates; 2009 - 2010. Amend RSA 100-A:16, I(a) to read as follows:

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

Employees	[5.00] 7.00
Teachers	[5.00] 7.00
Permanent Policemen	[9.30] 11.00

Permanent Firemen

~~[9.30]~~ **11.00**

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

47 Retirement System; Recalculation of Employer Rates; Re-Certification by Board of Trustees. The retirement system shall utilize the sums attributable to the increase in member contribution rates under RSA 100-A:16, I(a) as amended by section 46 of this act to reduce previously certified employer contribution rates for state fiscal years 2010 and 2011. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees shall recalculate and re-certify employer contribution rates for the state fiscal years 2010 and 2011.

48 Retirement System; Member Contribution Rates; 2011 Version. Amend RSA 100-A:16, I(a) to read as follows:

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

Employees	[7.00] 5.00
Teachers	[7.00] 5.00
Permanent Policemen	[11.00] 9.30
Permanent Firemen	[11.00] 9.30

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

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

49 Retirement System; State Annuity Accumulation Fund; Employer Contribution; State Payment. Amend RSA 100-A:16, II(b) and (c) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution," provided that any employer, other than the state, shall pay ~~[65]~~ **70** percent of such total contributions ***for state fiscal year 2010, and [35] 30*** percent thereof shall be paid by the state ***for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state;*** and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

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

50 Retiree Health Insurance Premium Contribution for Fiscal Years 2010 and 2011. The retirement system shall deduct from the monthly retirement allowance of retired state employees under the age of 65 years receiving medical and surgical benefits provided pursuant to RSA 21-I:30, the premium contribution amounts for the retiree and covered spouse, if any, of 11.5 percent of such monthly retirement allowance during state fiscal year 2010, and 12 percent of such monthly retirement allowance during state fiscal year 2011. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund.

51 New Subparagraph; Retirement System; Certification of State Employer Contributions; Medical Subsidy Payment. Amend RSA 100-A:16, III by inserting after subparagraph (c) the following new subparagraph:

(d) Notwithstanding RSA 100-A:16, III(a), on or before June 1, 2009, the New Hampshire retirement system board of trustees shall certify to the commissioner of administrative services the amounts that will become due and payable by the state during the biennium beginning July 1, 2009 based upon a state employee group other post-employment benefit (OPEB) plan balance as of July 1, 2009 for the state medical plan subtrust of \$0.00. Such certification shall in all other respects be based upon the data and assumptions used to calculate the state employer rate as certified in September 2008. In no event shall the board of trustees certify a rate in any subsequent year based upon payments made from the medical plan subtrust to the state prior to July 1, 2009.

52 District Courts; Judicial District Consolidation. Amend RSA 502-A:1 to read as follows:

502-A:1 Judicial Districts. A comprehensive system of judicial districts, each with a district court, is hereby organized, constituted and established as follows:

Rockingham County

I. PORTSMOUTH DISTRICT. The Portsmouth district shall consist of the city of Portsmouth and the towns of Newington, Greenland, Rye, and New Castle. The district court for the district shall be located in Portsmouth, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Portsmouth District Court.

II. HAMPTON-EXETER DISTRICT. The Hampton-Exeter district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, Seabrook, Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

II-a. [Repealed.]

III. DERRY DISTRICT. The Derry district shall consist of the towns of Derry, Londonderry, Chester, and Sandown. The district court for the district shall be located in Derry, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Derry District Court.

IV. AUBURN-CANDIA-RAYMOND DISTRICT. The Auburn-Candia-Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in Auburn, Candia, or Raymond. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the town in which it is located.

V. SALEM DISTRICT. The Salem district shall consist of the towns of Salem, ***Plaistow, Hampstead, Kingston, Newton, Atkinson, Danville***, and Windham in Rockingham county and the town of Pelham in Hillsborough county. The district court for the district shall be located in Salem, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Salem District Court.

~~[VI. PLAISTOW DISTRICT. The Plaistow district shall consist of the towns of Plaistow, Hampstead, Kingston, Newton, Atkinson, and Danville. The district court for the district shall be located in Plaistow, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Plaistow District Court.]~~

Strafford County

~~[VII.]~~ VI. DOVER-SOMERSWORTH-DURHAM DISTRICT. The Dover-Somersworth-Durham district shall consist of the cities of Dover and Somersworth and the

towns of Rollinsford, Durham, Lee, and Madbury. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. Cases arising from the towns of Durham, Lee, and Madbury shall be held regularly at a court facility in the town of Durham.

~~[VIII.]~~ **VII. ROCHESTER DISTRICT.** The Rochester district court shall consist of the city of Rochester and the towns of Barrington, Milton, New Durham, Farmington, Strafford, and Middleton. The district court for the district shall be located in Rochester, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Rochester District Court.

Belknap County

~~[IX.]~~ **VIII. LACONIA DISTRICT.** The Laconia district shall consist of the city of Laconia and the towns of Meredith, New Hampton, Gilford, Belmont, Alton, Gilmanton, Center Harbor, and Barnstead. The district court for the district shall be located in Laconia, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Laconia District Court.

Carroll County

~~[X.]~~ **IX. DISTRICT COURT FOR NORTHERN CARROLL COUNTY.** The district for northern Carroll county shall consist of the towns of Conway, Bartlett, Jackson, Eaton, Chatham, Hart's Location, Albany, Madison and the unincorporated places of Hale's Location, Cutt's Grant, Hadley's Purchase, and those portions of the towns of Waterville and Livermore within the watershed of the Saco River and its tributaries. The district court for the district shall be located in Conway, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be the District Court for Northern Carroll County.

~~[XI.]~~ **X. DISTRICT COURT FOR SOUTHERN CARROLL COUNTY.** The district for southern Carroll county shall consist of the towns of Ossipee, Tamworth, Freedom, Effingham, Wakefield, Wolfeboro, Brookfield, Tuftonboro, Moultonborough, and Sandwich. The court shall be located either in Ossipee or in Wolfeboro in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The name of the court shall be the District Court for Southern Carroll County.

Merrimack County

~~[XII.]~~ **XI. CONCORD DISTRICT.** The Concord district shall consist of the city of Concord, and the towns of Loudon, Canterbury, Dunbarton, Bow, Hopkinton, Pittsfield, Chichester, and Epsom. The district court for the district shall be located in Concord, holding sessions regularly there and elsewhere in the district as justice may require. The name of the court shall be Concord District Court.

~~[XIII.]~~ **XII. HOOKSETT DISTRICT.** The Hooksett district shall consist of the towns of Allenstown, Pembroke, and Hooksett. The district court for the district shall be located in Hooksett, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be the Hooksett District Court.

~~[XIV.]~~ **XIII. FRANKLIN DISTRICT.** The Franklin district shall consist of the city of Franklin and the towns of Northfield, Danbury, Andover, Boscawen, Salisbury, Hill, **Wilmot**, and Webster in Merrimack county and the towns of Sanbornton and Tilton in Belknap county. The district court for the district shall be located in Franklin, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Franklin District Court.

~~[XV.]~~ **XIV. HENNIKER-HILLSBOROUGH DISTRICT.** The Henniker-Hillsborough district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the towns of Hillsborough, Deering, Windsor, Antrim, and Bennington in Hillsborough county. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. Special sessions of said court for cases arising from the town of Henniker shall be held at the principal court location as the caseload and justice requires. The court shall bear the name of the city or town in which it is located.

~~[XVI. NEW LONDON DISTRICT. The New London district shall consist of the towns of New London, Wilmot, Newbury, and Sutton. The district court for the district shall be located in New London, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be New London District Court.]~~

~~XVII. [Repealed.]~~

Hillsborough County

~~[XVIII.]~~ **XV. MANCHESTER DISTRICT.** The Manchester district shall consist of the city of Manchester. The district court for the district shall be located in Manchester, holding sessions regularly therein as justice may require. The name of the court shall be Manchester District Court.

~~[XIX.]~~ **XVI. NASHUA DISTRICT.** The Nashua district shall consist of the city of Nashua and the towns of Hudson and Hollis. The district court for the district shall be located in Nashua, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Nashua District Court.

~~[XX.]~~ **XVII. MERRIMACK DISTRICT.** The Merrimack district shall consist of the towns of Merrimack, Litchfield, and Bedford. The district court for the district shall be located in Merrimack, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be the Merrimack District Court.

~~[XXI.]~~ **XVIII. MILFORD DISTRICT.** The Milford district shall consist of the towns of Milford, Brookline, Amherst, Mason, Wilton, Lyndeborough, and Mont Vernon. The district court for the district shall be located in Milford, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Milford District Court.

~~[XXII.]~~ **XIX. KEENE-JAFFREY-PETERBOROUGH DISTRICT.** The *Keene-Jaffrey-Peterborough* district shall consist of the *city of Keene and the towns of Stoddard, Westmoreland, Surry, Gilsum, Sullivan, Nelson, Roxbury, Marlow, Swanzey, Marlborough, Winchester, Richmond, Hinsdale, Walpole, Alstead, Troy, and Chesterfield in Cheshire county, and the towns of Peterborough, Hancock, Greenville, Greenfield, New Ipswich, Temple, and Sharon in Hillsborough county and the towns of Jaffrey, Dublin, Fitzwilliam, and Rindge in Cheshire county.* The district court for the district shall be located in Jaffrey or Peterborough, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Jaffrey-Peterborough District Court.

~~[XXIII.]~~ **XX. HENNIKER-HILLSBOROUGH DISTRICT.** The Henniker-Hillsborough district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the towns of Hillsborough, Deering, Windsor, Antrim, and Bennington in Hillsborough county. The *district court for the district* shall be located in ~~[a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district.]~~ *Henniker, holding sessions regularly therein and elsewhere in the district as justice may require,* provided, however, that the court shall not be located in any building which

does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the ~~[city or town in which it is located]~~ ***Henniker District Court.***

~~[XXIV.]~~ **XXI.** GOFFSTOWN DISTRICT. The Goffstown district shall consist of the towns of Goffstown, Weare, New Boston, and Francestown. The district court for the district shall be located in Goffstown, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Goffstown District Court.

Cheshire County

~~[XXV. KEENE DISTRICT. The Keene district shall consist of the city of Keene and the towns of Stoddard, Westmoreland, Surry, Gilsum, Sullivan, Nelson, Roxbury, Marlow, Swanzey, Marlborough, Winchester, Richmond, Hinsdale, Harrisville, Walpole, Alstead, Troy, and Chesterfield. The district court for the district shall be located in Keene, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Keene District Court.~~

~~XXVI.]~~ **XXII.** ***KEENE-JAFFREY-PETERBOROUGH DISTRICT.*** The ***Keene-***Jaffrey-Peterborough district shall consist of the ***city of Keene and the towns of Stoddard, Westmoreland, Surry, Gilsum, Sullivan, Nelson, Roxbury, Marlow, Swanzey, Marlborough, Winchester, Richmond, Hinsdale, Walpole, Alstead, Troy, Chesterfield,*** Jaffrey, Dublin, Fitzwilliam, Troy and Rindge in Cheshire county and the towns of Peterborough, Hancock, Greenville, Greenfield, New Ipswich, Temple, and Sharon in Hillsborough county. The district court for the district shall be located in Jaffrey or Peterborough, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Jaffrey-Peterborough District Court.

Sullivan County

~~[XXVII.]~~ **XXIII.** CLAREMONT-NEWPORT DISTRICT. The Claremont-Newport district shall consist of the city of Claremont and the towns of Cornish, Unity, Charlestown, Acworth, Langdon, Plainfield, Newport, Grantham, Croydon, Springfield, Sunapee, Goshen, Lempster, and Washington ***in Sullivan county and the towns of New London, Newbury, and Sutton in Merrimack county.*** The ***district court for the district*** shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

~~[XXVII a. [Repealed.]]~~

Grafton County

~~[XXVIII.]~~ **XXIV.** HANOVER-LEBANON DISTRICT. The Hanover-Lebanon district shall consist of the towns of Hanover, Orford, Lyme, Lebanon, Enfield, Canaan, Grafton, Dorchester, and Orange. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

~~[XXIX.]~~ **XXV.** HAVERHILL DISTRICT. The Haverhill district shall consist of the towns of Haverhill, Bath, Landaff, Benton, Piermont, and Warren. The district court for the district shall be located in Haverhill, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Haverhill District Court.

~~[XXX.]~~ **XXVI.** LITTLETON DISTRICT. The Littleton district shall consist of the towns of Littleton, Monroe, Lyman, Lisbon, Franconia, Bethlehem, Sugar Hill, and Easton. The district court for the district shall be located in Littleton, holding sessions regularly

therein and elsewhere in the district as justice may require. The name of the court shall be Littleton District Court.

~~[XXXI.]~~ **XXVII.** PLYMOUTH-LINCOLN DISTRICT. The Plymouth-Lincoln district shall consist of the towns of Plymouth, Bristol, Groton, Wentworth, Rumney, Ellsworth, Thornton, Campton, Ashland, Hebron, Holderness, Bridgewater, Alexandria, Lincoln, Woodstock and those portions of the towns of Livermore and Waterville not within the watershed of the Saco River and its tributaries. The district court for the district shall be located in Plymouth, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Plymouth District Court.

Coos County

~~[XXXII.]~~ **XXVIII.** BERLIN-GORHAM DISTRICT. The Berlin-Gorham district shall consist of the city of Berlin and the towns of Gorham, Milan, Dummer, Shelburne, and Randolph and the unincorporated places of Cambridge, Success, Bean's Purchase, Martin's Location, Green's Grant, Pinkham's Grant, Sargent's Purchase, Thompson and Meserve's Purchase and Low and Burbank's Grant. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

~~[XXXIII.]~~ **XXIX.** COLEBROOK DISTRICT. The Colebrook district shall consist of the towns of Colebrook, Pittsburg, Clarksville, Wentworth's Location, Errol, Millsfield, Columbia, Stewartstown, and Stratford and the unincorporated places of Dix's Grant, Atkinson and Gilmanton Academy Grant, Second College Grant, Dixville, Erving's Location, and Odell. The district court for the district shall be located in Colebrook, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Colebrook District Court.

~~[XXXIV.]~~ **XXX.** LANCASTER DISTRICT. The Lancaster district shall consist of the towns of Lancaster, Stark, Northumberland, Carroll, Whitefield, Dalton and, Jefferson, and the unincorporated places of Kilkenny, Bean's Grant, Chandler's Purchase, and Crawford's Purchase. The district court for the district shall be located in Lancaster, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Lancaster District Court.

53 Committee Established. There is established a committee to study closing the Claremont, Colebrook, and Milford district courts.

54 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.

55 Duties. The committee shall study closing the Claremont, Colebrook, and Milford district courts.

56 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.

57 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 1, 2009.

58 New Paragraph; Discretionary Sentences; Release from State Prison. Amend RSA 651:25 by inserting after paragraph VI the following new paragraph:

VII.(a) The commissioner of corrections may release a prisoner who is serving a New Hampshire state sentence to the custody and control of the United States Immigration and Customs Enforcement if all of the following requirements are satisfied:

(1) The department of corrections receives an order of deportation for the prisoner from the United States Immigration and Customs Enforcement;

(2) The prisoner has served at least 1/3 of the minimum sentences imposed by the court;

(3) The prisoner was not convicted of a violent crime, or any crime of obstruction of justice, or sentenced to an extended term of imprisonment under RSA 651:6; and

(4) The prisoner was not convicted of a sexual offense as defined in RSA 651-B:1, V.

(b) If a prisoner who is released from his or her state sentence pursuant to this section returns illegally to the United States, on notification from any federal or state law enforcement agency that the prisoner is in custody, the commissioner of corrections shall revoke the prisoner's release and immediately file a detainer seeking the prisoner's return to the custody of the department of corrections to serve the remainder of his or her sentence.

59 Department of Administrative Services; Suspension of Bumping Rights. The displacement of classified state employees by more senior classified state employees, or so-called bumping, pursuant to administrative rule Per 1101.02 (i) through (l) under the authority of RSA 21-I:43 by the director of the division of personnel is hereby suspended from the effective date of this section to June 30, 2011.

60 Rehiring of Laid Off State Employees.

I. For purposes of this section, "laid off" means any person who receives written notice of the state's intent to lay him or her off or who is laid off between July 1, 2009 and June 30, 2011, as a result of reorganization or downsizing of state government.

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

III. The head of each department or agency shall submit the name and classification of any individual laid off between July 1, 2009 and June 30, 2011, to the director of the division of personnel within 10 days of the layoff.

61 State Employees Group Insurance; Restrictions on Self-Insured Plans. Amend RSA 21-I:30-b, I(a) to read as follows:

(a) ~~[An amount]~~ **Five percent of** estimated ~~[to be necessary to pay]~~ **annual** claims and administrative costs ~~[for the assumed risk for one month]~~ **of the health plan;** and

62 Department of Administrative Services; Commissioner; Directors. Amend RSA 21-I:2, II to read as follows:

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each division director, the assistant commissioner, **the deputy commissioner**, the internal auditor, the financial data manager and the senior operational analyst. The division directors, the assistant commissioner, **the deputy commissioner**, the internal auditor, the financial data manager and the senior operational analyst shall each serve for a term of 4 years.

63 New Section; Department of Administrative Services; Deputy Commissioner. Amend RSA 21-I by inserting after section 3-a the following new section:

21-I:3-b Deputy Commissioner.

I. The commissioner of administrative services shall nominate a deputy commissioner as provided in RSA 21-I:2, II. The deputy commissioner shall be qualified to hold that position by reason of education and experience. The deputy commissioner shall perform such duties as are assigned by the commissioner.

II. The salary of the deputy commissioner shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

64 Department of Administrative Services; Salary of Deputy Commissioner. The position of deputy commissioner established under RSA 21-I:3-b shall be unfunded for the biennium ending June 30, 2011. In the event funding becomes available during the biennium, the commissioner of the department of administrative services may request transfer approval authority from the fiscal committee of the general court, and if granted, shall transfer such funds to fund the position.

65 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) as follows:

Delete:

GG Department of administrative services director of plant and property management

Insert:

HH Department of administrative services director of plant and property management

66 Real Estate Commission; Renewal Notice. Amend RSA 331-A:19, I to read as follows:

I. The commission shall mail each licensee a renewal ~~[form]~~ **notice** or, at the licensee's request, the commission may provide the renewal ~~[form]~~ **notice** by other means acceptable to the commission, at least 60 days before expiration of the license.

67 Real Estate Commission; Rulemaking Notice. Amend RSA 331-A:7, VII to read as follows:

VII. Provide notice ~~[in a publication of the commission sent by U.S. mail]~~ to all persons licensed under this chapter of any proposed rulemaking undertaken by the commission, any changes to administrative rules adopted by the commission, and any pertinent changes in New Hampshire law. ~~[The funds necessary for the printing, postage, and mailing of such notice shall be expended from funds of the commission not otherwise appropriated.]~~

68 New Section; Department of Transportation; Director of Policy and Administration. Amend RSA 21-L by inserting after section 5-a the following new section:

21-L:5-b Director of Policy and Administration.

I. There is established within the department a position of an unclassified director of policy and administration. The commissioner of transportation shall nominate a director of policy and administration for appointment by the governor, with consent of the council. The director shall serve a term of 4 years. The director shall be qualified to hold that position by reason of education and experience.

II. The director shall perform such duties as are assigned by the commissioner or deputy commissioner and, in accordance with applicable laws, shall administer the following:

- (a) Bureau of human resources.
- (b) Office of stewardship and compliance.
- (c) Office of federal compliance.
- (d) Office of hearings and legislation.
- (e) Office of public information.
- (f) Executive office administrative support.

III. The position of the director of policy and administration shall be unclassified. The salary of the director shall be determined after assessment and review of the appropriate temporary letter grade allocation for the position for inclusion in RSA 94:1-a, I(b), which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

69 Eastern New Hampshire Turnpike; Authority Granted. Amend the introductory paragraph of RSA 237:17 to read as follows:

237:17 Authority Granted. The commissioner of transportation, with the approval of the governor and council, shall locate and construct a continuous highway from a point on the Massachusetts-New Hampshire boundary in the town of Seabrook to a point **on the New Hampshire-Maine boundary** in the city of Portsmouth, and from ~~the~~ **the Portsmouth traffic circle** in the city of Portsmouth to a point in the vicinity of the ~~city of Rochester]~~ **town of Milton**, and shall operate and maintain said highway as a toll road as hereinafter provided.

70 Highways Named. Amend RSA 237:18 to read as follows:

237:18 Highways Named. The portion of the toll road from **the Massachusetts-New Hampshire boundary in the town of** Seabrook ~~[connecting with route 1 in Maine]~~ **to a point on the New Hampshire-Maine boundary in the city of Portsmouth** shall be designated as the Blue Star memorial highway as provided in chapter 115, Laws of 1949, and shall be located on the road as now constructed. That part of the said toll road from ~~a point]~~ **the Portsmouth traffic circle** in the city of Portsmouth to a point in the vicinity of the ~~city of Rochester]~~ **town of Milton**, shall be designated and named Spaulding turnpike.

71 New Section; Department of Transportation; Expansion of the Turnpike System. Amend RSA 237 by inserting after section 49-a the following new section:

237:50 Acquisition; Authority Granted.

I. The department of transportation, acting by and on behalf of the state, is hereby authorized to convey to the bureau of turnpikes, and the bureau of turnpikes is authorized to acquire from the state, a portion of Interstate Route 95 in the city of Portsmouth for the sum of \$120,000,000 and on such other terms and provisions as the commissioner of transportation and the bureau of turnpikes determine are reasonable or necessary to complete the acquisition. The bureau of turnpikes is authorized to acquire, expand, and make improvements to the eastern New Hampshire turnpike from the northerly expansion joint of the Interstate Route 95 bridge over the Spaulding Turnpike, U.S. Route 4 and N.H. Route 16 (bridge No. 197/122) north to point on the New Hampshire-Maine boundary in the city of Portsmouth, such improvements to include the installation of open road tolling for the toll on Interstate Route 95 in Hampton.

II. The bureau of turnpikes shall operate and maintain this section of highway, which shall become part of the eastern New Hampshire turnpike under RSA 237:17 and the Blue Star turnpike under RSA 237:18.

III. Acquisition and expansion of the eastern New Hampshire turnpike system for \$120,000,000 plus interest shall be at the state borrowing rate to be paid over a maximum 20-year term to the highway fund from the turnpike reserves under terms and conditions to be determined by the commissioner of transportation.

IV. The high level bridge on Interstate Route 95 over the Piscataqua River is eligible for federal funds and state highway funds. In the event of emergency repairs or repair to damage from a catastrophic event, the department of transportation, rather than the bureau of turnpikes, shall remain liable for such repairs to the high level bridge.

72 Issuance of Revenue Bonds. Amend RSA 237-A:2 to read as follows:

237-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "turnpike system revenue bonds." The bonds may be issued from time to time for the purpose of financing the project costs of construction of any turnpike or of paying or refunding any bonds issued pursuant to RSA 237 or interest thereon. Any such bonds issued to pay or refund bonds issued pursuant to RSA 237 or interest thereon may be issued in sufficient amount to cover items described in RSA 237-A:7. Bonds issued hereunder shall be special obligations of the state and the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The bonds shall be issued by the treasurer in such amounts as the governor and council shall determine, not exceeding in the aggregate ~~[\$586,050,000]~~ **\$766,050,000**. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined

by the treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 40 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine.

73 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(a) to read as follows:

(a) Improvements to the Blue Star memorial highway.

RSA 237:2, I, IX. ~~[55,800,000]~~ **70,000,000**

74 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(k) to read as follows:

(k) Toll collection equipment. RSA 237:2, VIII, IX. ~~[39,000,000]~~

119,000,000

75 Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I(m) to read as follows:

(m) Construction of a second barrel from exits 12 to 16
on the Spaulding Turnpike with related interchange

improvements from exits 11 to 16. RSA 237:2, IX. ~~[138,200,000]~~

160,000,000

76 New Subparagraphs; Department of Transportation; Turnpike System Funds. Amend RSA 237:7, I by inserting after subparagraph (o) the following new subparagraphs:

(p) Acquisition of a 1.6 mile section of I-95. 120,000,000

(q) Repairs and improvements to the bridge on N.H. 107 over I-95 in Seabrook. 2,000,000

(r) Construction of the Newington-Dover Little Bay Bridge project. 275,000,000

(s) Construction of noise barriers along I-95 in Portsmouth. 1,000,000

77 New Paragraph; Turnpike System; Authority. Amend RSA 237:2 by inserting after paragraph IX the following new paragraph:

X. Acquire, expand, and make improvements to the eastern New Hampshire turnpike from the northerly expansion joint of the Interstate Route 95 bridge over the Spaulding Turnpike, U.S. Route 4 and N.H. Route 16 (bridge No. 197/22) north to a point on the New Hampshire-Maine border in the city of Portsmouth, said improvements to include the installation of open road tolling for the toll currently on Interstate Route 95 in the town of Hampton.

78 New Paragraph; E-Z Pass Operations Interagency Agreement. Amend RSA 237:16-c by inserting after paragraph III the following new paragraph:

IV. The commissioner may enter into discussions with other state jurisdictions to create reciprocal agreements for the enforcement and collection of tolls and administrative fees due under the E-Z Pass system. The departments of transportation and safety may release driver's and owner's information to other jurisdictions relative to enforcement or collection of tolls and may take such other action as is necessary to effectuate the reciprocal enforcement agreements.

79 Department of Transportation; Welcome Centers. In order to better serve the public while utilizing revenue generating opportunities, the general court supports the idea of commercializing the rest areas, welcome centers, and state liquor store sites along the highways and turnpikes. The commissioner of the department of transportation is authorized to issue requests for proposals relative to the sale, lease, or concession of these areas, including the use of public/private partnerships to develop and reconstruct the rest areas, welcome areas, and state liquor store sites along the turnpikes and highways as may be necessary to provide full service centers with food, liquor sales, gas, and other retail goods

and services for the traveling public. Any proposal accepted by the commissioner under this section shall be submitted for approval in accordance with laws governing the disposition of state-owned real estate.

80 Fish and Game Department; Game Management Account. Notwithstanding RSA 206:34-b or any other provision of law, for the biennium ending June 30, 2011, all moneys collected from the sale of moose, bear, turkey, and waterfowl stamps, licenses, applications, and permits shall be deposited in the fish and game fund and shall be used for the purposes specified in RSA 206:34-a.

81 State Government Waste Reduction, Recycling, and Recycled Products Purchase. Notwithstanding any provision of law, for the biennium ending June 30, 2011, the requirements of RSA 9-C:4, III and RSA 9-C:8-10 are suspended.

82 Boards, Commissions, and Councils; Expiration Date.

I. All non-regulatory boards, commissions, councils, advisory committees, and task forces in state government created by statute or administrative rule shall expire on June 30, 2011, unless reinstated by the general court. The office of legislative services shall provide a list of all such boards, commissions, councils, advisory committees, and task forces in state government created by statute or administrative rule to the speaker of the house of representatives, the senate president, and the governor on or before September 30, 2009.

II. All non-regulatory boards, commissions, councils, advisory committees, and task forces created by executive order, or by a department, agency, or administratively-attached agency in the executive branch, shall expire on June 30, 2011, unless reinstated by the governor. Each commissioner or agency head shall provide a list of all such boards, commissions, councils, advisory committees, and task forces created by the department, agency, or administratively attached agency to the governor on or before September 30, 2009. For each advisory committee listed that was not created by statute, the commissioner or agency head shall identify whether the advisory committee was established in accordance with RSA 21-G:11.

III. The supreme court shall conduct a review of all boards, commissions, councils, advisory committees, and task forces created by the judicial branch or by court order and shall eliminate non-essential boards, commissions, councils, advisory committees, and task forces on or before June 30, 2011.

83 Committee on Consolidation of Boards, Commissions, and Councils Established.

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

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

(a) Six members of the house of representatives, 3 of whom shall be members of the finance committee and 3 of whom shall be members of the executive departments and administration committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, one of whom shall be a member of the finance committee and one of whom shall be a member of the executive departments and administration committee, appointed by the president of the senate.

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

IV. The committee shall study how to enhance the administrative efficiency of occupational licensing boards. In conducting the study, the committee shall consider how greater efficiency can be achieved in the following areas:

(a) The relationship between the boards and the agencies to which the boards are attached;

(b) The relationship between the administrative prosecutions unit, department of justice and the boards and the development of uniform access to investigative assistance and legal assistance with prosecutions;

(c) The relationship between the civil bureau, department of justice and the boards and the development of uniform access to legal assistance with board procedural issues;

(d) The relationship between the rules and procedures unit, department of administrative services and the boards;

(e) Consolidation of or uniformity in the administrative functions of the boards, including but not limited to, purchasing, personnel management, database design, and website design;

(f) Physically grouping some boards together with shared staff and office and meeting space;

(g) Creating a new department of professional regulation that includes all occupational licensing boards;

(h) Any other areas deemed necessary by the committee.

V. 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. Five members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2009.

84 New Subdivision; Department of Resources and Economic Development; Workforce Opportunity Council. Amend RSA 12-A by inserting after section 59 the following new subdivision:

Workforce Opportunity Council

12-A:60 Workforce Opportunity Council. The state workforce opportunity council, established pursuant to Executive Order 2001-1, shall be a part of the department of resources and economic development. The commissioner shall oversee the responsibilities of the state workforce opportunity council.

85 Department of Insurance; New Hampshire Citizens Health Initiative. The New Hampshire insurance department is hereby authorized and directed to seek governor and council approval to enter into a cooperative project agreement with the university system of New Hampshire, acting through the university of New Hampshire, whereby the New Hampshire Institute for Health Policy and Practice will support the efforts of the New Hampshire Citizens Health Initiative (CHI). This agreement shall provide for operational support of the CHI, as well as technical assistance and consultant services to support CHI Pillar Projects relating to health care provider reimbursement, medical home, health information technology and exchange, and health care finance and structure transparency. Funding for this agreement provided by the insurance department shall not exceed \$380,000 through June 30, 2011.

86 Legislative Branch; Revised Health Benefit Plan. The legislative branch shall lapse \$73,546 during the fiscal year ending June 30, 2010 and \$159,350 during the fiscal year ending June 30, 2011 in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.

87 Judicial Branch; Revised Health Benefit Plan. The judicial branch shall lapse \$345,563 during the fiscal year ending June 30, 2010 and \$748,725 during the fiscal year ending June 30, 2011 in connection with the implementation of the revised health benefit plan for unclassified and nonclassified state employees.

88 New Section; Real Estate Commission; Fees Collected Electronically; Handling Charge. Amend RSA 331-A by inserting after section 24-a the following new section:

331-A:24-b Handling Charge. If the real estate commission collects a fee electronically for any license, any document, or any other purpose under this chapter, the commission shall

collect a handling charge for each fee paid electronically, including by Internet or facsimile, by adding 2 percent to the total collected.

89 Horse and Dog Racing; Employees. Amend RSA 284:3 to read as follows:

284:3 Employees. At least 85 percent of the persons employed by a person, association, or corporation conducting a racing plant **or simulcasting** under the provisions hereof shall have resided in this state for a period of not less than one year. The provisions of this section shall not apply to the construction of a racing plant or its equipment.

90 New Paragraph; Racing and Charitable Gaming Commission; Fees to Cover Costs of Administering Live Racing. Amend RSA 284:6-a by inserting after paragraph V the following new paragraph:

VI. The racing and charitable gaming commission shall establish and adjust annual fees for licensees conducting live racing in an amount sufficient to generate revenue that approximates the direct costs of administering the live racing provisions of this chapter.

91 Horse and Dog Racing; Racing and Charitable Gaming Commission; Rulemaking. Amend RSA 284:12, III to read as follows:

III. The operation of race tracks on which running or harness horse or dog races or meets **or simulcastings** are held.

92 Horse and Dog Racing; License Required; Investigation Fees. Amend RSA 284:12-a to read as follows:

284:12-a License Required; Investigation Fees.

I. No person, association, corporation, or any other type of entity shall hold **or simulcast** any running or harness horse or dog race or meet at **or for** which pari-mutuel pools are sold without a license from the commission.

II. Investigation fees shall be collected by the commission and shall be continually appropriated to the commission and used by the commission to offset the costs of conducting background checks and monitoring of license applicants and licensees as required under this section, RSA 284:16, RSA 284:16-a, RSA 284:18-a, RSA 284:19, RSA 284:20, ~~and~~ RSA 284:20-b, **RSA 284:22, and RSA 284:22-a**. Funds received hereunder and not expended for such investigations shall lapse to the general fund 2 years after receipt of such funds.

93 License; Live Running or Harness Horse Racing. Amend the introductory paragraph of RSA 284:15, I to read as follows:

I. Any person, association, or corporation desiring to hold **or simulcast** a running or harness horse race or meet for public exhibition, at **or for** which pari-mutuel pools are to be sold, shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

94 Requirements; Simulcast Dog Racing. Amend RSA 284:15-a to read as follows:

284:15-a Requirements. Any person, association, or corporation desiring to hold **or simulcast** a dog race for public exhibition at **or for** which pari-mutuel pools are to be sold, shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the information set forth in RSA 284:15. Any New Hampshire agricultural fair association certified as such, by the commissioner of agriculture, markets, and food, shall be entitled to one special 6 day racing license annually.

95 Issuance of Licenses; Simulcast Racing. Amend RSA 284:16 to read as follows:

284:16 Issuance of Licenses. If the commission is satisfied that all the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant and that the financial backing upon which said application is predicated is sound and is committed in support of said application, it may issue a license which shall expire on the thirty-first day of December. The license shall set forth the name of the licensee, the place where the races or race meets **or simulcastings** are to be held, and the time and number of days during which racing **or simulcasting** may be conducted by said licensee. Any license issued shall not be transferable nor assignable. Said commission shall have

power to revoke any license for good cause upon reasonable notice and hearing. The commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50 percent or more of the voting stock of the corporation and the corporation shall not hold a running or harness horse race or meet for public exhibition without a new license.

96 Issuance of Licenses; Simulcasting Races. Amend RSA 284:16-a to read as follows:

284:16-a Issuance of Licenses. If the greyhound racing commission is satisfied that all the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant and that the financial backing upon which said application is predicated is sound and is committed in support of said application, it may issue a license which shall expire on the thirty-first day of December. The license shall set forth the name of the licensee, the place where the races or race meets **or simulcastings** are to be held, and the time and number of days during which racing **or simulcasting** may be conducted by said licensee. Any license issued shall not be transferable nor assignable. Said commission shall have power to revoke any license for good cause upon reasonable notice and hearing. The commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50 percent or more of the voting stock of the corporation and the corporation shall not hold a dog race or meet for public exhibition without a new license. Any New Hampshire agricultural fair association certified as such, by the commissioner of agriculture, markets, and food, shall be entitled to one special 6-day license annually to hold a dog race meet.

97 Pari-Mutuel Pools on Simulcast Racing; Live Running and Harness Horse Racing. Amend RSA 284:22-a, I(c) to read as follows:

(c) "Licensee" means any individual, association, partnership, joint venture, corporation, or other organization or other entity which holds a license under RSA 284 to conduct a race meet, **or if the election is made pursuant to RSA 284:22-a, II(c), "licensee" means any individual, association, partnership, joint venture, corporation, or other organization or entity which holds a license under RSA 284 to conduct simulcasting at a facility at which live running or harness horse racing or live dog racing was conducted in 2008.**

98 New Subparagraph; Pari-Mutuel Pools on Simulcast Racing; Live Running and Harness Horse Racing. Amend RSA 284:22-a, II by inserting after subparagraph (b) the following new subparagraph:

(c) Notwithstanding subparagraph II(a), an individual, association, partnership, joint venture, corporation, or other organization or entity may be issued a license to conduct simulcasting without conducting live racing provided such person makes such election with the approval of the commission and such person or entity held a license on January 1, 2009 under this chapter to conduct a race meet.

99 Applicability. The fees established in RSA 284:6-a, VI as inserted by section 90 of this act shall apply to licenses issued on or after January 1, 2010.

100 Department of Revenue Administration; Position of Chief Multi-State Auditor Established.

I. There is established the unclassified position of chief multi-state auditor for the department of revenue administration. The salary for the position shall be as set forth in RSA 94:1-a.

II. The commissioner shall appoint a qualified person, who shall serve at the pleasure of the commissioner, to the position established in paragraph I.

101 Unclassified Officers; Chief Multi-State Auditor Added. Amend RSA 94:1-a, I(a) as follows:

Insert:

DD	Department of revenue administration	chief multi-state auditor
----	--------------------------------------	---------------------------

102 New Section; Supreme Court; Judicial Branch Information Technology Fund.
Amend RSA 490 by inserting after section 26-g the following new section:

490:26-h Judicial Branch Information Technology Fund.

I. Except as provided in paragraph IV:

(a) Fourteen percent of each entry fee collected in the judicial branch family division and in the supreme, district, superior, and probate courts and 16.67 percent of the penalty assessment collected pursuant to RSA 188-F:31 shall be deposited in the judicial branch information technology fund.

(b) Moneys in the fund shall be nonlapsing and continually appropriated to the supreme court for maintenance and infrastructure renewal of judicial branch information technology, including both hardware and software, as recommended by the director of the administrative office of the courts and approved by the supreme court.

II. The state treasurer shall establish procedures for deposits to and expenditures from the judicial branch information technology fund. The fund shall be a dedicated fund for the improvement of judicial branch information technology.

III. The funds on deposit in the judicial branch information technology fund shall be invested by the state treasurer in obligations of the United States government, in government agency obligations, in obligations which are legal investments for savings banks and trust companies, and in all types of savings accounts or certificates of deposit of both state or federally chartered institutions.

IV. On or before September 1 of each year, the judicial branch shall submit a written report of the income and expenditures of the judicial branch information technology fund to the fiscal committee of the general court and the state treasurer. If such report is not submitted, any balance in the fund shall lapse to the general fund and the percentage of each entry fee which is designated for the judicial branch information technology fund under paragraph I shall be deposited in the general fund.

103 Penalty Assessment. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of \$2 or ~~[20]~~ **24** percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked.

104 Penalty Assessment. Amend RSA 188-F:31, IV to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraphs I-III to the state treasurer for deposit in the following funds. The state treasurer shall deposit ~~[65]~~ **54.17** percent of the amount collected in the police standards and training council training fund, ~~[20]~~ **16.67** percent of the amount collected in the victims' assistance fund, **16.67 percent of the amount collected in the judicial branch information technology fund**, and the remainder in the general fund.

105 Supreme Court; Entry Fees. Amend RSA 490:24, I to read as follows:

I. For the benefit of the state, there shall be paid to the clerk for the entry of every reserved case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other document supplementary to the entered case, and for any service rendered by the clerk, such fees as shall from time to time be established by the court. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h**. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

106 Judicial Branch Family Division; Entry Fees. Amend RSA 490-D:12, II to read as follows:

II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the judicial branch family division for the benefit of the state. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account

established under RSA 490:26-c **and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h.**

107 Superior Court; Entry Fees. Amend RSA 499:18, II to read as follows:

II. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h.**

108 District Court Entry Fees. Amend RSA 502-A:28, II to read as follows:

II. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h.**

109 Probate Court Entry Fees. Amend RSA 548:23-a, II to read as follows:

II. The register shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c **and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h.**

110 New Subparagraph; Application of Receipts; Judicial Branch Information Technology Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

(277) Moneys deposited in the judicial branch information technology fund established under RSA 490:26-h.

111 Uniform Fines; Judicial Branch Information Technology Fund. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of the division of motor vehicles within 30 days of the date of the summons. The director of the division of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund **and the judicial branch information technology fund** in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the treasurer for deposit in the highway fund, or to such department or agency of the state as the law provides, within 14 days of their receipt.

112 Purchase of Supplies; Exemptions; Liquor Commission. RSA 21-I:18, I(b) is repealed and reenacted to read as follows:

(b) The liquor commission is completely exempted from the provisions of this chapter, provided that the liquor commission uses competitive bidding when acquiring consumable supplies, materials, goods, and services that are necessary for, incidental to, or related to the operation of the liquor commission.

113 Liquor Commission; State Stores. RSA 177:1 is repealed and reenacted to read as follows:

177:1 State Stores. The commission may lease and purchase and equip, in the name of the state, such stores, warehouses, supplies, materials, products, and other merchandising requirements for the sale or promotion of liquor and related products as are necessary to

carry out the provisions of this chapter. The commission may lease, in the name of the state, space in state stores for the purpose of installing automated teller machines. No newly established state store shall be operated within 200 feet of any public or private school, church, chapel, or parish house.

114 Closing of State Liquor Stores. RSA 177:2, I is repealed and reenacted to read as follows:

I. The commission may close any state liquor store to improve profitability and efficiency. In determining net operating profit or loss, the commission shall adhere to generally accepted accounting principles for both revenues and expenses and shall include an allocation for indirect costs. All information regarding a decision to close any state liquor store shall be made available, by the commission, to the public upon request. The commission shall provide public notice 30 days prior to closing any state liquor store.

115 Licensing of Agency Liquor Stores. During the period beginning July 1, 2009 and ending June 30, 2011:

I. The liquor commission may only issue new agency liquor store licenses for stores in the same market area in which the commission has closed state liquor stores during the biennium, but no more than one new agency liquor store may be licensed in any single market area.

II. The commission shall issue no more than 3 new agency liquor store licenses.

116 Repeal. 2008, 296:31 and 32, relative to eligibility for certain wine discounts, are repealed.

117 Department of Health and Human Services and Department of Safety Agreement Relative to Fee for State Criminal Record Check. Notwithstanding any provision of law to the contrary, the commissioner of the department of safety and the commissioner of the department of health and human services shall negotiate a reduced fee for performing a state criminal record check of department of health and human services employees, service providers, and licensed and license-exempt child day care providers.

118 New Subparagraph; Rulemaking Exemption; Fee for Criminal Record Check. Amend RSA 541-A:21, I by inserting after subparagraph (bb) the following new subparagraph:

(cc) RSA 106-B:14, I-a, relative to the fee for criminal record checks of department of health and human services employees, service providers, and licensed and license-exempt child day care providers.

119 Annulment of Criminal Records. Amend RSA 651:5, IX to read as follows:

IX. When a petition for annulment is timely brought, the court shall require the department of corrections to report to the court concerning any state or federal convictions, arrests or prosecutions of the petitioner and any other information which the court believes may aid in making a determination on the petition. The department shall charge the petitioner a fee of \$100 to cover the cost of such investigation unless the petitioner demonstrates that he *or she* is indigent, or ~~he~~ has been found not guilty, or ~~his~~ *the* case has been dismissed or not prosecuted in accordance with paragraph II. ***The department of safety shall charge the successful petitioner a fee of \$100 for researching and correcting the criminal history record accordingly, unless the petitioner demonstrates that he or she is indigent, or has been found not guilty, or the case has been dismissed or not prosecuted in accordance with paragraph II.*** The court shall provide a copy of the petition to the prosecutor of the underlying offense and permit them to be heard regarding the interest of justice in regard to the petition.

120 Great Bay; Reference to Saltwater License. Amend RSA 211:17-b to read as follows:

211:17-b Operation of Motor Vehicles, Snowmobiles, or OHRVs on Ice on Great Bay. No person shall drive a motor vehicle, snowmobile, or OHRV on the ice on Great Bay, except that any person who holds a New Hampshire ~~fishing~~ ***recreational saltwater*** license ***under RSA 214:9, XVI*** may do so, provided that he *or she* does not drive or park his *or her* vehicle any closer than 300 feet to any occupied so-called bob-house, fishing shanty, or

fishing hole other than the one ~~[he]~~ **the person** occupies. The provisions of this section shall not apply to any person engaged in emergency rescue operations or public service of any description. No person driving a motor vehicle, snowmobile, or OHRV on the ice on Great Bay shall operate said vehicle at a speed greater than 10 miles per hour. Whoever violates any provision of this section shall be guilty of a violation.

121 New Paragraph; Licenses; Application; Recreational Saltwater License. Amend RSA 214:9 by inserting after paragraph XV the following new paragraph:

XVI.(a) If the applicant is 16 years of age or older and wishes to take, possess, or transport finfish from coastal and estuarine waters under the restrictions of this title, the applicant shall pay the fee according to the schedule in subparagraph (e), and the agent shall thereupon issue a recreational saltwater license which shall entitle the licensee to take, possess, or transport finfish from coastal and estuarine waters, under the restrictions of this title, provided that any person participating in a recreational saltwater fishing opportunity on a for-hire vessel, which is licensed under subparagraph (b), shall be exempt from the license requirement of this subparagraph.

(b) A resident or nonresident owner or operator of a for-hire vessel who wishes to provide recreational saltwater fishing opportunities for persons taking finfish from coastal and estuarine waters, shall pay a fee for each charter boat and each party boat according to the schedule in subparagraph (e), which shall entitle the owner or operator of the licensed for-hire vessel to take, possess, or transport finfish from coastal and estuarine waters, under the restrictions of this title.

(c) A nonresident holding a valid recreational saltwater license or a for-hire charter or party boat saltwater license from Maine or Massachusetts, shall be allowed to take, possess, or transport finfish from New Hampshire coastal and estuarine waters, provided that the state in which such person purchased a recreational saltwater license or in which the for-hire vessel is registered allows an angler with a New Hampshire recreational saltwater license or a saltwater for-hire vessel with a for-hire license from New Hampshire to recreationally take, possess, or transport finfish in that state's coastal and estuarine waters.

(d) In this paragraph:

(1) "Coastal and estuarine waters" means all waters within the rise and fall of the tide, and water below any fishway or dam which is normally the dividing line between tide water and fresh water, or below any tidal bound which has been legally established in streams flowing into the sea under the jurisdiction of the state.

(2) "For-hire vessel" means a party boat, charter boat, dive boat, head boat, or other boat hired by persons to engage in recreational saltwater fishing opportunities.

(3) "Recreational saltwater fishing" means taking of any marine finfish, by any means for personal use only and which are not sold.

(4) "Charter boat" means a vessel less than 100 gross tons (90.8 metric tons) that meets the requirements of the U.S. Coast Guard to carry 6 or fewer passengers for hire.

(5) "Party boat" or "head boat" means a vessel that holds a valid Certificate of Inspection issued by the U.S. Coast Guard to carry passengers for hire.

(e) The following fees shall apply:

(1) \$15 for resident and nonresident individuals.

(2) \$75 for charter boats and other for hire vessels, except party boats.

(3) \$150 for party boats.

(f) The executive director shall adopt rules under RSA 541-A on the further definitions, criteria, and requirements for obtaining the licenses under this paragraph.

122 License Required; Marine Species Added. Amend RSA 214:1 to read as follows:

214:1 License Required. No person, except as hereinafter provided, shall at any time fish, hunt, trap, shoot, pursue, take or kill freshwater fish, **marine and estuarine finfish species**, saltwater smelt, saltwater shad, saltwater salmonoids, wild birds, or wild animals in this state, without first procuring a proper and valid license to do so, and then only in accordance with the terms of such license and subject to all the provisions of this title. The

licensee shall carry such license on his **or her** person when so engaged, and the license shall be subject to inspection on demand of any person.

123 Licenses for Aged Persons. Amend RSA 214:6 to read as follows:

214:6 Licenses for Aged Persons. Any resident of this state who is over 65 years of age and who is receiving public aid may, upon presentation of proof of such aid, make application to the executive director of fish and game for a special license to ~~[fish]~~ **take**, and to transport fish ~~[and saltwater smelt]~~, under the restrictions of this title. Such license shall be marked in such manner as the executive director may designate and there shall be no fee for such license.

124 Fishing License; Saltwater Species Removed. Amend RSA 214:9, II to read as follows:

II. If the applicant is a resident of this state and wishes to fish, \$33, and the agent shall thereupon issue a resident fishing license, which shall entitle the licensee to kill, take and transport all species of freshwater fish, ~~[saltwater smelt, saltwater shad, and saltwater salmonoids]~~ under the restrictions of this title.

125 One-Day Fishing License; Saltwater Species Removed. Amend RSA 214:9, II-b to read as follows:

II-b. If the applicant is a resident of this state and wishes to fish for one day, \$8, and the agent shall thereupon issue a one-day resident fishing license, which shall entitle the licensee to kill, take, and transport all species of freshwater fish~~[-saltwater smelt, saltwater shad, and saltwater salmonoids]~~, for said time only, under the restrictions of this title.

126 Hunting and Fishing License; Saltwater Species Removed. Amend RSA 214:9, III to read as follows:

III. If the applicant is a resident of this state and wishes to hunt and fish, \$44, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by use of traps, and to transport wild birds, wild animals, **and** all species of freshwater fish~~[-saltwater smelt, saltwater shad, and saltwater salmonoids]~~ under the restrictions of this title.

127 Hunting and Fishing License; Saltwater Species Removed. Amend RSA 214:9, VI-a to read as follows:

VI-a. If the applicant is a nonresident and wishes to hunt and fish, \$139, and the agent shall thereupon issue a nonresident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, **and** all species of freshwater fish~~[-saltwater smelt, saltwater shad, and saltwater salmonoids]~~ under the restrictions of this title.

128 Nonresident Fishing License; Saltwater Species Removed. Amend the introductory paragraph of RSA 214:9, VIII to read as follows:

VIII. If the applicant is a nonresident, 16 years of age or older, and wishes to take any species of freshwater fish~~[-saltwater smelt, saltwater shad, or saltwater salmonoids]~~, \$51, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport all species of freshwater fish~~[-saltwater smelt, saltwater shad, and saltwater salmonoids]~~ under the restrictions of this title, provided that:

129 References Changed; Special License for Persons Over 68 Years of Age. Amend RSA 214:7-a to read as follows:

214:7-a Persons Over 68 Years of Age. Any resident of this state who is 68 years of age or over may make application, to any authorized agent of the state for the sale of **freshwater** fishing, hunting or trapping licenses, for a special license to fish~~[-]~~ **in freshwaters and** hunt or trap, under the restrictions of this title. Such license may permit the use of a muzzle-loading firearm and bow and arrow. The license shall be marked in such manner as the executive director may designate, and there shall be no fee, including the agent's fee, for such license. The license shall be effective for the resident during the remainder of the resident's life, as long as the applicant remains a resident of the state, unless sooner suspended or

revoked by the executive director. The minimum residency requirements of RSA 214:7-b are applicable.

130 Lifetime Licenses. Amend RSA 214:9-c, I(a) to read as follows:

I.(a) The executive director, at the department of fish and game headquarters only, shall issue lifetime hunting, **freshwater** fishing, or combination hunting and **freshwater** fishing licenses similar to that issued on an annual basis under RSA 214:9, III to any resident applicant upon payment of the proper fee, which shall be established by the executive director in accordance with the provisions of paragraph II.

131 Repeal. The following are repealed:

I. RSA 211:47, relative to an exception for fishing from the Piscataqua river.

II. RSA 214:1-a, relative to ice fishing on Great Bay.

132 Registration Fees. Amend RSA 270-E:5, I to read as follows:

I. The registration fees for commercial, private, and pleasure vessels, including rentals and airboats shall be as follows:

(a) Up to and including 16 feet	[\$12] \$18.50
(b) 16.1 feet to 21 feet	[\$17] \$26
(c) 21.1 feet to 30 feet	[\$26] \$38
(d) 30.1 feet to 45 feet	[\$36] \$53
(e) 45.1 feet and over	[\$46] \$70.50

133 Lake Restoration and Preservation Fee. Amend RSA 270-E:5, II(a) to read as follows:

(a) ~~[\$5]~~ **\$7.50** for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

134 Agent Fee. Amend RSA 270-E:5, II(c) to read as follows:

(c) ~~[\$1.50]~~ **\$5** for each registration processed by an authorized agent of the department who is not an employee of the department. The fees collected under this subparagraph shall be collected and retained by the authorized agent as compensation for processing the registration.

135 Transfer Fee. Amend RSA 270-E:10 to read as follows:

270-E:10 Notice of Transfer; Destruction or Abandonment. The owner shall furnish the department written notice of the transfer of all or any part of his **or her** interest, other than the creation of a security interest, in a vessel registered in this state pursuant to this chapter or the destruction or abandonment of such vessel within 15 days of its transfer, destruction, or abandonment. Such transfer, destruction, or abandonment shall terminate the certificate of numbers for such vessel, except that in the case of a transfer of a part interest which does not affect the owner's rights to operate such vessel, the transfer shall not terminate the certificate of numbers. If a vessel is transferred, the original number shall be retained by the new owner. A person who transfers the ownership of a vessel, upon filing a new application, may have another boat registered in his **or her** name for the remainder of the period for which the vessel is registered for ~~[\$3]~~ **\$5**.

136 Commercial Vessels; Penalty and License Fees. Amend RSA 270-E:22 and RSA 270-E:23 to read as follows:

270-E:22 Commercial Vessels; Penalty.

I. Any person who shall use any commercial vessel or commercial outboard motor on any public waters in this state without a certificate of inspection, or shall act as captain, master, pilot, engineer or operator on any such boat or launch without having **passed an examination administered by the department and having** been ~~examined and~~ certified **by the department** in that capacity, or shall so act when his **or her** certificate has been revoked or suspended, or who shall violate any rule adopted by the department with reference to the inspection, equipment, or operation of such vessels or launches, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. The commissioner, after hearing, may revoke or suspend the certificate of any captain, master, pilot, or engineer of any commercial vessel for violation of RSA 270 or the rules and regulations prescribed thereunder.

III. All licenses to operate a commercial vessel shall expire ~~[the second December 31 following]~~ **5 years from** the date of issuance.

IV. A person who possesses a valid license issued by the federal government shall be deemed to comply with this section.

270-E:23 License Fees. There shall be paid to the commissioner for every ~~[general]~~ certificate of captain, master, pilot, or engineer, ~~[\$4]~~ **\$15**; ~~and for every limited certificate of captain, master, pilot, or engineer, \$2].~~ A ~~[general]~~ certificate shall entitle the holder thereof to act in the capacity named on any vessel of the class described in the certificate; ~~a limited certificate shall entitle the holder to act in such capacity only on a particular vessel named in the certificate].~~ Only one certificate shall be required to entitle the holder thereof to act in any or all of the above capacities on any motorized vessel permitted to carry a maximum of 25 persons. ***If a person fails the examination required by RSA 270-E:22, I, the person may retake the examination for a fee of \$10 paid to the commissioner.*** The fees paid ***for re-examinations and*** for certificates issued under this section shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

137 Addition to Boat Fee. Amend RSA 487:25, I to read as follows:

I. The fee of ~~[\$5]~~ **\$7.50** collected under the provisions of RSA 270-E:5, II(a) shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said fee to the state treasurer who shall keep the fee in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, ~~[\$1.50]~~ **\$3** of the fee for the control of exotic aquatic weeds, and ~~[\$3]~~ **\$4** of the fee for the milfoil and other exotic aquatic plants prevention program. The department shall deposit the ~~[\$3]~~ **\$4** into a special account within the lake restoration and preservation fund which shall be used to administer the milfoil and other exotic aquatic plants prevention program. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

138 Registration Fees. RSA 270-E:5, I is repealed and reenacted to read as follows:

I. The registration fees for commercial, private, and pleasure vessels, including rentals and airboats shall be as follows:

(a) Up to and including 16 feet	\$12
(b) 16.1 feet to 21 feet	\$17
(c) 21.1 feet to 30 feet	\$26
(d) 30.1 feet to 45 feet	\$36
(e) 45.1 feet and over	\$46

139 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

(277) Moneys deposited in the New Hampshire road and bridge account established under RSA 260:32-a.

140 Levy of Tolls and Exemptions. Amend the introductory paragraph of RSA 260:32 to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. ***The road toll on gasoline shall increase to \$.23 per gallon beginning July 1, 2009; to \$.28 per gallon beginning April 1, 2010; and to \$.33 per gallon beginning April 1, 2011. The road toll on special fuel (diesel) shall increase to \$.20 on July 1, 2010; \$.22 on July 1, 2012; \$.25 on July 1, 2014; \$.29 on July 1, 2016; and \$.33 on July 1, 2018.*** The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. ***All amounts collected in excess of \$.18 per gallon shall be apportioned as follows: 80 percent shall be deposited on a monthly basis into the***

New Hampshire road and bridge account established in RSA 260:32-a, and 20 percent shall be deposited on a monthly basis into the highway and bridge betterment account established in RSA 235:23-a, II. Provided, that the road toll shall not apply to:

141 New Sections; Account Established; Apportionment. Amend RSA 260 by inserting after section 32 the following new sections:

260:32-a Account Established. There is established a separate account in the highway fund called the New Hampshire road and bridge account to be used exclusively for the construction, reconstruction, and maintenance of state and municipal roads and bridges in the state. The account shall consist of 80 percent of the funds attributable to all road toll revenue collected in excess of \$.18 per gallon. The amount deposited into the New Hampshire road and bridge account is hereby exclusively and continually appropriated to the department of transportation and shall be nonlapsing.

260:32-b Apportionment. In each fiscal year, the commissioner shall allocate an amount equal to 12 percent of the total road toll revenue collected in the preceding fiscal year to be distributed to cities and towns in accordance with the formula in RSA 235:23, I and shall be in addition to any amounts allocated under that paragraph. The remaining 88 percent in the New Hampshire road and bridge account shall be allocated to the department of transportation exclusively for the construction, reconstruction, and maintenance of state roads and bridges.

142 Use of Road Tolls. Amend RSA 260:35 to read as follows:

260:35 Use of Road Tolls. The road tolls shall be used initially to pay the interest and principal due on any bonds and notes issued pertaining to highway purposes, and the remainder shall be paid into the highway fund. ***The allocation limitations established under RSA 9:9-b shall apply only to the funds attributable to the first \$.18 per gallon of road toll revenue. Eighty percent of the funds collected in excess of \$.18 per gallon shall be deposited into the New Hampshire road and bridge account established in RSA 260:32-a and 20 percent of the funds collected in excess of \$.18 per gallon shall be deposited into the highway and bridge betterment account established in RSA 235:23, II and apportioned in accordance with RSA 260:32-b.***

143 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, I to read as follows:

I. Every person not registered as a distributor who transports motor fuel or products subject to the fees stipulated in RSA 146-A, ***to a point or points outside the state from a point or points within the state***, to a point or points within the state from a point or points outside the state, ***or to a point or points within the state from a point or points within the state***, every common carrier or contract carrier who transports motor fuel or petroleum products, and every licensed distributor who transports motor fuel or petroleum products exclusive of the carrier's own product shall be licensed with the commissioner as a motor fuel and petroleum products transporter.

144 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, V to read as follows:

V. The transporter shall report to the commissioner on forms prescribed by the commissioner, not later than the twentieth of the succeeding calendar month, subject to prosecution for unsworn falsification, all deliveries of motor fuel and petroleum products made to ***or from*** points within the state during the previous calendar month. Such reports shall contain sufficient information to identify the quantities delivered, the consignor, the consignee and such additional information as the commissioner may require. A report shall be filed for any month in which no activity occurs. Information required pursuant to this paragraph which has been deemed confidential or as to which a request for confidential treatment is pending shall not be shown to or reviewed by any person other than the employees of the department who have a legitimate need to know the information for the purposes of enforcement of this subdivision, or fuel tax officials of another state as required

by RSA 260:56, I, in which case the officials shall be required by the commissioner to agree to a similar limitation on disclosure before such information is furnished.

145 Commission Established. There is established a commission to study future sustainable revenue sources for funding improvements to state and municipal highways and bridges.

146 Membership and Compensation.

I. 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) One member of the senate, appointed by the president of the senate.

(c) The commissioner of the department of revenue administration, or designee.

(d) The commissioner of the department of safety, or designee.

(e) The commissioner of the department of transportation, or designee.

(f) The commissioner of the department of environmental services, or designee.

(g) The commissioner of the department of resources and economic development, or designee.

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

147 Duties. The commission shall study revenue sources that are fair and adequate to meet the funding needs of state and municipal highways and bridges based on the new technology in electric, hybrid, and other alternative fuel automobiles.

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

149 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, 2010.

150 New Section; Outdoor Advertising; Liquor Stores. Amend RSA 236 by inserting after section 73-a the following new section:

236:73-b Liquor Stores. The department of transportation shall design, locate, and erect along state highways suitable signs to advertise nearby state liquor stores.

151 Chartered Public Schools; Average Daily Membership in Attendance Limited.

I. For the fiscal year ending June 30, 2010, the average daily membership in attendance (ADMA) as defined in RSA 198:38, I for all chartered public schools approved pursuant to RSA 194-B:3-a on or before June 30, 2009 shall not exceed 1,353 pupils. During the fiscal year, the commissioner of the department of education may adjust enrollments on a school-by-school basis, and within the ADMA limit established in this paragraph, as necessary for the efficient administration of available chartered public school seats.

II. For the fiscal year ending June 30, 2011, the average daily membership in attendance (ADMA) as defined in RSA 198:38, I for all chartered public schools approved pursuant to RSA 194-B:3-a on or before June 30, 2009 shall not exceed 1,519 pupils. During the fiscal year, the commissioner of the department of education may adjust enrollments on a school-by-school basis, and within the ADMA limit established in this paragraph, as necessary for the efficient administration of available chartered public school seats.

III. The commissioner of the department of education shall obtain approval from the fiscal committee of the general court, and from the governor and council, for funding for any chartered public school approved between July 1, 2009 and June 30, 2011, and to amend the ADMA limits established in paragraphs I and II of this section. Such funding may be paid on the warrant of the governor out of any money in the treasury not otherwise appropriated.

152 Department of Health and Human Services; Coordination of the Tobey School and the Philbrook Center. The department of health and human services shall study the cost and

service efficiencies that could be realized through a coordination of resources, facilities, and personnel between the Tobey School and the Philbrook Center. The department shall report the findings of the study to the fiscal committee of the general court on or before December 31, 2009.

153 Department of Health and Human Services; Division of Family Assistance; Employment Support Program; Transportation. The department of health and human services, division of family assistance, shall withdraw its request for proposals for transportation for the employment support program for the biennium ending June 30, 2011 issued prior to the effective date of this section. The division shall issue a new request for proposals for transportation for the employment support program for the biennium ending June 30, 2011 after evaluating the feasibility of an ownership option that involves providing down payments for purchases of new motor vehicles.

154 Department of Health and Human Services; Medicaid Classification. The department of health and human services shall submit a Medicaid state plan amendment creating a Medicaid provider classification for approval by the Centers for Medicare and Medicaid Services that recognizes Children's Hospital at Dartmouth-Hitchcock as the state's children's hospital providing comprehensive pediatric specialty and subspecialty services. Diagnostic related group (DRG) rates shall be differentiated from other hospital rates and shall reflect the uniqueness and intensity of pediatric services provided and the need to preserve the availability of such services to the Medicaid population.

155 Department of Health and Human Services; Catastrophic Aid Program. The department of health and human services shall submit to the federal Centers for Medicare and Medicaid Services a Medicaid state plan amendment for the purpose of defining the criteria by which catastrophic claims payments will be made to reflect only those claims with diagnostic related group (DRG) weights greater than 4.0 and lengths of stay greater than 30 days to support the most medically complex/high acuity cases. Funds are to be used to provide for additional inpatient payments outside of the DRG system where the DRG payment plus any other insurance is below 25 percent of hospital charge. The total funds available for catastrophic claims shall equal 3.3 percent of the projected annual inpatient expenditure. Reimbursement shall be limited to 65 percent of charges, reduced by prior payments, DRG allowed amounts, and third party insurance. The state shall expend half of the catastrophic fund no later than December 31 of each year and the second half no later than June 30 of each year. Claims shall be submitted to the New Hampshire Medicaid program by December 15 and June 15 for the respective 6-month periods in order to be considered for catastrophic payment. Claims shall be paid based upon date of service until catastrophic funds for that 6-month period are exhausted. No claims or portions of claims shall be carried over into the subsequent 6-month period, nor shall excess funds be carried over into the subsequent 6-month period.

156 Nullification of HB 658-FN. If HB 658-FN of the 2009 legislative session becomes law and the effective date of HB 658-FN is on or after July 1, 2009, HB 658-FN shall not take effect. If HB 658-FN becomes law and the effective date of HB 658-FN is prior to July 1, 2009, the provisions of HB 658-FN are hereby nullified.

157 Bureau of Elderly and Adult Services; Nursing Services. For the fiscal year ending June 30, 2009, the appropriations contained in 2007, 262:1 in PAU 05-01-08-04-01, class 90 nursing services and class 87 home health services shall be nonlapsing, and any balance remaining at the end of the fiscal year shall be paid to nursing homes and home health services providers as additional rates. The additional rates shall be based on the rate-setting methodology in effect on the effective date of this section. The commissioner shall file a report with the fiscal committee of the general court by October 1, 2009 which details the balance carried forward from fiscal year 2009 and the amounts to be paid as additional rates.

158 New Subparagraph; Department of Safety; General Functions. Amend RSA 21-P:2, II by inserting after subparagraph (i) the following new subparagraph:

(j) Enforcing alcoholic beverage laws.

159 Definitions. Amend RSA 175:1, LIV-a to read as follows:

LIV-a. "Private club" means an organization incorporated under the laws of this state, whose members are equal shareholders, whose assets belong to the members equally, and whose members have an equal vote in club affairs and a right to run for club offices. The licensed area of a private club shall be operated solely for the use of members and their accompanied guests, and shall be open for inspection by investigators of the ~~[commission]~~ **department of safety** and local law enforcement officials whenever operating.

160 Liquor Commission. Amend RSA 176:8, I to read as follows:

I. The commission shall have a bureau of ~~[enforcement and]~~ licensing to be headed by the chief of ~~[enforcement and]~~ licensing, who shall have such labor grade as may be determined by the division of personnel. The chief of ~~[enforcement and]~~ licensing shall report to the commission, supervise the day-to-day activities of the commission's ~~[enforcement and]~~ licensing functions, and perform such additional duties as the commission shall from time to time assign. The chief shall handle all license applications and shall make recommendations, in writing, to the commission, on whether to grant the license application. The commission shall then either grant or deny the request, stating its reasons in writing. An aggrieved applicant may appeal the commission's decision to the commission as a whole. ~~[Recommendations for fines, revocations, and suspensions of licenses shall follow the same procedure.]~~

161 References Deleted. Amend RSA 176:10 to read as follows:

176:10 Preference Given. Any person who served for not less than 90 days in the armed forces of the United States during "any war in which the United States was engaged, and received an honorable discharge from such service," shall be given preference in appointment under the provisions of RSA 176:7~~[-RSA 176:9,]~~ **and** RSA 177:4, ~~[and RSA 179:59,]~~ if qualified for such positions.

162 Closing of State Stores. Amend RSA 177:2, II to read as follows:

II. In order to properly reflect the operating expenses of each state store, the commission shall prepare annually an indirect cost allocation plan for all indirect operating expenses of the commission. All such expenses of the commission, with the exception of the ~~[enforcement and]~~ licensing division operating expenses, shall be included in the plan and allocated to all state stores on a consistent, rational basis. The indirect cost allocation plan for each fiscal year shall be submitted to the fiscal committee and the governor and council for approval, no later than 3 months before the start of each fiscal year.

163 Reference Deleted. Amend RSA 178:11, V to read as follows:

V. Liquor/wine/beverage warehouseurs shall submit a monthly report ~~[both]~~ to the ~~[liquor commission enforcement division and the warehouse and]~~ transportation division of the commission by the tenth day of the following month indicating the quantity, type, size, and brands of all product received, stored, or shipped on their premises.

164 Reference Changed. Amend RSA 178:22, V(h)(12) to read as follows:

(12) Violations of subparagraph (11) of this subparagraph shall be investigated by the ~~[enforcement division of the liquor commission]~~ **department of safety** and directed to the department of justice for examination of issues unrelated to this title.

165 Reference Deleted. Amend RSA 178:22, V(l)(4) to read as follows:

(4) No license shall be issued under subparagraph (l)(1) for premises holding other licenses issued by the commission except rental facilities on licensed club premises approved by the commission. Notwithstanding any other provision of law, the commission ~~[or its investigators]~~ may suspend without warning any license issued under subparagraph (l)(1) if, in their opinion, such sale of liquor and beverages is contrary to the public interest.

166 Reference Deleted. Amend RSA 178:30, IX to read as follows:

IX. Notwithstanding any other provision of law, the commission ~~[or its investigators]~~ may suspend, without warning, any license issued under paragraph I, if in their opinion, such continued sale or service of alcoholic beverages is contrary to the public interest.

167 Limited Credits. Amend RSA 179:13, V to read as follows:

V. Each wholesale distributor, brew pub licensee, or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of accounts. Notification shall be delivered in writing to the licensee by a representative of the wholesaler, brew pub licensee, or beverage manufacturer. Proof of notification shall be forwarded to the commission, ~~[whose enforcement division]~~ **who** shall issue an administrative notice for a violation of the provisions of RSA 179:13, I ~~[and shall forward a report of violation for administrative action]~~. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew pub licensee's, or beverage manufacturer's notification, providing the requirements of this section have been met.

168 Reference Changed. Amend RSA 179:15 to read as follows:

179:15 Transportation of Beverages and Wine. A person may transport or deliver beverages and wines in this state without a license, provided such beverages and wines were obtained as authorized by this title and provided such beverages and wines are for consumption only and not for resale purposes. Licensees may transport and deliver to their place of business beverages and wines purchased as authorized under this title, and, except on-premises licensees, may transport and deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles operated under the control of themselves or of their employees or agents, provided that the owner of such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on behalf of the licensee for whom they are transporting such beverages and wines. Every person operating such a vehicle, when engaged in such transportation or delivery, shall carry a copy of the license in the vehicle so operated, and shall carry such evidence as the commission by rule may prescribe showing the origin and destination of the beverages and wines being transported or delivered. Upon demand of any law enforcement officer, investigator, or employee of the ~~[commission]~~ **department of safety**, the person operating such vehicle shall produce for inspection a copy of the license and the evidence required by this section. Failure to produce such license or evidence shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided, beverages and wines may be transported within the state only by a railroad or steamboat corporation or by a person regularly and lawfully conducting a general express or trucking business, and in each case holding a valid carrier's license issued by the commission. Nothing in this section shall prohibit individual retail licensees from arranging for the delivery of wine products to a location central for the parties involved.

169 Reference Deleted. Amend RSA 179:35 to read as follows:

179:35 Retention of Invoices and Sale and Delivery Slips. All invoices, sales slips, and delivery slips, current and covering a period of 60 days prior to the current date pertaining to purchases of beverages and liquor shall be retained by the licensee on the premises or be readily available for examination by the ~~[commission or its liquor investigators]~~ **department of safety**.

170 References Deleted. Amend the section heading of RSA 179:56 and RSA 179:56, I to read as follows:

179:56 Hearings; ~~[Investigations;]~~ False Statement; Enforcement Policy.

I. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its proceedings and to regulate the mode and manner of all ~~[investigations and]~~ hearings before it. All hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such ~~[investigation or]~~ hearing the commission shall not be bound by the technical rules of evidence. The commission, or any member, may subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and may compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda, and papers of any kind whatever. Witnesses summoned before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

171 Prosecutions. Amend RSA 179:59 to read as follows:

179:59 Prosecutions. ~~[The commission shall appoint liquor investigators whose primary function shall be the proper prosecution of this title. The liquor investigators shall have all the powers of the sheriff in any county, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town.]~~ The ~~[commission]~~ **department of safety** shall have the primary responsibility for the enforcement of all liquor and beverage laws upon premises where liquor and beverages are lawfully sold, stored, distributed, or manufactured. Any person violating the provisions of any law may be prosecuted by the ~~[commission or any of its investigators as provided in this section]~~ **department of safety**, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

172 Repeal. The following are repealed:

I. RSA 176:9, relative to liquor investigators.

II. RSA 179:60, relative to interference with liquor investigators.

173 Transfer of Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

I. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding of the liquor commission used for enforcement of alcoholic beverage laws shall be transferred to the department of safety. The transfer provided in this section shall include all of the equipment, books, papers, and records of the liquor commission related to enforcement functions.

II. All existing rules, statutory responsibilities, regulations, and procedures relating to enforcement in effect, in operation, or adopted in or by the liquor commission are transferred to the department of safety, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

174 Federal Fiscal Stabilization Funds for Deposit into the Education Trust Fund. It is the intent of the general court to deposit \$123,000,000 of state fiscal stabilization funds received from the United States Department of Education under the provisions of the American Recovery and Reinvestment Act of 2009 into the education trust fund established in RSA 198:39. Funds deposited into the education trust fund shall only be used in a manner consistent with section 14002 (a)(2)(A)(i)(II) of the American Recovery and Reinvestment Act of 2009, and the funding formulae contained in RSA 194-B:11 and RSA 198, for the purpose of funding increases in adequacy and equity aid provided to school districts and chartered public schools in fiscal years 2010 and 2011.

175 New Paragraphs; Certification of Reduced Ignition Propensity Cigarettes. Amend RSA 339-F:6 by inserting after paragraph III the following new paragraphs:

IV. If a manufacturer has certified a cigarette pursuant to paragraph II, and thereafter makes any change to the cigarette that is likely to alter its compliance with the reduced cigarette propensity standard under RSA 339-F:3, such cigarette shall not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards in RSA 339-F:3 and maintains records of the retesting as required by RSA 339-F:5. Any altered cigarette that does not meet the performance standard in RSA 339-F:4 shall not be sold in this state.

V. For each cigarette listed for certification a manufacturer shall pay a fee of \$250 to the department of safety for deposit in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d for the purpose of providing fire safety education pursuant to RSA 153:10-c.

VI. For each cigarette re-certified under this chapter a manufacturer shall pay a fee of \$250 to the department of safety for deposit in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d for the purpose of providing fire safety education pursuant to RSA 153:10-c.

176 Tobacco Tax; Definition of Tobacco Products. Amend RSA 78:1, XIV to read as follows:

XIV. "Tobacco products" means cigarettes, loose tobacco, ~~and~~ smokeless tobacco, ***snuff, and cigars, but shall not include premium cigars.***

177 New Paragraph; Definition of Premium Cigars. Amend RSA 78:1 by inserting after paragraph XX the following new paragraph:

XXI. "Premium cigars" means cigars which are made entirely by hand of all natural tobacco leaf, hand constructed and hand wrapped, wholesaling for \$2 or more, and weighing more than 3 pounds per 1000 cigars. These cigars shall be kept in a humidor at the proper humidity.

178 Tobacco Tax Imposed on Tobacco Products Other Than Cigarettes. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of ~~[19] 48.59~~ percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. ***No such tax shall be imposed on premium cigars.***

179 Insurance; Premium Tax. Amend RSA 400-A:32, I(a)(3) and (4) to read as follows:

(3) Effective January 1, ~~[2010] 2012~~, a tax of 1.25 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II; and

(4) Effective January 1, ~~[2011] 2013~~, a tax of one percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II.

180 New Paragraph; Insurer Retention Plan; Reporting. Amend 2006, 277:4 by inserting after paragraph II the following new paragraph:

III. Before May 15, 2010, the insurance commissioner and the commissioner of the department of resources and economic development shall jointly present a report to the house and senate ways and means committees detailing the number of re-domestications and new jobs associated therewith, in addition to comparative data on the total number of property and casualty insurance jobs and insurance revenues in the state in 2006 and 2010.

181 Taxation of Transfers of Certain Estates. RSA 87:1 is repealed and reenacted to read as follows:

87:1 Tax Imposed; Exemption.

I. An estate tax is hereby imposed upon the transfer of the estate of every decedent leaving a taxable estate for which the gross value after allowable deductions, as defined by the Internal Revenue Code of 1986, is greater than \$2,000,000, and who has property within this state.

II. The first \$2,000,000 of the gross value of the decedent's estate shall be exempt from the estate tax.

III. The amount of the New Hampshire estate tax shall be equal to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds the exemption in paragraph II.

IV. If only a portion of the decedent's estate is located in this state, the tax shall be determined as follows:

(a) For a decedent who, at the time of death, was a resident of this state, the New Hampshire estate tax shall be reduced by an amount determined by multiplying the entire amount of the tax by the percentage which the gross value of the real and tangible property portion of the decedent's estate located outside of this state bears to the gross value of the entire estate.

(b) For a decedent who, at the time of death, was not a resident of this state, the New Hampshire estate tax shall be determined by multiplying the entire amount of the tax by the percentage which the gross value of the real and tangible property portion of the decedent's estate located in this state bears to the gross value of the entire estate.

182 When Payable. Amend RSA 87:2 to read as follows:

87:2 When Payable. The New Hampshire estate tax shall be payable to the department of revenue administration ~~[at the same time or times at which the United States estate tax is payable]~~ **9 months after the date of death of the decedent** and shall bear interest as prescribed in RSA 21-J:28.

183 Estates Affected. Amend RSA 87:11 to read as follows:

87:11 Estates Affected. The provisions ~~[hereof]~~ **of this chapter** shall apply to the estates of all decedents dying after ~~[April 28, 1931]~~ **January 1, 2010** and shall also apply to the estate of any decedent with respect to which the United States estate tax had not been paid on ~~[April 28, 1931]~~ **January 1, 2010**.

184 Penalty. Amend RSA 87:19 to read as follows:

87:19 Penalty. If an executor, administrator, trustee, fiduciary, or custodian neglects or refuses to comply with any of the requirements of RSA 87:17 or RSA 87:18, such person shall be liable to a penalty of not more than \$1,000, to be recovered by the department of revenue administration for the use of the state, and, upon petition by the department, notice and hearing, the probate court may remove such person, and appoint another person administrator with the will annexed, or administrator, as the case may be. **Such administrator shall also be responsible for any other penalties and interest applicable under RSA 21-J.**

185 Repeal. The following are repealed:

- II. RSA 87:5, relative to lien of tax.
- II. RSA 87:7, relative to intent of chapter.
- III. RSA 87:9, relative to chapter void, when.

186 Exemption Increased. Amend RSA 77:3, I to read as follows:

I. Taxable income is that income received from interest and dividends during the tax year prior to the assessment date by:

(a) Individuals who are inhabitants or residents of this state for any part of the taxable year whose gross interest and dividend income from all sources, including income from a qualified investment company pursuant to RSA 77:4, V, exceeds ~~[\$2,400]~~ **\$5,000** during that taxable period.

(b) Partnerships, limited liability companies, associations, and trusts, the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds ~~[\$2,400]~~ **\$5,000** during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

(c) Fiduciaries deriving their appointment from a court of this state whose gross interest and dividend income from all sources exceeds ~~[\$2,400]~~ **\$5,000** during the taxable year.

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

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

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

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

189 Married Taxpayers; Joint Returns. Amend RSA 77:5-a to read as follows:

77:5-a Married Taxpayers; Joint Returns. A married taxpayer may claim the exemptions provided in RSA 77:5 for both self and spouse, regardless of the ownership of the income from interest ~~[or]~~, dividends, **on capital gains**, provided that both husband and wife file a joint return.

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

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

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

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

191 New Section; Interest and Dividends Tax; Exclusion Added; Business Profits Tax Liability. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Exclusion of Gain; Business Profits Tax. Any gain of a taxpayer for which the taxpayer is liable under RSA 77-A shall be excluded from liability for taxation under this chapter.

192 Repeal. The following are repealed:

I. RSA 77:4, IV, relative to the exemption of dividends declared by corporations to be a return of capital.

II. RSA 77:4-c, relative to sale or exchange of transferable shares not taxable.

III. RSA 77:7, relative to capital distribution.

193 Estimated Tax Payments. Any taxpayer under RSA 77 who has reported capital gain in 2009 and who makes estimated tax payments under RSA 77:18 shall make estimated payments for 2010 based upon the taxpayer's tax liability incurred under RSA 77 immediately prior to the effective date of this section.

194 Application. The provisions of sections 186-193 of this act shall apply to and be in effect on account of taxable periods ending on or after January 1, 2010.

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

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

197 Effective Date.

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

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

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

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

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

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

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

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

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

AMENDED ANALYSIS

This bill:

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

2. Increases the tobacco tax.

3. Establishes a tax on gambling winnings.

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

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

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

provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

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

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

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

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

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

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

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

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

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

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

39. Consolidates certain district courts.

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

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

42. Suspends bumping rights for classified employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69. Increases boating registration and license fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rep. Marjorie Smith spoke in favor.

Rep. W. Douglas Scamman, Jr. spoke against and yielded to questions.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 179 NAYS 161

YEAS 179

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Lindsey, Steven
Sad, Tara

Burridge, Delmar
Carr, Daniel
Mitchell, Bonnie
Weber, Lucy

Butcher, Suzanne
Eaton, Daniel
Richardson, Barbara
Weed, Charles

Butterworth, Timothy
Lerandeau, Alfred
Roberts, Kris

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pierce, David

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Preston, Philip

Benn, Bernard
Gould, Franklin
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Chandley, Shannon
Cote, David
Garrity, Patrick
Hammond, Jill
Irwin, Anne-Marie
Knowles, Mary Ann
Leishman, Peter
Mack, Ron
Pilotte, Maurice
Rosenwald, Cindy
Sullivan, Daniel

Beck, Catriona
Chase, Claudia
Craig, James
Gidge, Kenneth
Hardy, Valerie
Katsiantonis, Thomas
Komi, Richard
Levesque, Melanie
Marshall, Seth
Poznanski, Brian
Schulze, Joan
Thompson, Robert

Campbell, David
Chininis, Alexis
Flurey, Joan
Goley, Jeffrey
Harvey, Philip
Kelley, John
Kopka, Angeline
Lisle, Carolyn
Movsesian, Lori
Rhodes, Brian
Shattuck, Gilman
Walsh, Robert Jr

Caron, June
Clemons, Jane
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Knowles, John
LaPlante, Roland
Long, Patrick
O'Brien, Michael Sr
Rokas, Theodoros
Soucy, Timothy
Williams, Carol

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Owen, Derek
Rice, Chip
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Hamm, Christine
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick

Brown, Carole
Foose, Robert
Kelly, Sally
Potter, Frances
Schuett, Dianne
Tupper, Frank
Wheeler, Deborah

Clarke, Claire
French, Barbara
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

ROCKINGHAM

Borden, David
Cushing, Robert
Kepner, Susan
Moody, Marcia
Read, Robin Jr
Webber, Carolyn

Brown, C. Pennington
Day, Judith
Mann, Maureen
Nord, Susi
Russell, Trink

Cali-Pitts, Jacqueline
DiPentima, Rich
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

Casey, Kimberley
Henson, John
McEachern, Paul
Pettersen, Don
Splaine, James

STRAFFORD

Berube, Roger
Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

Brennan, William
Burke, Rachel
Horrigan, Timothy
Lewis, Robert
Rollo, Michael
Spang, Judith
Watters, David

Brown, Jennifer
Cyr, James
Hubbard, Pamela
Perry, Robert
Ryder, Mark
Vachon, Dennis

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 161

BELKNAP

Bolster, Peter
Pilliod, James
Veazey, John

Boyce, Laurie
Russell, David
Wendelboe, Fran

Fields, Dennis
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Meador, David

Hunt, John
Parkhurst, Henry

Johnson, Jane
Robertson, Timothy

Laurent, John
Sterling, Franklin Jr

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Christiansen, Lars
Elliott, Nancy
Graham, John
Hikel, John

Beauchamp, Roger
Boisvert, Ronald
Daniels, Gary
Gagne, Larry
Haefner, Robert
Hinch, Richard

Belvin, William
Cebrowski, John
Doherty, Shaun
Gandia, Laura
Haley, Robert
Hinkle, Peyton

Bergin, Peter
Christensen, Chris
Drisko, Richard
Gorman, Mary
Hawkins, Ken
Hogan, Edith

Holden, Frank
Levasseur, Nickolas
O'Brien, William
Palmer, Stephen
Price, Pamela
Seidel, Carl
Tahir, Saghir
Willette, Robert

Jasper, Shawn
McCarthy, Michael
O'Neil, James
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Ulery, Jordan
Winters, Joel

Kurk, Neal
Mead, Robert
Ober, Lynne
Pepino, Leo
Rowe, Robert
Soucy, Connie
Vaillancourt, Steve

L'Heureux, Robert
Moran, Edward
Ober, Russell III
Peterson, Andrew
Ryder, Donald
Spaulding, Jayne
Villeneuve, Moe

MERRIMACK

Anderson, Eric
Lockwood, Priscilla
Reed, Dennis

Hess, David
McGuire, Carol
Smith, Todd

Kidder, David
Osborne, Jessie

Kotowski, Frank
Palfrey, David

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Charron, Gene
Devine, James
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sapareto, Frank

Bailey, Clinton
Bettencourt, David
Comerford, Timothy
Elliott, Robert
Flanders, John Sr
Headd, James
Itse, Daniel
Major, Norman
Packard, Sherman
Quandt, Matt
Scamman, Stella

Baldasaro, Alfred
Bishop, Franklin
Crisler, Margaret
Emiro, Frank
Garrity, James
Hoelzel, Kathleen
Kappler, L. Mike
McKinney, Betsy
Perkins, Amy
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James

Bates, David
Case, Frank
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Reagan, John
Sedensky, John
Tucker, Pamela

Smith, William
Weare, Everett

Stiles, Nancy
Welch, David

STRAFFORD

Bickford, David
Vita, Carol

Groen, Warren

Lauterborn, Elaine

Twombly, James

SULLIVAN

Osgood, Joe
and the majority committee amendment was adopted.

Rodeschin, Beverly

Sweeney, Cynthia

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

Rep. Osborne offered floor amendment (1235h).

Floor Amendment (1235h)

Amend the bill by replacing section 18 with the following:

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

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

- (1) State fiscal year 2009, \$103,000,000.
- (2) State fiscal year 2010, \$105,000,000.
- (3) State fiscal year 2011, \$105,000,000.**
- (4) State fiscal year 2012, \$105,000,000.**

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

Rep. Osborne spoke in favor.

Rep. Wendelboe spoke against and yielded to questions.

On a division vote, 188 members having voted in the affirmative and 160 in the negative, floor amendment (1235h) was adopted.

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

Rep. Hess offered floor amendment (1282h).

Floor Amendment (1282h)

Amend the bill by deleting section 187 and renumbering the original sections 188-197 to read as 187-196, respectively.

Amend the bill by deleting section 188 and renumbering the original sections 189-196 to read as 188-195, respectively.

Amend the bill by deleting sections 189-191 and renumbering the original sections 192-195 to read as 189-192, respectively.

Amend the bill by replacing section 189 with the following:

189 Application. The provisions of sections 186-188 of this act shall apply to and be in effect on account of taxable periods ending on or after January 1, 2010.

Reps. Hess and Vaillancourt spoke in favor and yielded to questions.

Rep. Walsh spoke against.

Reps. Nancy Elliot and Dumaine spoke in favor.

Rep. Packard requested a roll call; sufficiently seconded.

YEAS 175 NAYS 185

YEAS 175

BELKNAP

Bolster, Peter
Millham, Alida
Swinford, Elaine

Boyce, Laurie
Pilliod, James
Veazey, John

Fields, Dennis
Russell, David
Wendelboe, Fran

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence
Theberge, Robert

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Matheson, Robert

Gionet, Edmond
Maybeck, Margie

Ingbretson, Paul
Ward, Brien

Ladd, Rick Jr
Williams, Burton

HILLSBOROUGH

Batula, Peter Cebrowski, John Daniels, Gary Gagne, Larry Graham, John Hinch, Richard Infantine, William Kurk, Neal	Belvin, William Chandley, Shannon Doherty, Shaun Gandia, Laura Haefner, Robert Hinkle, Peyton Jasper, Shawn L'Heureux, Robert	Bergin, Peter Christensen, Chris Drisko, Richard Gargasz, Carolyn Hawkins, Ken Hogan, Edith Katsiantonis, Thomas Matarazzo, Anthony Sr Moran, Edward Ober, Russell III Peterson, Andrew Ryder, Donald Spaulding, Jayne Villeneuve, Moe	Boehm, Ralph Christiansen, Lars Elliott, Nancy Gorman, Mary Hikel, John Holden, Frank Komi, Richard McCarthy, Michael O'Brien, William Palmer, Stephen Price, Pamela Seidel, Carl Tahir, Saghir Willette, Robert
Mead, Robert O'Neil, James Pellegrino, Tony Renzullo, Andrew Silva, Peter Ulery, Jordan Winters, Joel	Messier, Irene Ober, Lynne Pepino, Leo Rowe, Robert Soucy, Connie Vaillancourt, Steve		

MERRIMACK

Anderson, Eric Kotowski, Frank Reed, Dennis	DeStefano, Stephen Lockwood, Priscilla Rice, Chip	Hess, David McGuire, Carol Smith, Todd	Kidder, David Palfrey, David
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ROCKINGHAM

Allen, Mary Belanger, Ronald Cali-Pitts, Jacqueline Crisler, Margaret Dowling, Patricia Ferrante, Beverly Gleason, John Hoelzel, Kathleen Kappler, L. Mike Lyons, Melissa Nevins, Chris Priestley, Anne Sapareto, Frank	Bailey, Clinton Bettencourt, David Case, Frank DeSimone, Debra Dumaine, Dudley Fesh, Robert Gould, Kenneth Ingram, Russell Katsakiores, George Major, Norman Packard, Sherman Quandt, Matt Scamman, Stella	Baldasaro, Alfred Bishop, Franklin Charron, Gene Devine, James Elliott, Robert Flanders, John Sr Griffin, Mary Introne, Robert Katsakiores, Phyllis McKinney, Betsy Perkins, Amy Rausch, James Scamman, W. Douglas Jr Stiles, Nancy Weare, Everett	Bates, David Bridle, Russell Comerford, Timothy DiFruscia, Anthony Emiro, Frank Garrity, James Headd, James Itse, Daniel Kolodziej, Walter McMahon, Charles Perkins, Lawrence Reagan, John Sedensky, John Sullivan, James Welch, David
Smith, William Tucker, Pamela	Splaine, James Van Patten, Don		

STRAFFORD

Bickford, David Twombly, James	Groen, Warren Vita, Carol	Lauterborn, Elaine	Sprague, Dale
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SULLIVAN

Osgood, Joe	Rodeschin, Beverly
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NAYS 185

BELKNAP

Arsenault, Beth	Johnson, William	Merry, Liz	Miller, Kate
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Reever, Judith

Stuart, Richard

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Burridge, Delmar
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pierce, David

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Preston, Philip

Benn, Bernard
Gould, Franklin
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Caron, June
Cote, David
Garrity, Patrick
Haley, Robert
Harvey, Suzanne
Knowles, John
Leishman, Peter
Long, Patrick
Nixon, David
Ramsey, Peter
Schulze, Joan
Soucy, Timothy
Williams, Carol

Beauchamp, Roger
Chase, Claudia
Craig, James
Gidge, Kenneth
Hammond, Jill
Irwin, Anne-Marie
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel

Beck, Catriona
Chininis, Alexis
Flurey, Joan
Goley, Jeffrey
Hardy, Valerie
Katsiantonis, George
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
Pilotte, Maurice
Rokas, Theodoros
Shaw, Barbara
Thompson, Robert

Campbell, David
Clemons, Jane
Foster, Linda
Hackel, Paul
Harvey, Philip
Kelley, John
LaPlante, Roland
Lisle, Carolyn
Movsesian, Lori
Poznanski, Brian
Rosenwald, Cindy
Shaw, Kimberly
Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Osborne, Jessie
Reardon, Tara
Stetson, William
Walz, Mary Beth
Williams, Robert

Bouchard, Candace
DeJoie, John
Hamm, Christine
Owen, Derek
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Brown, Carole
Foose, Robert
Kelly, Sally
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Clarke, Claire
French, Barbara
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Cushing, Robert
Kepner, Susan

Borden, David
Day, Judith
Mann, Maureen

Brown, C. Pennington
DiPentima, Rich
McCarthy, Barbara

Casey, Kimberley
Henson, John
McEachern, Paul

Moody, Marcia
Read, Robin Jr

Nord, Susi
Russell, Trinka

Pantelakos, Laura
Schlachman, Donna

Petterson, Don
Webber, Carolyn

STRAFFORD

Berube, Roger
Burke, Rachel
Horrigan, Timothy
Perry, Robert
Ryder, Mark
Vachon, Dennis

Brennan, William
Cyr, James
Hubbard, Pamela
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Brown, Larry
Domingo, Baldwin
Keans, Sandra
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

Browne, Brendon
Hofemann, Roland
Lewis, Robert
Rollo, Michael
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

and floor amendment (1282h) failed.

Rep. Splaine voted Yea and intended to vote Nay.

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

Rep. Chandler offered floor amendment (1229h).

Floor Amendment (1229h)

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

Amend the bill by replacing section 46 with the following:

46 Retirement System; Recalculation of Employer Rates; Re-Certification by Board of Trustees. The retirement system shall utilize the sums attributable to the increase in member contribution rates under RSA 100-A:16, I(a) as amended by section 45 of this act to reduce previously certified employer contribution rates for state fiscal years 2010 and 2011. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees shall recalculate and re-certify employer contribution rates for the state fiscal years 2010 and 2011.

Amend the bill by replacing section 98 with the following:

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

Amend the bill by replacing section 193 with the following:

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

Amend the bill by replacing section 196 with the following:

196 Effective Date.

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

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

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

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

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

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

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

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

IX. The remainder of this act shall take effect July 1, 2009.
 Reps. Chandler and Ulery spoke in favor.
 Rep. Hatch spoke against.
 Rep. Hess requested a roll call; sufficiently seconded.

YEAS 179 NAYS 183

YEAS 179

BELKNAP

Bolster, Peter	Boyce, Laurie	Fields, Dennis	Flanders, Donald
Millham, Alida	Pilliod, James	Russell, David	St. Cyr, Jeffrey
Swinford, Elaine	Veazey, John	Wendelboe, Fran	

CARROLL

Ahlgren, Christopher	Buco, Thomas	Chandler, Gene	Fleck, Joseph
Knox, J. David	McConkey, Mark	Patten, Betsey	Roberts, John
Scala, Dino	Stevens, Stanley	Umberger, Karen	

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
Lindsey, Steven	Meador, David	Parkhurst, Henry	Sterling, Franklin Jr

COOS

Rappaport, Laurence	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert			

GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr
Matheson, Robert	Maybeck, Margie	Ward, Brien	Williams, Burton

HILLSBOROUGH

Batula, Peter	Beaulieu, Jane	Belvin, William	Bergin, Peter
Boehm, Ralph	Cebrowski, John	Christensen, Chris	Christiansen, Lars
Daniels, Gary	Doherty, Shaun	Drisko, Richard	Elliott, Nancy
Gagne, Larry	Gandia, Laura	Gargasz, Carolyn	Gidge, Kenneth
Gorman, Mary	Graham, John	Haefner, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hinkle, Peyton	Hogan, Edith
Holden, Frank	Holden, Rip	Infantine, William	Jasper, Shawn
Katsiantonis, George	Katsiantonis, Thomas	Komi, Richard	Kurk, Neal
L'Heureux, Robert	Matarazzo, Anthony Sr	McCarthy, Michael	Mead, Robert
Messier, Irene	Moran, Edward	O'Brien, William	O'Neil, James
Ober, Lynne	Ober, Russell III	Palmer, Stephen	Pellegrino, Tony
Pepino, Leo	Peterson, Andrew	Price, Pamela	Ramsey, Peter
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Seidel, Carl
Silva, Peter	Soucy, Connie	Spaulding, Jayne	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert
Winters, Joel			

MERRIMACK

Anderson, Eric	Hess, David	Kidder, David	Kotowski, Frank
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Lockwood, Priscilla
Rodd, Beth

McGuire, Carol
Smith, Todd

Palfrey, David

Reed, Dennis

ROCKINGHAM

Allen, Mary
Bettencourt, David
Case, Frank
DeSimone, Debra
Dumaine, Dudley
Fesh, Robert
Gould, Kenneth
Ingram, Russell
Katsakiores, George
McKinney, Betsy
Perkins, Amy
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James
Welch, David

Baldasaro, Alfred
Bishop, Franklin
Charron, Gene
Devine, James
Elliott, Robert
Flanders, John Sr
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Reagan, John
Sedensky, John

Tucker, Pamela

Bates, David
Bridle, Russell
Comerford, Timothy
DiFruscia, Anthony
Emiro, Frank
Garrity, James
Headd, James
Itse, Daniel
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sapareto, Frank
Smith, William

Van Patten, Don

Belanger, Ronald
Cali-Pitts, Jacqueline
Crisler, Margaret
Dowling, Patricia
Ferrante, Beverly
Gleason, John
Hoelzel, Kathleen
Kappler, L. Mike
Major, Norman
Packard, Sherman
Quandt, Matt
Scamman, Stella
Stiles, Nancy

Weare, Everett

STRAFFORD

Bickford, David
Twombly, James

Cyr, James
Vita, Carol

Groen, Warren

Sprague, Dale

SULLIVAN

Osgood, Joe

Rodeschin, Beverly

NAYS 183

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Butler, Edward

Wiley, Susan

CHESHIRE

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

Burridge, Delmar
Carr, Daniel
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Eaton, Daniel
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Lerandeau, Alfred
Robertson, Timothy

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne

Almy, Susan
Friedrich, Carol
Mulholland, Catherine

Benn, Bernard
Gould, Franklin
Nordgren, Sharon

Cooney, Mary
Harding, Laurie
Pastor, Beatriz

Pierce, David

Preston, Philip

Smith, Suzanne

Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Caron, June
Clemons, Jane
Foster, Linda
Haley, Robert
Harvey, Suzanne
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Rokas, Theodoros
Shaw, Barbara
Thompson, Robert

Beauchamp, Roger
Chandley, Shannon
Cote, David
Garrity, Patrick
Hammond, Jill
Irwin, Anne-Marie
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Walsh, Robert Jr

Beck, Catriona
Chase, Claudia
Craig, James
Goley, Jeffrey
Hardy, Valerie
Kelley, John
LaPlante, Roland
Lisle, Carolyn
Movsesian, Lori
Poznanski, Brian
Schulze, Joan
Soucy, Timothy
Williams, Carol

Campbell, David
Chininis, Alexis
Flurey, Joan
Hackel, Paul
Harvey, Philip
Knowles, John
Leishman, Peter
Long, Patrick
Nixon, David
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel

MERRIMACK

Bartlett, Michael
Davis, Frank
French, Barbara
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Bouchard, Candace
DeJoie, John
Gile, Mary
Osborne, Jessie
Reardon, Tara
Stetson, William
Walz, Mary Beth
Williams, Robert

Brown, Carole
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Rice, Chip
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Clarke, Claire
Foose, Robert
Kelly, Sally
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Cushing, Robert
Kepner, Susan
McEachern, Paul
Pettersen, Don
Splaine, James

Borden, David
Day, Judith
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Webber, Carolyn

Brown, C. Pennington
DiPentima, Rich
Mann, Maureen
Nord, Susi
Russell, Trink

Casey, Kimberley
Henson, John
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Browne, Brendon
Hubbard, Pamela
Lewis, Robert
Rollo, Michael
Spang, Judith
Watters, David

Brennan, William
Burke, Rachel
Kaen, Naida
Perry, Robert
Ryder, Mark
Vachon, Dennis

Brown, Jennifer
Domingo, Baldwin
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Brown, Larry
Horriggan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia
and floor amendment (1229h) failed.

(Rep. Foster in the Chair)

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

Rep. Jasper offered floor amendment (1227h).

Floor Amendment (1227h)

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

Amend the bill by replacing 195 with the following:

195 Effective Date.

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

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

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

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

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

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

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

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

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

Rep. Jasper spoke in favor and yielded to questions.

Rep. Mitchell spoke against.

Rep. W. Douglas Scamman, Jr. requested a roll call; sufficiently seconded.

YEAS 158 NAYS 197

YEAS 158

BELKNAP

Bolster, Peter
Pilliod, James
Veazey, John

Boyce, Laurie
Russell, David
Wendelboe, Fran

Fields, Dennis
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Lindsey, Steven

Hunt, John
Sterling, Franklin Jr

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter

Belvin, William

Bergin, Peter

Boehm, Ralph

Cebrowski, John
Doherty, Shaun
Gandia, Laura
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
McCarthy, Michael
O'Neil, James
Pellegrino, Tony
Ramsey, Peter
Seidel, Carl
Tahir, Saghir
Winters, Joel

Christensen, Chris
Drisko, Richard
Gargas, Carolyn
Hikel, John
Holden, Frank
Katsiantonis, Thomas
Mead, Robert
Ober, Lynne
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Ulery, Jordan

Christiansen, Lars
Elliott, Nancy
Graham, John
Hinch, Richard
Holden, Rip
Kurk, Neal
Moran, Edward
Ober, Russell III
Peterson, Andrew
Rowe, Robert
Soucy, Connie
Villeneuve, Moe

Daniels, Gary
Gagne, Larry
Haefner, Robert
Hinkle, Peyton
Infantine, William
L'Heureux, Robert
O'Brien, William
Palmer, Stephen
Price, Pamela
Ryder, Donald
Spaulding, Jayne
Willette, Robert

MERRIMACK

Anderson, Eric
Kotowski, Frank
Reardon, Tara

DeStefano, Stephen
Lockwood, Priscilla
Reed, Dennis

Hess, David
McGuire, Carol
Smith, Todd

Kidder, David
Palfrey, David

ROCKINGHAM

Allen, Mary
Case, Frank
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Itse, Daniel
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sapareto, Frank

Baldasaro, Alfred
Charron, Gene
Devine, James
Ferrante, Beverly
Gleason, John
Hoelzel, Kathleen
Kappler, L. Mike
Major, Norman
Packard, Sherman
Quandt, Matt
Scamman, Stella

Bates, David
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Gould, Kenneth
Ingram, Russell
Katsakiores, George
McKinney, Betsy
Perkins, Amy
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James
Welch, David

Bettencourt, David
Crisler, Margaret
Dumaine, Dudley
Flanders, John Sr
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Reagan, John
Sedensky, John

Smith, William
Van Patten, Don

Stiles, Nancy
Weare, Everett

Tucker, Pamela

STRAFFORD

Bickford, David

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Osgood, Joe

Rodeschin, Beverly

NAYS 197

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Meador, David
Robertson, Timothy

Burridge, Delmar
Carr, Daniel
Mitchell, Bonnie
Sad, Tara

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Weber, Lucy

Butterworth, Timothy
Lerandean, Alfred
Richardson, Barbara
Weed, Charles

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Chininis, Alexis
Flurey, Joan
Goley, Jeffrey
Hammond, Jill
Irwin, Anne-Marie
Knowles, Mary Ann
Leishman, Peter
Long, Patrick

Beauchamp, Roger
Caron, June
Clemons, Jane
Foster, Linda
Gorman, Mary
Hardy, Valerie
Katsiantonis, George
Komi, Richard
Levasseur, Nickolas
Mack, Ron

Beaulieu, Jane
Chandlee, Shannon
Cote, David
Garrity, Patrick
Hackel, Paul
Harvey, Philip
Kelley, John
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

Beck, Catriona
Chase, Claudia
Craig, James
Gidge, Kenneth
Haley, Robert
Harvey, Suzanne
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Rokas, Theodoros
Shaw, Barbara
Thompson, Robert

Messier, Irene
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Vaillancourt, Steve

Movsesian, Lori
Poznanski, Brian
Schulze, Joan
Soucy, Timothy
Walsh, Robert Jr

Nixon, David
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Williams, Carol

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Stetson, William
Walz, Mary Beth
Williams, Robert

Bouchard, Candace
DeJoie, John
Hamm, Christine
Owen, Derek
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Brown, Carole
Foote, Robert
Kelly, Sally
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Clarke, Claire
French, Barbara
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
DiPentima, Rich
Mann, Maureen
Nord, Susi
Russell, Trinkia

Borden, David
Cushing, Robert
Henson, John
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

Brown, C. Pennington
Day, Judith
Kepner, Susan
McEachern, Paul
Pettersen, Don
Splaine, James

Cali-Pitts, Jacqueline
DiFruscia, Anthony
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Webber, Carolyn

STRAFFORD

Berube, Roger	Brennan, William	Brown, Jennifer	Brown, Larry
Browne, Brendon	Burke, Rachel	Cyr, James	Domingo, Baldwin
Hofemann, Roland	Horrigan, Timothy	Hubbard, Pamela	Kaen, Naida
Keans, Sandra	Lauterborn, Elaine	Perry, Robert	Rogers, Rose Marie
Rollo, Deanna	Rollo, Michael	Ryder, Mark	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Sprague, Dale	Vachon, Dennis
Wall, Janet	Ward, Kenneth	Watters, David	

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Gagnon, Raymond	Gottling, Suzanne
Harris, Sandra	Houde-Quimby, Charlotte	McClammer, Jim	Skinder, Carla

Sweeney, Cynthia
and floor amendment (1227h) failed.

(Speaker Norelli in the Chair)

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

Rep. Kidder offered floor amendment (1228h).

Floor Amendment (1228h)

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

Amend the bill by replacing section 45 with the following:

45 Retirement System; Recalculation of Employer Rates; Re-Certification by Board of Trustees. The retirement system shall utilize the sums attributable to the increase in member contribution rates under RSA 100-A:16, I(a) as amended by section 44 of this act to reduce previously certified employer contribution rates for state fiscal years 2010 and 2011. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees shall recalculate and re-certify employer contribution rates for the state fiscal years 2010 and 2011.

Amend the bill by replacing section 97 with the following:

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

Amend the bill by replacing section 192 with the following:

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

Amend the bill by replacing section 195 with the following:

195 Effective Date.

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

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

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

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

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

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

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

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

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

Reps. Kidder and Infantine spoke in favor and yielded to questions.

Rep. William Johnson spoke against.

Rep. Pamela Price requested a roll call; sufficiently seconded.

YEAS 165 NAYS 191

YEAS 165

BELKNAP

Boyce, Laurie
Russell, David
Wendelboe, Fran

Fields, Dennis
St. Cyr, Jeffrey

Flanders, Donald
Swinford, Elaine

Pilliod, James
Veazey, John

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Lindsey, Steven

Hunt, John
Meader, David

Johnson, Jane
Parkhurst, Henry

Laurent, John
Sterling, Franklin Jr

COOS

Rappaport, Laurence

Richardson, Herbert

Stohl, Eric

Theberge, Robert

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Doherty, Shaun
Gandia, Laura
Haefner, Robert
Hinch, Richard
Holden, Rip
Katsiantonis, Thomas
Mead, Robert
O'Neil, James
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Tahir, Saghir
Willette, Robert

Belvin, William
Christensen, Chris
Drisko, Richard
Gargasz, Carolyn
Haley, Robert
Hinkle, Peyton
Infantine, William
Kurk, Neal
Messier, Irene
Ober, Lynne
Pepino, Leo
Rowe, Robert
Silva, Peter
Ulery, Jordan
Winters, Joel

Bergin, Peter
Christiansen, Lars
Elliott, Nancy
Gorman, Mary
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
L'Heureux, Robert
Moran, Edward
Ober, Russell III
Peterson, Andrew
Ryder, Donald
Soucy, Connie
Vaillancourt, Steve

Boehm, Ralph
Daniels, Gary
Gagne, Larry
Graham, John
Hikel, John
Holden, Frank
Katsiantonis, George
McCarthy, Michael
O'Brien, William
Palmer, Stephen
Price, Pamela
Seidel, Carl
Spaulding, Jayne
Villeneuve, Moe

MERRIMACK

Anderson, Eric
Lockwood, Priscilla
Smith, Todd

Hess, David
McGuire, Carol
Stetson, William

Kidder, David
Palfrey, David

Kotowski, Frank
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Comerford, Timothy
DiFruscia, Anthony
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Reagan, John

Sedensky, John
Tucker, Pamela

Baldasaro, Alfred
Bridle, Russell
Crisler, Margaret
Dowling, Patricia
Fesh, Robert
Headd, James
Itse, Daniel
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sapareto, Frank

Smith, William
Van Patten, Don

Bates, David
Case, Frank
DeSimone, Debra
Dumaine, Dudley
Garrity, James
Hoelzel, Kathleen
Kappler, L. Mike
Major, Norman
Packard, Sherman
Quandt, Matt
Scamman, Stella

Stiles, Nancy
Weare, Everett

Bettencourt, David
Charron, Gene
Devine, James
Elliott, Robert
Gleason, John
Ingram, Russell
Katsakiores, George
McKinney, Betsy
Perkins, Amy
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James
Welch, David

STRAFFORD

Bickford, David
Vita, Carol

Browne, Brendon

Groen, Warren

Twombly, James

SULLIVAN

Osgood, Joe

Rodeschin, Beverly

NAYS 191

BELKNAP

Arsenault, Beth
Miller, Kate

Bolster, Peter
Millham, Alida

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

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

Burridge, Delmar
Carr, Daniel
Robertson, Timothy

Butcher, Suzanne
Lerandeau, Alfred
Sad, Tara

Butterworth, Timothy
Mitchell, Bonnie
Weber, Lucy

COOS

Hatch, William
Remick, William

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Campbell, David

Beauchamp, Roger
Caron, June

Beaulieu, Jane
Chandlely, Shannon

Beck, Catriona
Chase, Claudia

Chininis, Alexis
Flurey, Joan
Goley, Jeffrey
Harvey, Philip
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony Sr
Pilotte, Maurice
Rokas, Theodoros
Shaw, Kimberly
Walsh, Robert Jr

Clemons, Jane
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Movsesian, Lori
Poznanski, Brian
Rosenwald, Cindy
Soucy, Timothy
Williams, Carol

Cote, David
Garrity, Patrick
Hammond, Jill
Irwin, Anne-Marie
Komi, Richard
Levasseur, Nickolas
Mack, Ron
Nixon, David

Ramsey, Peter
Schulze, Joan
Sullivan, Daniel

Craig, James
Gidge, Kenneth
Hardy, Valerie
Kelley, John
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
O'Brien, Michael Sr

Rhodes, Brian
Shattuck, Gilman
Thompson, Robert

MERRIMACK

Bartlett, Michael
Davis, Frank
French, Barbara
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Walz, Mary Beth
Williams, Robert

Bouchard, Candace
DeJoie, John
Gile, Mary
Osborne, Jessie
Reardon, Tara
Shurtleff, Stephen
Watrous, Rick
Yeaton, Charles

Brown, Carole
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Rice, Chip
Tilton, Joy
Webb, Leigh

Clarke, Claire
Foose, Robert
Kelly, Sally
Porter, Margaret
Rodd, Beth
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Flanders, John Sr
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Webber, Carolyn

Borden, David
Cushing, Robert
Gould, Kenneth
Mann, Maureen
Nord, Susi
Russell, Trinkia

Brown, C. Pennington
Day, Judith
Henson, John
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

Cali-Pitts, Jacqueline
DiPentima, Rich
Kepner, Susan
McEachern, Paul
Pettersen, Don
Splaine, James

STRAFFORD

Brennan, William
Domingo, Baldwin
Hubbard, Pamela
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Brown, Larry
Grassie, Anne
Kaen, Naida
Rogers, Rose Marie
Smith, Marjorie
Wall, Janet

Burke, Rachel
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Cyr, James
Horriggan, Timothy
Lauterborn, Elaine
Ryder, Mark
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

and floor amendment (1228h) failed.

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

Rep. Sapareto offered floor amendment (1211h).

Floor Amendment (1211h)

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

Amend the bill by replacing section 192 with the following:

192 Effective Date.

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

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

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

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

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

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

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

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

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

Rep. Sapareto spoke in favor and yielded to questions.

Rep. Almy spoke against.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 165 NAYS 194

YEAS 165

BELKNAP

Bolster, Peter
Millham, Alida
Swinford, Elaine

Boyce, Laurie
Pilliod, James
Veazey, John

Fields, Dennis
Russell, David
Wendelboe, Fran

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan

Johnson, Jane

Laurent, John

Sterling, Franklin Jr

COOS

Rappaport, Laurence
Theberge, Robert

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Daniels, Gary
Gagne, Larry
Haefner, Robert

Belvin, William
Chandley, Shannon
Doherty, Shaun
Gandia, Laura
Hawkins, Ken

Bergin, Peter
Christensen, Chris
Drisko, Richard
Gargasz, Carolyn
Hikel, John

Boehm, Ralph
Christiansen, Lars
Elliott, Nancy
Graham, John
Hinch, Richard

Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert

Messier, Irene
Ober, Lynne
Pepino, Leo
Rowe, Robert
Soucy, Connie
Vaillancourt, Steve

Hogan, Edith
Katsiantonis, George
Matarazzo, Anthony
Sr

Moran, Edward
Ober, Russell III
Peterson, Andrew
Ryder, Donald
Spaulding, Jayne
Villeneuve, Moe

Holden, Frank
Katsiantonis, Thomas
McCarthy, Michael

O'Brien, William
Palmer, Stephen
Price, Pamela
Seidel, Carl
Tahir, Saghir
Willette, Robert

Infantine, William
Kurk, Neal
Mead, Robert

O'Neil, James
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Ulery, Jordan
Winters, Joel

MERRIMACK

Anderson, Eric
Lockwood, Priscilla
Smith, Todd

Hess, David
McGuire, Carol

Kidder, David
Palfrey, David

Kotowski, Frank
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bettencourt, David
Charron, Gene
Devine, James
Elliott, Robert
Flanders, John Sr
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Perkins, Amy
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James
Welch, David

Baldasaro, Alfred
Bishop, Franklin
Comerford, Timothy
DiFruscia, Anthony
Emiro, Frank
Garrity, James
Headd, James
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Perkins, Lawrence
Reagan, John
Sedensky, John

Tucker, Pamela

Bates, David
Bridle, Russell
Crisler, Margaret
Dowling, Patricia
Ferrante, Beverly
Gleason, John
Hoelzel, Kathleen
Kappler, L. Mike
Lyons, Melissa
Nevins, Chris
Priestley, Anne
Sapareto, Frank
Smith, William

Van Patten, Don

Belanger, Ronald
Case, Frank
DeSimone, Debra
Dumaine, Dudley
Fesh, Robert
Gould, Kenneth
Ingram, Russell
Katsakiores, George
Major, Norman
Packard, Sherman
Quandt, Matt
Scamman, Stella
Stiles, Nancy

Weare, Everett

STRAFFORD

Bickford, David
Vita, Carol

Groen, Warren

Sprague, Dale

Twombly, James

SULLIVAN

Osgood, Joe

Rodeschin, Beverly

NAYS 194

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Burridge, Delmar
Carr, Daniel
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Eaton, Daniel
Meader, David
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Hunt, John
Mitchell, Bonnie
Robertson, Timothy

Butynski, William
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Clemons, Jane
Foster, Linda
Gorman, Mary
Hardy, Valerie
Irwin, Anne-Marie
Komi, Richard
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel

Beauchamp, Roger
Caron, June
Cote, David
Garrity, Patrick
Hackel, Paul
Harvey, Philip
Kelley, John
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
Pilotte, Maurice
Rokas, Theodoros
Shaw, Barbara
Thompson, Robert

Beaulieu, Jane
Chase, Claudia
Craig, James
Gidge, Kenneth
Haley, Robert
Harvey, Suzanne
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Movsesian, Lori
Poznanski, Brian
Rosenwald, Cindy
Shaw, Kimberly
Walsh, Robert Jr

Beck, Catriona
Chininis, Alexis
Flurey, Joan
Goley, Jeffrey
Hammond, Jill
Holden, Rip
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Nixon, David
Ramsey, Peter
Schulze, Joan
Soucy, Timothy
Williams, Carol

MERRIMACK

Bartlett, Michael
Davis, Frank
French, Barbara
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Bouchard, Candace
DeJoie, John
Gile, Mary
Osborne, Jessie
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Brown, Carole
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Rice, Chip
Stetson, William
Walz, Mary Beth
Williams, Robert

Clarke, Claire
Foose, Robert
Kelly, Sally
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Henson, John
McEachern, Paul
Pettersen, Don
Splaine, James

Borden, David
Cushing, Robert
Kepner, Susan
Moody, Marcia
Read, Robin Jr
Webber, Carolyn

Brown, C. Pennington
Day, Judith
Mann, Maureen
Nord, Susi
Russell, Trink

Cali-Pitts, Jacqueline
DiPentima, Rich
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Burke, Rachel
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Spang, Judith
Watters, David

Brennan, William
Cyr, James
Horrigan, Timothy
Lauterborn, Elaine
Ryder, Mark
Vachon, Dennis

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Perry, Robert
Schmidt, Peter
Wall, Janet

Browne, Brendon
Grassie, Anne
Kaen, Naida
Rogers, Rose Marie
Smith, Marjorie
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

and floor amendment (1211h) failed.

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

Rep. Renzullo offered floor amendment (1230h).

Floor Amendment (1230h)

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

Amend the bill by replacing section 44 with the following:

44 Retirement System; Recalculation of Employer Rates; Re-Certification by Board of Trustees. The retirement system shall utilize the sums attributable to the increase in member contribution rates under RSA 100-A:16, I(a) as amended by section 43 of this act to reduce previously certified employer contribution rates for state fiscal years 2010 and 2011. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees shall recalculate and re-certify employer contribution rates for the state fiscal years 2010 and 2011.

Amend the bill by replacing section 96 with the following:

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

Amend the bill by replacing section 191 with the following:

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

Amend the bill by replacing section 194 with the following:

194 Effective Date.

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

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

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

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

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

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

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

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

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

Rep. Renzullo spoke in favor and yielded to questions.

Rep. Baroody spoke against.

Rep. Graham requested a roll call; sufficiently seconded.

YEAS 163 NAYS 194

YEAS 163

BELKNAP

Bolster, Peter
Millham, Alida
Wendelboe, Fran

Boyce, Laurie
Pilliod, James

Fields, Dennis
Russell, David

Flanders, Donald
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Meador, David

Hunt, John
Parkhurst, Henry

Johnson, Jane
Roberts, Kris

Laurent, John
Sterling, Franklin Jr

COOS

Rappaport, Laurence
Theberge, Robert

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Daniels, Gary
Gandia, Laura
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
McCarthy, Michael
O'Brien, William
Palmer, Stephen
Ramsey, Peter
Seidel, Carl
Spaulding, Jayne
Willette, Robert

Beauchamp, Roger
Cebrowski, John
Doherty, Shaun
Gargasz, Carolyn
Hikel, John
Holden, Frank
Kelley, John
Mead, Robert
O'Neil, James
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Tahir, Saghir
Winters, Joel

Belvin, William
Christensen, Chris
Elliott, Nancy
Graham, John
Hinch, Richard
Holden, Rip
Kurk, Neal
Messier, Irene
Ober, Lynne
Pepino, Leo
Rowe, Robert
Silva, Peter
Ulery, Jordan

Bergin, Peter
Christiansen, Lars
Gagne, Larry
Haefner, Robert
Hinkle, Peyton
Infantine, William
L'Heureux, Robert
Moran, Edward
Ober, Russell III
Price, Pamela
Ryder, Donald
Soucy, Connie
Villeneuve, Moe

MERRIMACK

Anderson, Eric
Lockwood, Priscilla
Smith, Todd

Hess, David
McGuire, Carol

Kidder, David
Palfrey, David

Kotowski, Frank
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bettencourt, David

Baldasaro, Alfred
Bishop, Franklin

Bates, David
Bridle, Russell

Belanger, Ronald
Case, Frank

Charron, Gene
Devine, James
Emiro, Frank
Garrity, James
Ingram, Russell
Katsakiores, George
Major, Norman
Packard, Sherman
Quandt, Matt
Scamman, Stella

Stiles, Nancy
Weare, Everett

Comerford, Timothy
Dowling, Patricia
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Perkins, Amy
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James
Welch, David

Crisler, Margaret
Dumaine, Dudley
Fesh, Robert
Headd, James
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Perkins, Lawrence
Reagan, John
Sedensky, John

Tucker, Pamela

DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Hoelzel, Kathleen
Kappler, L. Mike
Lyons, Melissa
Nevins, Chris
Priestley, Anne
Sapareto, Frank
Smith, William

Van Patten, Don

STRAFFORD

Berube, Roger
Twombly, James

Bickford, David
Vita, Carol

Groen, Warren

Sprague, Dale

SULLIVAN

Osgood, Joe

Rodeschin, Beverly

NAYS 194

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Lindsey, Steven
Sad, Tara

Burridge, Delmar
Carr, Daniel
Mitchell, Bonnie
Weber, Lucy

Butcher, Suzanne
Eaton, Daniel
Richardson, Barbara
Weed, Charles

Butterworth, Timothy
Lerandeau, Alfred
Robertson, Timothy

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Caron, June
Clemons, Jane

Beaulieu, Jane
Chandley, Shannon
Cote, David

Beck, Catriona
Chase, Claudia
Craig, James

Campbell, David
Chininis, Alexis
Flurey, Joan

Foster, Linda
Gorman, Mary
Hardy, Valerie
Katsiantonis, George
Komi, Richard
Levasseur, Nickolas
Mack, Ron

Nixon, David
Poznanski, Brian
Schulze, Joan
Sullivan, Daniel
Williams, Carol

Garritty, Patrick
Hackel, Paul
Harvey, Philip
Katsiantonis, Thomas
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

O'Brien, Michael Sr
Rhodes, Brian
Shattuck, Gilman
Thompson, Robert

Gidge, Kenneth
Haley, Robert
Harvey, Suzanne
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony
Sr

Peterson, Andrew
Rokas, Theodoros
Shaw, Kimberly
Vaillancourt, Steve

Goley, Jeffrey
Hammond, Jill
Irwin, Anne-Marie
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Movsesian, Lori

Pilotte, Maurice
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
Davis, Frank
French, Barbara
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Bouchard, Candace
DeJoie, John
Gile, Mary
Osborne, Jessie
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Brown, Carole
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Rice, Chip
Stetson, William
Walz, Mary Beth
Williams, Robert

Clarke, Claire
Foosse, Robert
Kelly, Sally
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
DiPentima, Rich
Kepner, Susan
Moody, Marcia
Russell, Trinkia

Borden, David
Cushing, Robert
Gleason, John
Mann, Maureen
Nord, Susi
Schlachman, Donna

Brown, C. Pennington
Day, Judith
Gould, Kenneth
McCarthy, Barbara
Pettersen, Don
Splaine, James

Cali-Pitts, Jacqueline
DiFruscia, Anthony
Henson, John
McEachern, Paul
Read, Robin Jr
Webber, Carolyn

STRAFFORD

Brennan, William
Cyr, James
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Michael
Spang, Judith
Watters, David

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Perry, Robert
Ryder, Mark
Vachon, Dennis

Browne, Brendon
Grassie, Anne
Kaen, Naida
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Burke, Rachel
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia
and floor amendment (1230h) failed.

The House recessed at 1:15 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 2:15 p.m.

SPECIAL ORDERS

REGULAR CALENDAR – HB 2-FN-A-L (CONT'D)

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

Rep. Wendelboe offered floor amendment (1301h).

Floor Amendment (1301h)

Amend the bill by deleting section 1 and renumbering the original sections 2-197 to read as 1-196, respectively.

Amend the bill by replacing section 2 with the following:

2 Tobacco Tax; Applicability. Section 1 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2009 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 46 with the following:

46 Retirement System; Recalculation of Employer Rates; Re-Certification by Board of Trustees. The retirement system shall utilize the sums attributable to the increase in member contribution rates under RSA 100-A:16, I(a) as amended by section 45 of this act to reduce previously certified employer contribution rates for state fiscal years 2010 and 2011. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees shall recalculate and re-certify employer contribution rates for the state fiscal years 2010 and 2011.

Amend the bill by replacing section 98 with the following:

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

Amend the bill by replacing section 193 with the following:

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

Amend the bill by replacing section 196 with the following:

196 Effective Date.

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

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

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

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

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

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

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

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

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

Rep. Wendelboe spoke in favor.

Rep. Leishman spoke against and yielded to questions.

Rep. Marjorie Smith yielded to questions.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 153 NAYS 198

YEAS 153

BELKNAP

Bolster, Peter
Millham, Alida
Veazey, John

Boyce, Laurie
Pilliod, James
Wendelboe, Fran

Fields, Dennis
Russell, David

Flanders, Donald
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Scala, Dino

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Elliott, Nancy
Graham, John
Hinch, Richard
Holden, Rip
L'Heureux, Robert
O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Ulery, Jordan

Belvin, William
Christensen, Chris
Gagne, Larry
Haefner, Robert
Hinkle, Peyton
Infantine, William
McCarthy, Michael
Ober, Lynne
Pepino, Leo
Rowe, Robert
Soucy, Connie
Villeneuve, Moe

Bergin, Peter
Christiansen, Lars
Gandia, Laura
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
Mead, Robert
Ober, Russell III
Peterson, Andrew
Ryder, Donald
Spaulding, Jayne

Boehm, Ralph
Daniels, Gary
Gargasz, Carolyn
Hikel, John
Holden, Frank
Kurk, Neal
Moran, Edward
Palmer, Stephen
Price, Pamela
Seidel, Carl
Tahir, Saghir

MERRIMACK

Anderson, Eric
Kotowski, Frank
Reed, Dennis

Gile, Mary
Lockwood, Priscilla
Smith, Todd

Hamm, Christine
McGuire, Carol

Hess, David
Palfrey, David

ROCKINGHAM

Allen, Mary
Bettencourt, David
Charron, Gene
Devine, James
Emiro, Frank
Garrity, James
Headd, James
Introne, Robert
Katsakiores, Phyllis

Baldasaro, Alfred
Bishop, Franklin
Comerford, Timothy
Dowling, Patricia
Ferrante, Beverly
Gleason, John
Hoelzel, Kathleen
Itse, Daniel
Kolodziej, Walter

Bates, David
Bridle, Russell
Crisler, Margaret
Dumaine, Dudley
Fesh, Robert
Gould, Kenneth
Hutchinson, Karen
Kappler, L. Mike
Major, Norman

Belanger, Ronald
Case, Frank
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Griffin, Mary
Ingram, Russell
Katsakiores, George
McKinney, Betsy

McMahon, Charles
Perkins, Lawrence
Reagan, John

Sedensky, John
Tucker, Pamela

Nevins, Chris
Priestley, Anne
Sapareto, Frank

Smith, William
Van Patten, Don

Packard, Sherman
Quandt, Matt
Scamman, Stella

Stiles, Nancy
Weare, Everett

Perkins, Amy
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James
Welch, David

STRAFFORD

Bickford, David

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Osgood, Joe

Rodeschin, Beverly

NAYS 198

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

Butynski, William
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Boisvert, Ronald
Chase, Claudia
Craig, James
Gidge, Kenneth
Haley, Robert
Harvey, Suzanne
Kelley, John
Kopka, Angeline
Lisle, Carolyn

Beauchamp, Roger
Campbell, David
Chininis, Alexis
Flurey, Joan
Goley, Jeffrey
Hammond, Jill
Irwin, Anne-Marie
Knowles, John
LaPlante, Roland
Long, Patrick

Beaulieu, Jane
Caron, June
Clemons, Jane
Foster, Linda
Gorman, Mary
Hardy, Valerie
Katsiantonis, George
Knowles, Mary Ann
Leishman, Peter
Mack, Ron

Beck, Catriona
Chandley, Shannon
Cote, David
Garritty, Patrick
Hackel, Paul
Harvey, Philip
Katsiantonis, Thomas
Komi, Richard
Levesque, Melanie
Marshall, Seth

Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori	O'Brien, Michael Sr
O'Neil, James	Pilotte, Maurice	Poznanski, Brian	Ramsey, Peter
Rhodes, Brian	Rokas, Theodoros	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Soucy, Timothy
Sullivan, Daniel	Thompson, Robert	Vaillancourt, Steve	Walsh, Robert Jr
Willette, Robert	Williams, Carol	Winters, Joel	

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Brown, Carole	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Kelly, Sally	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Porter, Margaret	Potter, Frances	Reardon, Tara
Rice, Chip	Rodd, Beth	Schuett, Dianne	Shurtleff, Stephen
Stetson, William	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Watrous, Rick	Webb, Leigh	Wheeler, Deborah
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Borden, David	Brown, C. Pennington	Casey, Kimberley
Cushing, Robert	Day, Judith	DiFruscia, Anthony	DiPentima, Rich
Henson, John	Kepner, Susan	Lyons, Melissa	Mann, Maureen
McCarthy, Barbara	McEachern, Paul	Moody, Marcia	Nord, Susi
Pantelakos, Laura	Petterson, Don	Read, Robin Jr	Russell, Trinka
Schlachman, Donna	Splaine, James		

STRAFFORD

Berube, Roger	Brown, Larry	Browne, Brendon	Burke, Rachel
Cyr, James	Domingo, Baldwin	Grassie, Anne	Hofemann, Roland
Horrigan, Timothy	Hubbard, Pamela	Kaen, Naida	Keans, Sandra
Lauterborn, Elaine	Perry, Robert	Rogers, Rose Marie	Rollo, Deanna
Rollo, Michael	Ryder, Mark	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Vachon, Dennis	Wall, Janet	Ward, Kenneth
Watters, David			

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Gagnon, Raymond	Gottling, Suzanne
Harris, Sandra	Houde-Quimby, Charlotte	McClammer, Jim	Skinder, Carla

Sweeney, Cynthia
and floor amendment (1301h) failed.

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

Rep. Hinkle offered floor amendment (1299h).

Floor Amendment (1299h)

Amend the bill by replacing section 69 with the following:

69 Operating Budget Reduction; Department of Transportation. The operating budget for the department of transportation included in HB 1-A of the 2009 legislative session shall be reduced by \$15,000,000 in highway funds. The legislative budget assistant is authorized to adjust totals as made necessary by this reduction.

Amend the bill by deleting sections 70-77 and renumbering the original sections 78-197 to read as 70-189, respectively.

Amend the bill by replacing section 91 with the following:

91 Applicability. The fees established in RSA 284:6-a, VI as inserted by section 82 of this act shall apply to licenses issued on or after January 1, 2010.

Amend the bill by replacing section 186 with the following:

186 Application. The provisions of sections 178-185 of this act shall apply to and be in effect on account of taxable periods ending on or after January 1, 2010.

Amend the bill by replacing section 189 with the following:

189 Effective Date.

I. Section 1, paragraph III of section 26, and sections 46-47, 108, and 149 of this act shall take effect June 30, 2009.

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

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

IV. RSA 284:6-a, VI as inserted by section 82 of this act, section 167, and sections 173-177 of this act shall take effect January 1, 2010.

V. Sections 112-123 of this act shall take effect January 1, 2011.

VI. Sections 124-129 and 171-172 of this act shall take effect 60 days after its passage.

VII. Section 130 of this act shall take effect July 1, 2015.

VIII. Section 148 of this act shall take effect July 1, 2009 at 12:01 a.m.

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

Rep. Hinkle spoke in favor.

Rep. Bouchard spoke against.

Rep. Silva requested a roll call; sufficiently seconded.

YEAS 110 NAYS 238

YEAS 110

BELKNAP

Boyce, Laurie
Wendelboe, Fran

Flanders, Donald

Pilliod, James

Russell, David

CARROLL

Fleck, Joseph

Scala, Dino

Stevens, Stanley

CHESHIRE

Emerson, Susan

Johnson, Jane

Laurent, John

Sterling, Franklin Jr

COOS

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle

Ingretson, Paul

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Haefner, Robert
Hinch, Richard

Belvin, William
Daniels, Gary
Haley, Robert
Hinkle, Peyton

Boehm, Ralph
Elliott, Nancy
Hawkins, Ken
Hogan, Edith

Cebrowski, John
Gagne, Larry
Hikel, John
Holden, Frank

Infantine, William
Mead, Robert
Ober, Lynne
Pepino, Leo
Seidel, Carl
Ulery, Jordan

Jasper, Shawn
Moran, Edward
Ober, Russell III
Price, Pamela
Silva, Peter
Vaillancourt, Steve

L'Heureux, Robert
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Soucy, Connie
Villeneuve, Moe

McCarthy, Michael
O'Neil, James
Pellegrino, Tony
Ryder, Donald
Spaulding, Jayne
Willette, Robert

MERRIMACK

Kotowski, Frank
Smith, Todd

McGuire, Carol

Palfrey, David

Reed, Dennis

ROCKINGHAM

Allen, Mary
Bishop, Franklin
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Introne, Robert
Kolodziej, Walter
Perkins, Amy
Reagan, John
Sullivan, James
Welch, David

Baldasaro, Alfred
Case, Frank
Devine, James
Emiro, Frank
Garritty, James
Kappler, L. Mike
McKinney, Betsy
Perkins, Lawrence
Sapareto, Frank
Tucker, Pamela

Bates, David
Charron, Gene
Dowling, Patricia
Ferrante, Beverly
Griffin, Mary
Katsakiores, George
McMahon, Charles
Priestley, Anne
Sedensky, John
Van Patten, Don

Bettencourt, David
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Hoelzel, Kathleen
Katsakiores, Phyllis
Packard, Sherman
Quandt, Matt
Smith, William
Weare, Everett

STRAFFORD

Bickford, David

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Osgood, Joe

Rodeschin, Beverly

NAYS 238

BELKNAP

Arsenault, Beth
Merry, Liz
Stuart, Richard

Bolster, Peter
Miller, Kate
Veazey, John

Fields, Dennis
Millham, Alida

Johnson, William
Reever, Judith

CARROLL

Ahlgren, Christopher
Chandler, Gene
Umberger, Karen

Bridgham, Robert
Knox, J. David
Wiley, Susan

Buco, Thomas
McConkey, Mark

Butler, Edward
Patten, Betsey

CHESHIRE

Allen, Peter
Carr, Daniel
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Eaton, Daniel
Meader, David
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Hunt, John
Mitchell, Bonnie
Robertson, Timothy

Butynski, William
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

Rappaport, Laurence

Stohl, Eric

Thomas, Yvonne

GRAFTON

Almy, Susan
Friedrich, Carol
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Benn, Bernard
Gionet, Edmond
Matheson, Robert
Pierce, David
Townsend, Charles

Cooney, Mary
Gould, Franklin
Mulholland, Catherine
Preston, Philip
Ward, Brien

Ford, Susan
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne
Williams, Burton

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Clemons, Jane
Foster, Linda
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Katsiantonis, Thomas
Komi, Richard
Leishman, Peter
Mack, Ron

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Cote, David
Gandia, Laura
Goley, Jeffrey
Hammond, Jill
Holden, Rip
Kelley, John
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Craig, James
Gargasz, Carolyn
Gorman, Mary
Hardy, Valerie
Irwin, Anne-Marie
Knowles, John
Kurk, Neal
Lisle, Carolyn
Matarazzo, Anthony
Sr

Beck, Catriona
Caron, June
Christiansen, Lars
Flurey, Joan
Garritty, Patrick
Graham, John
Harvey, Philip
Katsiantonis, George
Knowles, Mary Ann
LaPlante, Roland
Long, Patrick
Messier, Irene

Movsesian, Lori
Poznanski, Brian
Rosenwald, Cindy
Shaw, Barbara
Tahir, Saghir
Winters, Joel

O'Brien, Michael Sr
Ramsey, Peter
Rowe, Robert
Shaw, Kimberly
Thompson, Robert

Peterson, Andrew
Rhodes, Brian
Schulze, Joan
Soucy, Timothy
Walsh, Robert Jr

Pilotte, Maurice
Rokas, Theodoros
Shattuck, Gilman
Sullivan, Daniel
Williams, Carol

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Kelly, Sally
Owen, Derek
Rice, Chip
Stetson, William
Walz, Mary Beth
Williams, Robert

Bartlett, Michael
Davis, Frank
French, Barbara
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Gile, Mary
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Brown, Carole
DeStefano, Stephen
Hamm, Christine
Osborne, Jessie
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Cushing, Robert
Gleason, John
Hutchinson, Karen
Lyons, Melissa
McEachern, Paul
Pantelakos, Laura
Russell, Trinka

Belanger, Ronald
Cali-Pitts, Jacqueline
Day, Judith
Gould, Kenneth
Ingram, Russell
Major, Norman
Moody, Marcia
Pettersen, Don
Schlachman, Donna

Borden, David
Casey, Kimberley
DiFruscia, Anthony
Headd, James
Itse, Daniel
Mann, Maureen
Nevins, Chris
Rausch, James
Splaine, James

Bridle, Russell
Crisler, Margaret
DiPentima, Rich
Henson, John
Kepner, Susan
McCarthy, Barbara
Nord, Susi
Read, Robin Jr
Stiles, Nancy

STRAFFORD

Berube, Roger
Cyr, James
Hubbard, Pamela
Perry, Robert
Ryder, Mark
Sprague, Dale
Watters, David

Brown, Larry
Grassie, Anne
Kaen, Naida
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Burke, Rachel
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Michael
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

and floor amendment (1299h) failed.

Rep. Swinford did not vote and notified the Clerk that she wished to be recorded in favor.

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

Rep. Vaillancourt offered floor amendment (1314h).

Floor Amendment (1314h)

Amend the bill by replacing section 7 with the following:

7 Meals and Rooms Tax; Rate Increased. Amend RSA 78-A:6 to read as follows:

78-A:6 Imposition of Tax.

I. A tax of ~~[8]~~ **9** percent of the rent is imposed upon each occupancy.

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

(a) Three cents for a charge between \$.36 and \$.37 inclusive;

(b) Four cents for a charge between \$.38 and \$.50 inclusive;

(c) Five cents for a charge between \$.51 and \$.62 inclusive;

(d) Six cents for a charge between \$.63 and \$.75 inclusive;

(e) Seven cents for a charge between \$.76 and \$.87 inclusive;

(f) Eight cents for a charge between \$.88 and \$1.00 inclusive;

(g) ~~[Eight]~~ **Nine** percent of the charge for taxable meals over \$1.00, provided that fractions of cents shall be rounded up to the next whole cent.

II-a. A tax of ~~[8]~~ **9** percent is imposed upon the gross rental receipts of each rental.

III. The operator shall collect the taxes imposed by this section and shall pay them over to the state as provided in this chapter.

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

Amend the bill by replacing section 189 with the following:

189 Application. The provisions of sections 181-188 of this act shall apply to and be in effect on account of taxable periods ending on or after January 1, 2010.

Rep. Vaillancourt spoke in favor.

Rep. Almy spoke against.

On a division vote, 78 members having voted in the affirmative and 263 in the negative, floor amendment (1314h) failed.

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

Rep. Robertson offered floor amendment (1312h).

Floor Amendment (1312h)

Amend RSA 502-A:1, XIX-XXX as inserted by section 52 of the bill by replacing them with the following:

~~[XXII.]~~ **XIX. JAFFREY-PETERBOROUGH DISTRICT.** The Jaffrey-Peterborough district shall consist of the towns of Peterborough, Hancock, Greenville, Greenfield, New Ipswich, Temple, and Sharon in Hillsborough county and the towns of Jaffrey, Dublin, Fitzwilliam, and Rindge in Cheshire county. The district court for the district shall be located in Jaffrey or Peterborough, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Jaffrey-Peterborough District Court.

~~[XXIII.]~~ **XX. HENNIKER-HILLSBOROUGH DISTRICT.** The Henniker-Hillsborough district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the towns of Hillsborough, Deering, Windsor, Antrim, and Bennington in Hillsborough county. The ***district*** court ***for the district*** shall be located in ~~[a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district.]~~ ***Henniker, holding sessions regularly therein and elsewhere in the district as justice may require,*** provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the ~~[city or town in which it is located]~~ ***Henniker District Court.***

~~[XXIV.]~~ **XXI. GOFFSTOWN DISTRICT.** The Goffstown district shall consist of the towns of Goffstown, Weare, New Boston, and Frankestown. The district court for the district shall be located in Goffstown, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Goffstown District Court.

Cheshire County

~~[XXV.]~~ **XXII. KEENE DISTRICT.** The Keene district shall consist of the city of Keene and the towns of Stoddard, Westmoreland, Surry, Gilsum, Sullivan, Nelson, Roxbury, Marlow, Swanzey, Marlborough, Winchester, Richmond, Hinsdale, Harrisville, Walpole, Alstead, Troy, and Chesterfield. The district court for the district shall be located in Keene, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Keene District Court.

~~[XXVI.]~~ **XXIII. JAFFREY-PETERBOROUGH DISTRICT.** The Jaffrey-Peterborough district shall consist of the towns of Jaffrey, Dublin, Fitzwilliam, Troy and Rindge in Cheshire county and the towns of Peterborough, Hancock, Greenville, Greenfield, New Ipswich, Temple, and Sharon in Hillsborough county. The district court for the district shall be located in Jaffrey or Peterborough, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Jaffrey-Peterborough District Court.

Sullivan County

~~[XXVII.]~~ **XXIV. CLAREMONT-NEWPORT DISTRICT.** The Claremont-Newport district shall consist of the city of Claremont and the towns of Cornish, Unity, Charlestown, Acworth, Langdon, Plainfield, Newport, Grantham, Croydon, Springfield, Sunapee, Goshen, Lempster, and Washington ***in Sullivan county and the towns of New London, Newbury, and Sutton in Merrimack county.*** The ***district*** court ***for the district*** shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

~~[XXVII a. [Repealed.]]~~

Grafton County

~~[XXVIII.]~~ **XXV. HANOVER-LEBANON DISTRICT.** The Hanover-Lebanon district shall consist of the towns of Hanover, Orford, Lyme, Lebanon, Enfield, Canaan, Grafton, Dorchester, and Orange. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

~~[XXIX.]~~ **XXVI. HAVERHILL DISTRICT.** The Haverhill district shall consist of the towns of Haverhill, Bath, Landaff, Benton, Piermont, and Warren. The district court for the district shall be located in Haverhill, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Haverhill District Court.

~~[XXX.]~~ **XXVII. LITTLETON DISTRICT.** The Littleton district shall consist of the towns of Littleton, Monroe, Lyman, Lisbon, Franconia, Bethlehem, Sugar Hill, and Easton. The district court for the district shall be located in Littleton, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Littleton District Court.

~~[XXXI.]~~ **XXVIII. PLYMOUTH-LINCOLN DISTRICT.** The Plymouth-Lincoln district shall consist of the towns of Plymouth, Bristol, Groton, Wentworth, Rumney, Ellsworth, Thornton, Campton, Ashland, Hebron, Holderness, Bridgewater, Alexandria, Lincoln, Woodstock and those portions of the towns of Livermore and Waterville not within the watershed of the Saco River and its tributaries. The district court for the district shall be located in Plymouth, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Plymouth District Court.

Coos County

~~[XXXII.]~~ **XXIX. BERLIN-GORHAM DISTRICT.** The Berlin-Gorham district shall consist of the city of Berlin and the towns of Gorham, Milan, Dummer, Shelburne, and Randolph and the unincorporated places of Cambridge, Success, Bean's Purchase, Martin's Location, Green's Grant, Pinkham's Grant, Sargent's Purchase, Thompson and Meserve's Purchase and Low and Burbank's Grant. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

~~[XXXIII.]~~ **XXX. COLEBROOK DISTRICT.** The Colebrook district shall consist of the towns of Colebrook, Pittsburg, Clarksville, Wentworth's Location, Errol, Millsfield, Columbia, Stewartstown, and Stratford and the unincorporated places of Dix's Grant, Atkinson and Gilmanston Academy Grant, Second College Grant, Dixville, Erving's Location, and Odell. The district court for the district shall be located in Colebrook, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Colebrook District Court.

~~[XXXIV.]~~ **XXXI. LANCASTER DISTRICT.** The Lancaster district shall consist of the towns of Lancaster, Stark, Northumberland, Carroll, Whitefield, Dalton and, Jefferson, and the unincorporated places of Kilkenny, Bean's Grant, Chandler's Purchase, and Crawford's Purchase. The district court for the district shall be located in Lancaster, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Lancaster District Court.

Reps. Robertson and Rowe spoke in favor and yielded to questions.

Rep. Eaton spoke against and yielded to questions.

On a division vote, 118 members having vote in the affirmative and 193 in the negative, floor amendment (1312h) failed.

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

Rep. Kurk spoke against.

Rep. Marjorie Smith spoke in favor.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 182 NAYS 165

YEAS 182

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Carr, Daniel
Mitchell, Bonnie
Weber, Lucy

Butcher, Suzanne
Eaton, Daniel
Richardson, Barbara
Weed, Charles

Butterworth, Timothy
Lerandeau, Alfred
Roberts, Kris

Butynski, William
Lindsey, Steven
Sad, Tara

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Caron, June
Clemons, Jane
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Kelley, John
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony Sr
Poznanski, Brian
Rosenwald, Cindy
Shaw, Kimberly
Walsh, Robert Jr

Beaulieu, Jane
Chandley, Shannon
Cote, David
Garritty, Patrick
Hammond, Jill
Irwin, Anne-Marie
Knowles, John
LaPlante, Roland
Long, Patrick
Movsesian, Lori
Ramsey, Peter
Schulze, Joan
Soucy, Timothy
Williams, Carol

Beck, Catriona
Chase, Claudia
Craig, James
Gidge, Kenneth
Hardy, Valerie
Katsiantonis, George
Knowles, Mary Ann
Leishman, Peter
Mack, Ron
O'Brien, Michael Sr

Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel

Campbell, David
Chininis, Alexis
Flurey, Joan
Goley, Jeffrey
Harvey, Philip
Katsiantonis, Thomas
Komi, Richard
Levesque, Melanie
Marshall, Seth
Pilotte, Maurice

Rokas, Theodoros
Shaw, Barbara
Thompson, Robert

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Owen, Derek
Rice, Chip
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Hamm, Christine
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick

Brown, Carole
Foose, Robert
Kelly, Sally
Potter, Frances
Schuett, Dianne
Tupper, Frank
Wheeler, Deborah

Clarke, Claire
French, Barbara
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Gould, Kenneth
Mann, Maureen
Nord, Susi
Russell, Trinka

Borden, David
Cushing, Robert
Henson, John
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

Brown, C. Pennington
Day, Judith
Kepner, Susan
McEachern, Paul
Petterson, Don
Splaine, James

Cali-Pitts, Jacqueline
DiPentima, Rich
Lyons, Melissa
Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Cyr, James
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Larry
Grassie, Anne
Keans, Sandra
Rollo, Michael
Spang, Judith
Ward, Kenneth

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Ryder, Mark
Sprague, Dale
Watters, David

Burke, Rachel
Hubbard, Pamela
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 165

BELKNAP

Bolster, Peter
Pilliod, James

Fields, Dennis
Russell, David

Flanders, Donald
Swinford, Elaine

Millham, Alida
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Scala, Dino

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan
Meader, David

Hunt, John
Parkhurst, Henry

Johnson, Jane
Robertson, Timothy

Laurent, John
Sterling, Franklin Jr

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter	Beauchamp, Roger	Belvin, William	Bergin, Peter
Boehm, Ralph	Boisvert, Ronald	Cebrowski, John	Christensen, Chris
Christiansen, Lars	Daniels, Gary	Elliott, Nancy	Gagne, Larry
Gandia, Laura	Gargas, Carolyn	Gorman, Mary	Graham, John
Haefner, Robert	Haley, Robert	Hawkins, Ken	Hikel, John
Hinch, Richard	Hinkle, Peyton	Hogan, Edith	Holden, Frank
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
McCarthy, Michael	Mead, Robert	Messier, Irene	Moran, Edward
O'Brien, William	O'Neil, James	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Pepino, Leo	Peterson, Andrew
Price, Pamela	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Seidel, Carl	Silva, Peter	Soucy, Connie	Spaulding, Jayne
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Willette, Robert	Winters, Joel		

MERRIMACK

Anderson, Eric	DeStefano, Stephen	Hess, David	Kidder, David
Kotowski, Frank	Lockwood, Priscilla	McGuire, Carol	Osborne, Jessie
Palfrey, David	Reed, Dennis	Smith, Todd	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bates, David	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Bridle, Russell	Case, Frank
Charron, Gene	Comerford, Timothy	Crisler, Margaret	DeSimone, Debra
Devine, James	DiFruscia, Anthony	Dowling, Patricia	Dumaine, Dudley
Elliott, Robert	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Garrity, James	Gleason, John	Griffin, Mary	Headd, James
Hoelzel, Kathleen	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis
Kolodziej, Walter	Major, Norman	McKinney, Betsy	McMahon, Charles
Nevins, Chris	Packard, Sherman	Perkins, Amy	Perkins, Lawrence
Priestley, Anne	Quandt, Matt	Rausch, James	Reagan, John
Sapareto, Frank	Scamman, Stella	Scamman, W. Douglas Jr	Sedensky, John
Smith, William	Stiles, Nancy	Sullivan, James	Tucker, Pamela
Van Patten, Don	Weare, Everett	Welch, David	

STRAFFORD

Bickford, David	Groen, Warren	Hofemann, Roland	Lauterborn, Elaine
Twombly, James	Vita, Carol		

SULLIVAN

Osgood, Joe Rodeschin, Beverly Sweeney, Cynthia
and the majority committee report was adopted.
Ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Hess moved that the debate on Floor Amendment (1230h) to ***HB 2-FN-A-L***, relative to state fees, funds, revenues, and expenditures, be printed in the Permanent Journal.
Adopted.

DEBATE ON FLOOR AMENDMENT (1230H)

Rep. Renzullo: Thank you, Madam Speaker. Madam Speaker, if you said to me, "Andy, could you do me a favor? For a class I'm teaching, could you please put together an example of the very worst tax you could think of, one that would anger a lot of people, especially senior citizens and charities and non profits? Also, could you make the tax so despised and difficult to enforce that it would make criminals out of many innocent people who possibly don't even know they owe a tax, or make scofflaws out of those who do? Besides that, could you make that tax so pervasive that a huge number of citizens, who never had to file a state tax form before, would have to do it all the time?" Well, Madam Speaker, I would have to sadly say that I could not do that because somebody has beaten me to it. I would simply hand you a copy of the proposed gambling tax. Let's take a look at how a tax on gambling winnings would affect somebody we'll call, "Granny." Granny likes to play bingo with her friends down at the church hall. One day Granny gets lucky - at gambling at the church hall by which the winner takes all. I didn't really expect to do that. Granny yells, "Bingo." The tax man comes up and says, "Pay up Granny." Actually, it's poor old Father Mulcahy who has to take 10% of Granny's winnings, fill out all kinds of forms and send Granny's tithe to the State of New Hampshire. Poor Granny. The next day she goes to the corner market to buy her daily number which she's been doing for twenty years, never hit anything. Well, as luck would have it - I better not say Granny gets lucky again - Granny hits for \$600 bucks. "Hooray," says Granny. "Pay up Granny," says the tax man. Now, Granny is starting to get annoyed. "Look," says Granny, "the lottery already takes 50% off the top. Why you gotta hit me for another 10%?" "It's the law, Granny." "Well, at least I can offset my losses against my winnings. The Feds allow you to do that." "Sorry Granny, the law doesn't allow that." A furious Granny jumps in her car, speeds across the border to Massachusetts where they only tax gambling winnings at 5%. They tax it as income. She hits for \$600 bucks. Granny's on a roll. "Pay up Granny." "Whoa," Granny says, "Where did you come from? I'm in Massachusetts." "Sorry, Granny, the law says we can tax out-of-state winnings too." "But, Massachusetts already got their 5%. You're hitting me for another 10." "Consider it a penalty for not buying New Hampshire." Granny is so upset she hops a plane and goes to visit her son in Las Vegas, but the stress of the tax man is killing her. Will the tax man catch her if she wins anything playing black jack? She is concerned. "When is the tax going to be levied? Is it levied on every hand? Is it levied at the end of the day? Is it levied at the end of the vacation? Is it on every pull of the slot machine? Is it on...?" Granny doesn't finish her sentence. Granny gets so stressed out she falls over and she expires. You know what the final insult is? Her tax accountant hits Granny's estate for an extra \$200 bucks to file the tax form for the state so she can at least pay for her taxes. And also the new death tax, thank you. Well enough of Granny; she sleeps with the fishes. What I have tried to say in obviously a humorous way is actually very serious. This tax is overreaching and it's confusing. It's a 10% on, "gambling winnings on any payor either in-state or out-of-state that equals \$600 or more." It requires that in-state payors be registered and collect the tax. First, think about who this tax disproportionately affects. During every debate on increased gambling there is always an assertion that the poor are more heavily impacted, thus by definition this tax is regressive. Let's talk about the tax itself. Massachusetts treats gambling as income and taxes it at 5%. We would be doubling that. They along with the Feds allow a deduction for gambling losses up to the amount of the winnings. We won't be allowing that. Also, what does \$600 mean? Do you get taxed on \$600, but you don't get taxed if you win \$599.99? Apparently, that's the way it reads. Now, we all know what it means to win \$600, some of us do, on a lottery ticket. It's a one shot happening. What about playing poker all night when you are up \$600 at 9:00, but you are broke at midnight? Do you owe taxes on that \$600? The law is not clear. And the issue of out-of-state winnings, are we going to make criminals out of our citizens who hit the daily double at Churchill Downs or \$600 on a jackpot in Vegas? Are they really going to have to know that they are supposed to

file an income tax form in New Hampshire over it? Think about the charities that run bingos and businesses that sell lottery tickets. Are we going to make them tax collectors? One final thing, I based this whole presentation on the presumption that we are talking about a single winning incident. However, if you read the law or the proposed law, the bill, it really doesn't say that. In fact, it very well could be interpreted to mean a 10% tax on a cumulative winnings from a single source where if you win \$10 on a scratch ticket today and \$20 on a scratch ticket two weeks from now, you pay \$1 today and pay \$2 two weeks from now and you have to file a tax form to get your money back. This tax is not well thought out, it's too vague, and the law would make scofflaws of our citizens. Read the bill and make up your own mind. It's not ready for primetime. Please support this amendment and remove it from HB 2. Thank you.

Speaker: Will the member yield to a question? The member yields, Rep. McGuire you may inquire.

Rep. McGuire: Thank you, Madam Speaker, and thank you Representative for taking my question. I did read the bill and I was very concerned about the section that every payor has to register with the state. Does that mean that my Lions Club that runs a 50/50 raffle every week will have to register with the state as a payor of gambling winnings?

Rep. Renzullo: Apparently. That's the way I read it.

Speaker: The Chair recognizes the member from Manchester, Representative Baroody.

Rep. Baroody: Thank you, Madam Speaker. That is a tough act to follow. Just like my colleagues over there that build you up to let you down. I wanted him to introduce me to Granny and then he killed her. This is gambling. This is gambling. It's a sin tax. There is something in this bill for everyone. If you are 100% opposed to gambling, you and your constituents who are opposed to gambling, they win. If you don't care about gambling or your constituents don't care about gambling, but they don't gamble, they win. If you do gamble and you win, you win. You only win if you play and you only pay if you win. Gambling is like found money. How would you like to go home tonight and say, "Sweetheart, I found this envelope with \$600 in it?" What do you get? You get hugs and kisses and let's go out to dinner. Or, do you go home and say, "Honey, I got an envelope with \$540 in it." What do you get? You get the hugs and the kisses and let's go out to dinner. The gambling tax doesn't upset the family household income. This is something extra, something not planned. You're not planning on this income, it's like a windfall. It's something that comes in whether it's \$600, \$6,000 or \$6,000,000. It's something that you don't really plan on. The Ways and Means Committee in all of their hard work and everything estimated that this would bring us about \$8 million a year and that's what we figured into the budget. Maybe I'm one of those guys that might disagree with the Ways and Means Committee also because what about those people who hit the Powerball? How many times do you hear someone say, "I'm not going to buy a lottery ticket until it's a \$100 million?" Then when it reaches \$100 million, everybody is buying tickets like crazy and somebody hits that. On a \$100 million ticket, you've got to write a check for \$10 million to the State of New Hampshire. Madam Speaker, I volunteer to do that. I wouldn't stand before you to ask you to pay for something I wouldn't pay for myself. As we get older, we start thinking about leaving things behind and leaving memories behind. I know that I'll never be the major league home run hitter of all time and I'm not going to be the major league strike out pitcher of all time. I'm never going to be the jockey who won the Kentucky Derby. I'll never be the number one point getter in the NBA, but I'll tell you Madam Speaker, I'm still in the race to be the number one tax payer on a gambling tax in the State of New Hampshire. I'm still in that game. I wouldn't mind if it was on my tombstone that says, "Here lies Ben. A nice guy and has paid more gambling tax than anyone in the State's history." Thank you, Madam Speaker.

(Rep. Foster in the Chair)

SPECIAL ORDERS

REGULAR CALENDAR (CONT'D)

HB 344-FN, establishing the number of associate justices of the superior court.
INEXPEDIENT TO LEGISLATE.

Rep. Thomas L. Buco for Finance: In 2005, a weighted caseload study calculated the need for 25.7 judges in the Superior Court system. There are currently 18.4 judges in the system. HB 344-FN proposed to add two associate judges and two court monitors. The bill would increase state expenditures by \$247,466 in FY 2010, \$494,214 in FY 2011, \$503,661 in FY 2012, and \$513,815 in FY 2013. Due to the current financial shortfalls in state revenue, these changes have been removed from the judicial branch budget for the FY 2010-2011 budget and therefore the committee recommends ITL. Vote 24-0.
Committee report adopted.

HB 391, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie K. Smith for Finance: This bill, if passed by the House, authorizes the NH department of transportation, acting on behalf of the state, to convey to the NH bureau of turnpikes a portion of I-95 (1.6 miles from the Portsmouth Traffic Circle to the Maine border) and authorizes the building of open road tolling on I-95 Hampton north and south toll and improvements and construction to the Blue Star Memorial Highway and Spaulding Turnpike, repair and improve the bridge on Route 107 over I-95 in Seabrook, construction of the Newington-Dover Little Bay Bridge project and increases the aggregate amount of bonds the state may issue. The committee, with the support of the Public Works and Highways Committee added construction of noise barriers along I-95 in Portsmouth and corrected certain cost figures. Vote 25-0.

Amendment (1137h)

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

AN ACT authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Authority Granted. Amend RSA 237:2 by inserting after paragraph IX the following new paragraph:

X. Acquire, expand, and make improvements to the eastern New Hampshire turnpike from the northerly expansion joint of the I-95 bridge over the Spaulding Turnpike, U.S. 4 and N.H. 16 (bridge No. 197/22) north to point on the New Hampshire-Maine boundary in the city of Portsmouth, such improvements to include the installation of open road tolling for the toll on I-95 in the town of Hampton, NH.

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-13 to read as 6-14:

5 New Section; Eastern New Hampshire Turnpike; Operation and Funding. Amend RSA 237 by inserting after section 2 the following new section:

237:2-a Operation and Funding.

I. The bureau of turnpikes shall operate and maintain the eastern New Hampshire turnpike from the northerly expansion joint of the I-95 bridge over the Spaulding Turnpike, U.S. 4 and N.H. 16 (bridge No. 197/22) north to point on the New Hampshire-Maine boundary in the city of Portsmouth, which shall become part of the eastern New Hampshire turnpike under RSA 237:17 and the Blue Star turnpike under RSA 237:18.

II. Acquisition and expansion of the eastern New Hampshire turnpike system for \$120,000,000 plus interest shall be at the state borrowing rate to be paid over a maximum 20-year term to the highway fund from the turnpike reserves under terms and conditions to be determined by the commissioner of transportation.

III. The high level bridge on I-95 over the Piscataqua River shall be eligible for federal funds and state highway funds. In the event of emergency repairs or repair to damage from a catastrophic event, the department of transportation, rather than the bureau of turnpikes, shall remain liable for such repairs to the high level bridge.

Amend RSA 237:7, I as inserted by section 10 of the bill by inserting after subparagraph (r) the following new subparagraph:

(s) Construction of noise barriers along I-95 in Portsmouth. 1,000,000.
Amend RSA 237:7, I(q) as inserted by section 9 of the bill by replacing it with the following:
(q) Repair and improve bridge on Route 107 2,000,000
over I-95 in Seabrook

AMENDED ANALYSIS

This bill:

I. Authorizes the department of transportation to convey a portion of interstate highways to the bureau of turnpikes.

II. Defines certain highways.

III. Redefines the eastern New Hampshire turnpike.

IV. Provides for the maintenance and funding for a certain portion of the eastern New Hampshire turnpike.

V. Increases the aggregate amount of bonds the state may issue.

VI. Authorizes the department of transportation to install open road tolling.

This bill is a request of the department of transportation.

Amendment adopted.

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

YEAS 252 NAYS 84

YEAS 252

BELKNAP

Arsenault, Beth	Bolster, Peter	Flanders, Donald	Johnson, William
Merry, Liz	Miller, Kate	Millham, Alida	Pilliod, James
Reever, Judith	Russell, David	Stuart, Richard	

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Knox, J. David	McConkey, Mark	Patten, Betsey
Stevens, Stanley	Umberger, Karen	Wiley, Susan	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carr, Daniel	Eaton, Daniel	Hunt, John	Lerandeau, Alfred
Lindsey, Steven	Meador, David	Mitchell, Bonnie	Richardson, Barbara
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Merrick, Scott
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Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Almy, Susan
Ford, Susan
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne
Williams, Burton

Benn, Bernard
Friedrich, Carol
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Bulis, Lyle
Gionet, Edmond
Matheson, Robert
Pierce, David
Townsend, Charles

Cooney, Mary
Gould, Franklin
Mulholland, Catherine
Preston, Philip
Ward, Brien

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandle, Shannon
Clemons, Jane
Flurey, Joan
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Katsiantonis, Thomas
Komi, Richard
Lisle, Carolyn
Matarazzo, Anthony
Sr
Peterson, Andrew
Rhodes, Brian
Schulze, Joan
Shaw, Kimberly
Thompson, Robert

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Cote, David
Gandia, Laura
Goley, Jeffrey
Hammond, Jill
Hawkins, Ken
Kelley, John
Kopka, Angeline
Long, Patrick
Messier, Irene

Pilotte, Maurice
Rokas, Theodoros
Seidel, Carl
Soucy, Timothy
Walsh, Robert Jr

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Craig, James
Gargasz, Carolyn
Gorman, Mary
Hardy, Valerie
Holden, Rip
Knowles, John
Leishman, Peter
Mack, Ron
Movsesian, Lori

Poznanski, Brian
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Daniel
Williams, Carol

Beck, Catriona
Caron, June
Christiansen, Lars
Elliott, Nancy
Garritty, Patrick
Graham, John
Harvey, Philip
Irwin, Anne-Marie
Knowles, Mary Ann
Levesque, Melanie
Marshall, Seth
O'Brien, Michael Sr

Ramsey, Peter
Ryder, Donald
Shaw, Barbara
Tahir, Saghir
Winters, Joel

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Kidder, David
Owen, Derek
Reardon, Tara
Stetson, William
Walz, Mary Beth
Williams, Robert

Bartlett, Michael
Davis, Frank
Gile, Mary
Lockwood, Priscilla
Palfrey, David
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
McMahon, Patricia
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Brown, Carole
Foosse, Robert
Kelly, Sally
Osborne, Jessie
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Crisler, Margaret
Elliott, Robert
Gould, Kenneth
Ingram, Russell
Katsakiores, Phyllis
Mann, Maureen
Moody, Marcia
Petterson, Don
Sapareto, Frank

Belanger, Ronald
Cali-Pitts, Jacqueline
Cushing, Robert
Emiro, Frank
Griffin, Mary
Introne, Robert
Kepner, Susan
McCarthy, Barbara
Nevins, Chris
Priestley, Anne
Scamman, Stella

Borden, David
Case, Frank
Day, Judith
Fesh, Robert
Headd, James
Itse, Daniel
Lyons, Melissa
McEachern, Paul
Nord, Susi
Read, Robin Jr
Scamman, W.
Douglas Jr

Bridle, Russell
Casey, Kimberley
DiPentima, Rich
Gleason, John
Henson, John
Katsakiores, George
Major, Norman
McKinney, Betsy
Pantelakos, Laura
Russell, Trink
Schlachman, Donna

Splaine, James

Stiles, Nancy

Weare, Everett

Welch, David

STRAFFORD

Berube, Roger
Cyr, James
Hubbard, Pamela
Perry, Robert
Ryder, Mark
Sprague, Dale
Watters, David

Brown, Larry
Grassie, Anne
Kaen, Naida
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Burke, Rachel
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Michael
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Skinder, Carla

Donovan, Thomas Jr
Houde-Quimby,
Charlotte
Sweeney, Cynthia

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Rodeschin, Beverly

NAYS 84

BELKNAP

Fields, Dennis

Swinford, Elaine

Wendelboe, Fran

CARROLL

Fleck, Joseph

Scala, Dino

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Johnson, Jane

Laurent, John

Parkhurst, Henry

COOS

None

GRAFTON

Ingretson, Paul

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Hikel, John
Holden, Frank
L'Heureux, Robert
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Spaulding, Jayne
Willette, Robert

Belvin, William
Daniels, Gary
Hinch, Richard
Infantine, William
McCarthy, Michael
O'Neil, James
Pellegrino, Tony
Rowe, Robert
Ulery, Jordan

Boehm, Ralph
Gagne, Larry
Hinkle, Peyton
Jasper, Shawn
Mead, Robert
Ober, Lynne
Pepino, Leo
Silva, Peter
Vaillancourt, Steve

Cebrowski, John
Haefner, Robert
Hogan, Edith
Kurk, Neal
Moran, Edward
Ober, Russell III
Price, Pamela
Soucy, Connie
Villeneuve, Moe

MERRIMACK

Hess, David

Kotowski, Frank

McGuire, Carol

Smith, Todd

ROCKINGHAM

Allen, Mary	Bates, David	Bettencourt, David	Charron, Gene
Comerford, Timothy	DeSimone, Debra	Devine, James	Dowling, Patricia
Dumaine, Dudley	Ferrante, Beverly	Garrity, James	Hoelzel, Kathleen
Kappler, L. Mike	Kolodziej, Walter	McMahon, Charles	Packard, Sherman
Perkins, Amy	Perkins, Lawrence	Quandt, Matt	Reagan, John
Sedensky, John	Smith, William	Sullivan, James	Tucker, Pamela
Van Patten, Don			

STRAFFORD

Bickford, David	Groen, Warren	Twombly, James	Vita, Carol
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SULLIVAN

Osgood, Joe
and the committee report was adopted.
Ordered to third reading.
Rep. Nancy Elliott voted Yea and intended to vote Nay.

HB 420-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system.

OUGHT TO PASS WITH AMENDMENT.

Rep. Cynthia J. Dokmo for Finance: This bill permits a member of group II, who has retired due to an on the job injury and is receiving a disability pension, to earn income without restriction once years of service combined with years receiving pension benefits reaches 20 years. Currently, there is a lifetime cap on the amount that can be earned for those retirees. The committee recognizes that had the employee not been injured on the job, he or she would not have a cap on earnings when he or she served the necessary time. The amendment requires the retired disabled employee to have reached the age of 45, as must other group II employees. Vote 23-1.

Amendment (0898h)

Amend RSA 100-A:6, III(b)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The provisions of subparagraph (b)(1) shall not apply to a group II accidental disability beneficiary whose total of years of service as a member in group II plus years of accidental disability retirement is at least 20 years, as determined by the board, and who has attained the age of 45. Any such accidental disability beneficiary shall receive retirement allowance benefits under this section without reduction for gainful occupation.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bills removes the application of the gainful occupation reductions to retirement allowances of group II accidental disability beneficiaries who have years of service plus years of accidental disability retirement which total at least 20 and who has attained the age of 45. Amendment adopted.

On a division vote, 270 members having voted in the affirmative and 65 in the negative, the committee report was adopted.

Ordered to third reading.

HB 468-FN-L, relative to caps on total billings by the state to the counties for nursing home care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Fran Wendelboe for Finance: When legislation was passed changing the funding for

nursing homes to a county obligation, there were caps put in place to protect the counties from an uneven growth in expense as compared to the cost of juvenile justice that the state took over. The main concern was a growing elderly caseload as compared to a declining youth population. Caps are put into the budget to protect county taxpayers. Since budgets can be changed and knowing that if these protections are not in place, a lawsuit is likely to ensue, the committee believes it important to pass a stand alone bill to show clear legislative intent. Vote 25-0.

Amendment (1136h)

Amend the bill by replacing section 1 with the following:

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

II.(a) The total billings to all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal years 2009-~~2010~~ **2011**:

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

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

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

(b) The caps on total billings for fiscal years after fiscal year ~~2010~~ **2011** shall be established by the legislature on a biennial basis.

Amendment adopted.

Rep. Osborne offered floor amendment (1149h).

Floor Amendment (1149h)

Amend RSA 167:18-a, II as inserted by section 1 of the bill by replacing it with the following:

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

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

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

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

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

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

Rep. Osborne spoke in favor.

Floor amendment (1149h) adopted.

Committee report adopted and ordered to third reading.

HB 590-FN, relative to the retirement age for group II members. **OUGHT TO PASS.**

Rep. Cynthia J. Dokmo for Finance: This bill increases the retirement age for group II retirement system members and state employees who begin employment on or after July 1, 2009. As of that date, a group II member shall not be eligible for retirement until he or she has worked at least 25 years and shall be at least 50 years of age. Vote 22-1.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 267 NAYS 67

YEAS 267

BELKNAP

Bolster, Peter
Merry, Liz
Reever, Judith
Wendelboe, Fran

Fields, Dennis
Miller, Kate
Russell, David

Flanders, Donald
Millham, Alida
Stuart, Richard

Johnson, William
Pilliod, James
Swinford, Elaine

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Fleck, Joseph	Knox, J. David	McConkey, Mark
Patten, Betsey	Scala, Dino	Stevens, Stanley	Umberger, Karen
Wiley, Susan			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Eaton, Daniel	Emerson, Susan	Hunt, John	Johnson, Jane
Laurent, John	Lerandeau, Alfred	Meador, David	Mitchell, Bonnie
Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Sterling, Franklin Jr	Weber, Lucy	Weed, Charles	

COOS

Mears, Lucy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Stohl, Eric			

GRAFTON

Almy, Susan	Benn, Bernard	Bulis, Lyle	Cooney, Mary
Friedrich, Carol	Gionet, Edmond	Gould, Franklin	Harding, Laurie
Ingbretson, Paul	Ladd, Rick Jr	Laliberte, Suzanne	Maybeck, Margie
Mulholland, Catherine	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Preston, Philip	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Batula, Peter	Beaulieu, Jane	Beck, Catriona	Belvin, William
Bergin, Peter	Boehm, Ralph	Cebrowski, John	Chase, Claudia
Christiansen, Lars	Cote, David	Daniels, Gary	Elliott, Nancy
Gagne, Larry	Gargas, Carolyn	Graham, John	Haefner, Robert
Hammond, Jill	Hardy, Valerie	Harvey, Philip	Harvey, Suzanne
Hawkins, Ken	Hikel, John	Hinkle, Peyton	Hogan, Edith
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal	Leishman, Peter
Levesque, Melanie	Lisle, Carolyn	Mack, Ron	Matarazzo, Anthony Sr
Mead, Robert	Messier, Irene	Moran, Edward	Movsesian, Lori
O'Brien, William	O'Neil, James	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Pepino, Leo	Peterson, Andrew
Pilotte, Maurice	Price, Pamela	Ramsey, Peter	Renzullo, Andrew
Rosenwald, Cindy	Ryder, Donald	Seidel, Carl	Shattuck, Gilman
Shaw, Barbara	Silva, Peter	Soucy, Connie	Spaulding, Jayne
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Walsh, Robert Jr	Willette, Robert	Winters, Joel	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brown, Carole	Clarke, Claire
Davis, Frank	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Hess, David	Kelly, Sally
Kidder, David	Kotowski, Frank	Lockwood, Priscilla	McGuire, Carol
McMahon, Patricia	Palfrey, David	Porter, Margaret	Potter, Frances

Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

Rice, Chip
Smith, Todd
Watrous, Rick
Yeaton, Charles

Rodd, Beth
Tilton, Joy
Webb, Leigh

Schuett, Dianne
Tupper, Frank
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Case, Frank
Cushing, Robert
DiPentima, Rich
Ferrante, Beverly
Gould, Kenneth
Ingram, Russell
Katsakiores, George
Lyons, Melissa
McEachern, Paul
Nevins, Chris
Priestley, Anne
Russell, Trinka

Allen, Mary
Bettencourt, David
Casey, Kimberley
Day, Judith
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Major, Norman
McKinney, Betsy
Packard, Sherman
Rausch, James
Sapareto, Frank

Baldasaro, Alfred
Brown, C. Pennington
Comerford, Timothy
DeSimone, Debra
Dumaine, Dudley
Garritty, James
Headd, James
Itse, Daniel
Kepner, Susan
Mann, Maureen
McMahon, Charles
Pantelakos, Laura
Read, Robin Jr
Scamman, Stella

Bates, David
Cali-Pitts, Jacqueline
Crisler, Margaret
Devine, James
Elliott, Robert
Gleason, John
Hoelzel, Kathleen
Kappler, L. Mike
Kolodziej, Walter
McCarthy, Barbara
Moody, Marcia
Pettersson, Don
Reagan, John
Scamman, W.
Douglas Jr
Stiles, Nancy

Schlachman, Donna
Sullivan, James

Sedensky, John
Van Patten, Don

Smith, William
Welch, David

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Ryder, Mark
Vachon, Dennis

Bickford, David
Groen, Warren
Lauterborn, Elaine
Smith, Marjorie
Vita, Carol

Burke, Rachel
Hubbard, Pamela
Perry, Robert
Spang, Judith
Wall, Janet

Cyr, James
Kaen, Naida
Rogers, Rose Marie
Twombly, James
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte
Skinder, Carla

Gagnon, Raymond
McClammer, Jim

Sweeney, Cynthia

Gottling, Suzanne
Osgood, Joe

NAYS 67

BELKNAP

Arsenault, Beth

CARROLL

None

CHESHIRE

Carr, Daniel

Lindsey, Steven

COOS

Hatch, William

Merrick, Evalyn

Merrick, Scott

GRAFTON

Ford, Susan

HILLSBOROUGH

Baroody, Benjamin
Caron, June
Flurey, Joan
Goley, Jeffrey
Holden, Rip
L'Heureux, Robert
O'Brien, Michael Sr
Schulze, Joan
Thompson, Robert

Beauchamp, Roger
Chandley, Shannon
Gandia, Laura
Gorman, Mary
Katsiantonis, Thomas
Long, Patrick
Poznanski, Brian
Shaw, Kimberly
Williams, Carol

Boisvert, Ronald
Chininis, Alexis
Garrity, Patrick
Haley, Robert
Kelley, John
Marshall, Seth
Rhodes, Brian
Soucy, Timothy

Campbell, David
Craig, James
Gidge, Kenneth
Holden, Frank
Komi, Richard
McCarthy, Michael
Rokas, Theodoros
Sullivan, Daniel

MERRIMACK

Bartlett, Michael

Osborne, Jessie

Stetson, William

Walz, Mary Beth

ROCKINGHAM

Borden, David
Emiro, Frank
Perkins, Lawrence
Weare, Everett

Bridle, Russell
Henson, John
Quandt, Matt

Charron, Gene
Nord, Susi
Splaine, James

DiFruscia, Anthony
Perkins, Amy
Tucker, Pamela

STRAFFORD

Brown, Larry
Rollo, Deanna
Ward, Kenneth

Browne, Brendon
Rollo, Michael

Hofemann, Roland
Schmidt, Peter

Horrigan, Timothy
Sprague, Dale

SULLIVAN

None

and the committee report was adopted.

Ordered to third reading.

Rep. Berube voted Yea and intended to vote Nay.

HB 632-FN, relative to including fully certified police officers of the New Hampshire hospital campus force in group II of the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Neal M. Kurk for Finance: This bill would move police officers of the New Hampshire hospital campus security force from group I in the NH retirement system into group II. A number of years ago, when the supervision of this security force was changed from the department of health and human services to the department of safety, the department of safety assured the legislature that, due to the nature of their work, members of the hospital security force would not be included in group II, even as they became certified officers. Since that time, nothing has changed to cause the committee to re-examine the situation, and so it recommends that the bill be inexpedient to legislate. Vote 21-4.

Reps. Hawkins and Irwin spoke against.

Reps. Kurk and Marjorie Smith spoke in favor.

On a division vote, 224 members having voted in the affirmative and 99 in the negative, the committee report was adopted.

HB 25-FN-A, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: The governor's capital budget, as submitted to the committee, authorized capital expenditures totaling 140.188 million dollars in general fund bonding, including the bonding of 83.701 million dollars for the state's contribution to local school building aid. The House capital budget, as unanimously recommended by the committee, authorizes 127.47 million dollars in general fund bonds, and leverages an additional 94 million dollars in federal match and grant monies over and above the budget as presented to the committee. This total is below the 130 million dollars general fund bonding capacity limit recommended by the state treasurer to the House. The committee was unanimous in affirming a long-standing legislative policy that school building aid does not belong in the capital budget. To bond the full biennial payment of local school building aid would have consumed 2/3 of the general fund bonding capacity for the State of New Hampshire. School building aid payments by the state have tripled over the past ten years and, if left in the capital budget in the future, would eventually entirely eliminate the general fund bonding capacity for any state capital projects. One of the top priorities of the committee in rewriting the capital budget was to keep the state's continuing commitment to fund biennially the renovation of two community career technical centers (formerly called vocational-technical centers), based on a priority list generated by the department of education. This year the top two high school districts are Governor Wentworth Regional in Wolfeboro and Littleton, which are allotted a total of 15.8 million dollars. The committee also funded additional critical maintenance projects for the post -secondary NH community college system, a new radiological training facility at NHTI in Concord and the purchase and renovation of a new building in Keene by adding a total of 6.5 million dollars. The committee emphasized throughout this capital budget critical repair, renovation and construction projects that could be completed within the next two years. As amended, this capital budget expends over 150 million dollars in new construction projects in all 10 counties and in over 20 different communities throughout the state. The result of this added construction is, in fact, a 150 million dollar state-generated stimulus package that meets critical state capital construction needs and maximizes the capture and expenditure of federal dollars. By comparison, the recent federal stimulus program allocated 129 million dollars to New Hampshire for road and bridge work. As an additional criterion, the committee largely chose construction projects (from over 209 million general fund dollars in department requests) that either reduced state operating expenditures or produced additional revenue. Some of the major new construction projects added by the committee include: A \$2.5 million state bond that brings in 51 million federal dollars for infrastructure and renovations at 11 municipal airports in Berlin, Wakefield, Lebanon, Laconia, Claremont, Keene, Concord, Nashua, Manchester, Rochester and Portsmouth; authorization of \$865,000 in state bonding to complete the land purchase in Pembroke for the Adjutant General, which will allow the construction of a 34 million dollar National Guard training center 100% funded by a Homeland Security grant. This facility will be used to train National Guardsmen from across the country; \$14.5 million to Hampton Beach State Park for a new hatch shell and bathroom complex, which is estimated to generate an additional \$2.6 million annually in direct state taxes, which does not include liquor and lottery sales or the local economic impact; a \$15 million renovation of the Tobey School at the Gallen Office Park in Concord which will allow the consolidation of state boards and offices; \$4.8 million for a new liquor store in Nashua, on the existing Coliseum Avenue site, estimated to increase liquor sales by 25% or \$3 million per year; one million dollars in state-owned rail bridge repairs in Lebanon, Laconia and Concord; \$465,000 at the Dover Point DMV substation to enable a consolidation with the current Rochester facility; further consolidation of DMV facilities from Milford, Merrimack and Nashua, including the EZ-Pass Service Center, which will be accomplished by renovating the Welcome Center at Exit 6 in Nashua, while a small bus station will be built at the Exit 8 Park; and the 35 million dollar biennial funding of capital construction projects for the University of New Hampshire which continues to be funded per prior legislative authority ("KEEP"). During the current economic recession, these construction

projects will create jobs for dozens of small and large general contracting and building-related businesses and employ hundreds of workers throughout the state. The committee worked diligently to fairly spread these new and needed capital and construction projects throughout New Hampshire, “*from Coos* (\$67,000 in repairs for the 155 year old Tip Top building on the summit of Mt. Washington) *to the Sea*” (\$1 million for the Hampton Beach sea wall). Vote 17-0.

Amendment (1177h)

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. Statewide- Fire Alarm & Life Safety Upgrade	\$320,000
Less Federal	<u>-160,000</u>
Net state appropriation subparagraph A	160,000
B. D&E Storage Buildings- Additional Power & Lighting	282,000
Less Federal	<u>-141,000</u>
Net state appropriation subparagraph B	141,000
C. Roof Materials & Systems Replacement	590,000
Less Federal	<u>-295,000</u>
Net state appropriation subparagraph C	295,000
D. NHARNG-Training Site Water & Sewer	250,000
Less Federal	<u>-250,000</u>
Net state appropriation subparagraph D	0
E. Manchester-Underground Storage Tank Repairs	50,000
Less Federal	<u>-25,000</u>
Net state appropriation subparagraph E	25,000
F. National Guard Training Facility- Pembroke	<u>865,000</u>
Total state appropriation paragraph I	\$1,486,000

II. Department of Administrative Services.

A. Bureau of Court Facilities.	
1. Hillsborough County North - Asbestos Abatement	\$17,000,000
2. Hillsborough County South - Roof Replacement	507,000
3. Northern Carroll County New Roof	130,000
4. Manchester District Renovate Family Division	120,000
5. Master Plan for Courts	450,000
6. Supreme Court Parking Lot	394,295
7. Supreme Court ADA Access	275,000
8. Hillsborough County North-Renovate -Lead Certification	<u>30,000</u>
Total state appropriation subparagraph A	18,906,295
B. Bureau of General Services.	
1. Johnson Hall Renovations/Repairs	53,000
2. LOB Critical Maintenance	2,900,000
3. Morton Building New Roof	650,000
4. DHHS Replace Chillers, Tower Repairs	780,000
5. Johnson Hall New Roof	198,000
6. State House Ice Stop System	88,000
7. State Library-Repaint Brick, Internal Repairs	1,580,000
8. State House Cafeteria and Corridor, Floors, Kitchen	150,000
9. Storrs Street Garage Repairs	1,016,000
10. 4 State Buildings-Cafeteria Fire Systems	<u>42,000</u>
Total state appropriation subparagraph B	7,457,000
C. Bureau of Facilities and Asset Management.	

1. Bow Brook Pond Dredging & Dam Stoplog	1,100,000
2. Dolloff Building Drainage Improvements	80,000
3. Main Building Bakery Roof Repair	210,000
4. Hugh Gallen Ofc Pk Parking	250,000
5. Tobey Building Renovation, State Office Space	15,600,000
6. Tobey Building Parking Deck	3,500,000
7. Hugh Gallen Ofc Pk Main Building Rumford Egress Stair and Interior Stairwell	<u>305,000</u>
Total state appropriation subparagraph C	21,045,000
D. Bureau of Public Works Design and Construction.	
1. State Capitol Complex Master Plan *	<u>100,000</u>
Total state appropriation subparagraph D	100,000

* For the appropriation in subparagraph D, 1 the bureau shall hire consultants and provide support to the commission established in section 13 of this act.

E. Statewide Projects.	
1. State Owned Facilities-Energy & Lighting Improvements	3,000,000
2. All State Owned Facilities-Emergency Repairs	1,000,000
3. ERP-Information Technology-Phase II	<u>1,417,202</u>
Total state appropriation subparagraph E	<u>5,417,202</u>
Total state appropriation paragraph II	\$52,925,497

III. Community College System.*

A. Critical Maintenance	<u>\$3,000,000</u>
B. Radiology-NHTI Concord, McRury Hall Rehab.	3,500,000
C. Purchase and Renovate Roosevelt School Building – Keene	<u>1,950,000</u>
Total state appropriation paragraph III	\$8,450,000

* The community college system shall report quarterly beginning October 1, 2009 to the department of administrative services, bureau of public works design and construction, and the capital budget overview committee on the status of the projects authorized in paragraph III.

IV. Department of Corrections.

A. Women's Prison & Transitional Housing- site/design	\$2,300,000
B. MSU, Dorms, CCU, SPU, MCS, MCN-Repair Bathrooms	325,000
C. Residential Treatment Unit Phase 2	3,650,000
D. Admin East Wing-Upgrade Electric Wiring	79,000
E. MSU & Admin Bldg-Replace Sprinkler System	390,000
F. Stormwater/Sewer System-EPA order #05-13	575,000
G. SHU Tunnel-Replace & Move Sewer Lines & Duct Work	<u>150,000</u>
Total state appropriation paragraph IV	\$7,469,000

V. Department of Education.

A. Pre-Engineering Technology	\$400,000
B. Regional Career and Technical Education Center, State Share- Wolfeboro	7,786,552
C. Regional Career and Technical Education Center, State Share *	<u>8,000,000</u>
Total state appropriation paragraph V	<u>\$16,186,552</u>

* The sum appropriated to the department of education in subparagraph C shall be expended for renovation/construction of one CTE center as follows: (a) first, for a Littleton center provided the project is authorized by the Littleton school district for such purpose not later than March 31, 2010; if the Littleton center is not approved then (b) for a Laconia center provided the project is authorized by the Laconia school district for such purpose not later than March 31, 2010; or if neither the Littleton nor Laconia centers are approved then (c) for a CTE center at Pinkerton Academy, Derry.

VI. Department of Environmental Services.

A. WRBP Wastewater Treatment Plant Improvements	\$8,750,000
Less Other *	<u>-8,750,000</u>
Net state appropriation subparagraph A	0
B. Drinking Water SRF Matching Funds	<u>1,774,720</u>
Total state appropriation paragraph VI	\$1,774,720

*To provide funds for the appropriations made in subparagraph A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$8,750,000 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 Winnepesaukee River basin control replacement fund established in RSA 485-A:51.

VII. Department of Health And Human Services.

A. Brown Building Lamott Wing-Fire Alarm	\$176,000
B. Above Ground Oil Storage Compliance	92,000
C. Strategic Plan for Legacy Systems	500,000
Less Federal	<u>-250,000</u>
Net state appropriation subparagraph C	250,000
D. Facility Study-Plant Infrastructure Efficiencies	175,000
E. Incremental Renewal of HEIGHTS Phase 1	4,000,000
Less Federal	<u>-2,059,600</u>
Net state appropriation subparagraph E	<u>1,940,400</u>
Total state appropriation paragraph VII	<u>\$2,633,400</u>

VIII. Liquor Commission.

A. Hampton North Roof Replacement	\$220,000
B. Build Liquor Store - Nashua	<u>4,800,000</u>
Total state appropriation paragraph VIII	\$5,020,000

IX. Police Standards and Training Council.

A. Electrical Generators	\$740,000
Less Other *	<u>-740,000</u>
Net state appropriation subparagraph A	0
B. Indoor Firearms Range Retrofit	700,000
Less Other *	<u>-700,000</u>
Net state appropriation subparagraph B	0
Total state appropriation paragraph IX	\$0

*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 \$1,440,000 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 police standards and training council training fund established in RSA 188-F:30.

X. Department of Resources and Economic Development.

A. Statewide Roofs and Park Repairs	\$1,200,000
B. Mount Washington Tip Top House Repairs	67,000
C. Hampton Seashell and 2 Bathhouses	14,500,000
D. Hampton Beach Sea Wall Project	<u>1,000,000</u>
Total state appropriation paragraph X	\$16,767,000

XI. Department of Revenue Administration.

A. Tax System 2010	<u>\$7,000,000</u>
Total state appropriation paragraph XI	\$7,000,000

XII. Department of Transportation.

A. FAA Projects	53,635,000
Less Federal	<u>-51,135,000</u>
Net state appropriation subparagraph A	2,500,000

B. Public Transit Bus Matching Funds	333,000
C. Airport Navigation Equipment	105,000
D. Coos County Rail Improvements	850,000
E. State-Owned Rail Bridge Repair	<u>1,000,000</u>
Total state appropriation paragraph XII	\$4,788,000

XIII. Veterans' Home.

A. Life Safety Infrastructure Upgrades	\$7,200,000
Less Federal	<u>-4,680,000</u>
Net state appropriation subparagraph A	2,520,000
B. Master Plan	100,000
C. Central Shipping and Receiving/Multi-purpose Center*	1,000,000
Less Federal	<u>-650,000</u>
Net state appropriation subparagraph C	<u>350,000</u>
Total state appropriation paragraph XIII	<u>\$2,970,000</u>

* The appropriation in subparagraph C shall not be expended until receipt of the federal funds for the project.

Total state appropriation section 1 \$127,470,169

2 Appropriation; Highway Fund. Department of Administrative Services, Department of Safety, and Department of Transportation. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Safety.

A. DMV VISION Project Continuation	8,305,000
B. Dover Point DMV Substation	<u>465,000</u>
Total state appropriation paragraph I	\$8,770,000

II. Department of Transportation.

A. Underground Fuel Tank Replacement, Statewide	\$3,000,000
B. Radio Equipment Replacement, Statewide	600,000
C. Replacement of Automated Fueling System-Phase 2	500,000
D. TMC Equipment Room Fire Suppression	185,000
E. Park/Ride Exit 8, F.E. Everett Turnpike*	300,000
F. Nashua DMV, EZ Pass Customer Service**	\$250,000
G. Energy/Environmental Renovations, Statewide	<u>500,000</u>
Total state appropriation paragraph II	<u>\$5,335,000</u>

* The appropriation in subparagraph E shall be for the state share of the \$1,450,000 project funded from CMAQ funds, provided however that the appropriation shall be reduced by the amount of any turnpike funds designated for the project, any credit for land purchased by the department, or by any other department funds for the project.

** The appropriation in subparagraph F shall be a 50/50 match for turnpike or other department funds designated for the project.

Total state appropriation section 2 \$14,105,000

3 Appropriation; Fish and Game Department. The sums hereinafter detailed are appropriated for the projects specified:

I. Headquarters Roof Replacement	\$205,000
II. Regional Facilities-Maintenance Needs	100,000
III. Point of Service for Registration	<u>400,000</u>
Total state appropriation section 3	\$705,000

4 Expenditures; General. The appropriations made for the purposes mentioned in sections 1, 2, and 3 of this act 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 21-I and RSA 228.

5 Land Acquisition. Any land acquired under the appropriations made in sections 1, 2, and 3 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 or the commissioner of administrative services, as appropriate, with the approval of governor and council.

6 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$142,280,169 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.

7 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.

III. The payment of principal and interest on bonds issued for the projects in section 3 shall be made from the fish and game fund.

8 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, 2, and 3 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 6 of this act shall be reduced by the same amount.

9 Transfers. The individual project appropriations provided in sections 1, 2, and 3 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.

10 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2, and 3 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 6 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

11 Bureau of Public Works Design and Construction; Construction Inspection Services. The appropriations for those projects which are managed by the bureau of public works design and construction, department of administrative services, may be expended to fund temporary personnel for the purpose of providing construction inspection services for those projects included in sections 1, 2, and 3 of this act.

12 Department of Health and Human Services; 2007 Appropriation; Purpose Changed. Amend 2007, 264:1, IX, D to read as follows:

D. [Replacement of Huntress and Lodge Houses] ***Construction of
Community Residence****

976,000

**** For the project authorized in subparagraph D, if a community location is not available, then the new community residence may be constructed on the Hugh***

Gallen state office park south campus. The department may seek matching federal, local, or private funds to supplement these funds. Before any funds are expended, the department of health and human services shall submit a plan to the capital budget overview committee for its approval.

13 State Capitol Complex Master Plan Commission.

I. There is established a commission to study and propose a state capitol complex master plan.

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) One member appointed by the governor.

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 establish a master plan for the state house, legislative office building, state house annex, the now or former Laconia savings bank site which is owned by the state, the state library, state historical society, Upham-Walker house and the Storrs street garage. The commission shall consider: the optimal long-term use of these buildings, the best disposition and location of the state library, parking requirements, and the renovations, buildings, or structures necessary to enact the master plan. The commission shall also consider the feasibility, cost, and benefit of its recommendations.

V. The department of administrative services shall provide support to the commission and shall hire consultants using funds appropriated in this act to assist the commission.

VI. 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. Three members of the commission shall continue a quorum.

VII. The commission shall report its master plan 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, 2010.

14 2007 Capital Budget; Department of Environmental Services; Dam Repairs; Footnote Amended. Amend 2007, 264:1, VII, F to read as follows:

F. Dam Repairs, Removal and Reconstruction* 1,810,000

*The sums appropriated in subparagraph F shall be for the following projects: Pittsfield Mill dam, Waumbek dam, Pleasant Lake dam, Mendums Pond dam, Highland Lake dam, Perkins Pond dam, and Milton 3 pond. The department of environmental services ~~may~~ **shall** complete the projects authorized by contract construction in accordance with the procedures of the bureau of public works design and construction, or by force account under RSA 482. The department is authorized to reallocate appropriated funds as necessary to address emergencies or alternate repairs or reconstruction needs at other dams if delays in other projects occur. Any contract must be approved by the capital budget overview committee and the governor and council.

15 Lapse Dates Extended to June 30, 2011. The following appropriations are hereby extended to June 30, 2011:

1. The appropriation made to the adjutant general in 2003, 240:1, I, A, as extended by 2005, 259:25, II, as amended by 2006, 272:2, A, and as extended by 2007, 264:29, II, for armory renovations, disposals, or land acquisition.

2. The appropriation made to the adjutant general in 2003, 240:1, I, D, as extended by 2005, 259:25, V and 2007, 264:29, III, for joint service training facility design.

3. The appropriation made to the adjutant general in 2005, 259:1, I, C, as extended by 2007, 264:29, VI, for re-roofing building F & L.

4. The appropriation made to the adjutant general in 2007, 264:1, I, A, for armory - roofing projects.
5. The appropriation made to the adjutant general in 2007, 264:1, I, B, for armory - statewide auxiliary power.
6. The appropriation made to the adjutant general in 2007, 264:1, I, C, for armory - alarm fire systems.
7. The appropriation made to the adjutant general in 2007, 264:1, I, D, for NHSVC - columbarium expansion.
8. The appropriation made to the adjutant general in 2007, 264:1, I, E, for 195th training institute land acquisition.
9. The appropriation made to the adjutant general in 2007, 264:1, I, F, for regional training institute construction.
10. The appropriation made to the adjutant general in 2007, 264:1, I, H, for pole barn - veterans' cemetery.
11. The appropriation made to the department of administrative services - bureau of court facilities in 2003, 240:1, II, A, 1, as extended by 2005, 259:25, VII and by 2007, 264:29, VII, for architectural and engineering - Hampton district court.
12. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 2, as amended by 2007, 264:14, and as extended by 2007, 264:29, IX, for Cheshire & Merrimack county courthouse design, Keene district court design & renovate temporary space.
13. 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 and 2007, 264:29, XIX, for enterprise resource planning.
14. The appropriation made to the department of administrative services in 2006, 258:16, I, as extended by 2007, 264:29, XXI, for quality assurance evaluation, monitoring & reporting related to the implementation of the ERP system.
15. The appropriation made to the department of administrative services in 2007, 264:1, II, A, 3 for Merrimack district courthouse.
16. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 1 for state house annex - renovate restrooms.
17. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 2 for state house, state library and legislative office building – maintenance and repointing.
18. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 3 for safety building - replace HVAC chillers.
19. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 7 for legislative office building - replace ice stop system.
20. The appropriation made to the Christa McAuliffe planetarium commission in 2003, 240:1, III, H, as extended by 2005, 259:25, XVII, as amended by 2007, 264:21, and as extended by 2007, 264:29, XXII, for Christa McAuliffe planetarium - Alan Shepard memorial wing.
21. The appropriation made to the department of corrections in 2005, 259:1, IV, A, as extended by 2007, 264:29, XXVII, for electronic security upgrades-men's prison.
22. The appropriation made to the department of corrections in 2007, 264:1,V,A, for electronic security upgrades-men's prison.
23. The appropriation made to the department of corrections in 2007,264:1,V,C, for structural wall and beam repair-men's prison.
24. The appropriation made to the department of corrections in 2007,264:1,V,G, for residential treatment unit, phase 1-Concord.
25. The appropriation made to the department of education in 2001, 130:14, II, as extended by 2003, 240:34, XC, 2005, 259:25, XXI, and 2007, 264:29, XXIX, for information technology projects.

26. The appropriation made to the department of education in 2005, 259:1, V, A, as extended by 2007, 264:29, XXXI, for renovation regional career and tech ed center, Concord.
27. The appropriation made to the department of education in 2007, 264:1, VI, A, for renovation regional career and tech ed center-Exeter.
28. The appropriation made to the department of education in 2007, 264:1, VI, B, for renovation regional career and tech ed center-Manchester.
29. The appropriation made to the department of education in 2007, 264:1, VI, C, for pre-engineering technology.
30. The appropriation made to the department of environmental services in 2003, 240:1, V, A, as extended by 2005, 259:25, XXVIII and 2007, 264:29, XXXV, for hazardous waste superfund match.
31. The appropriation made to the department of environmental services in 2003, 240:1, V, C, as extended by 2005, 259:25, XXX and 2007, 264:29, XXXVII, for waste water SRF matching funds.
32. The appropriation made to the department of environmental services in 2005, 259:1, VI, A, as extended by 2007, 264:29, XXXVIII, for dam repairs, removal and reconstruction.
33. The appropriation made to the department of environmental services in 2005, 259:1, VI, B, as extended by 2007, 264:29, XXXIX, for drinking water SRF matching funds.
34. The appropriation made to the department of environmental services in 2005, 259:1, VI, C, as extended by 2007, 264:29, XL, for wastewater SRF matching funds.
35. The appropriation made to the department of environmental services in 2005, 259:1, VI, D, as extended by 2007, 264:29, XLI, for bedrock aquifer monitoring.
36. The appropriation made to the department of environmental services in 2005, 259:1, VI, F, as extended by 2007, 264:29, XLII, for north country Gorham office.
37. The appropriation made to the department of environmental services in 2007, 264:1, VII, A, for the drinking water SRF matching funds.
38. The appropriation made to the department of environmental services in 2007, 264:1, VII, B, for the wastewater SRF matching funds.
39. The appropriation made to the department of environmental services in 2007, 264:1, VII, C, the hazardous waste superfund match.
40. The appropriation made to the department of environmental services in 2007, 264:1, VII, D, for technical services - air monitoring program.
41. The appropriation made to the department of environmental services in 2007, 264:1, VII, E, for stream gauges.
42. The appropriation made to the department of environmental services in 2007, 264:1, VII, F, for dam repairs, removal and reconstruction.
43. The appropriation made to the department of environmental services in 2007, 264:1, VII, G, for Gorham office repairs and renovations.
44. The appropriation made to the fish and game department in 2005, 259:3, II, as extended by 2007, 264:29, XLVI, for hatchery system modernization.
45. The appropriation made to the fish and game department in 2005, 259:3, III, as extended by 2007, 264:29, XLVII, for dam reconstruction.
46. The appropriations made to the department of health and human services in 2007, 264:1, IX, A and B, for main building - asbestos and lead paint abatement.
47. The appropriation made to the department of health and human services in 2003, 240:11, as extended by 2007, 264:29, XLVIII, for secure facility for committed and detained juveniles.
48. The appropriation made to the department of health and human services in 2005, 259:1, VII, C, as extended by 2007, 264:29, LIV, for state office park south – electrical system upgrade.
49. The appropriation made to the department of health and human services in 2005, 259:1, VII, D, as extended by 2007, 264:29, LV, for water damage repair of buildings - Glencliff.

50. The appropriation made to the department of health and human services in 2007, 264:1, IX, C, for Brown building patient room floor abatement - Glencliff.
51. The appropriation made to the department of health and human services in 2007, 264:1, IX, D, as amended by section 12 of this act for construction of community residence.
52. The appropriation made to the department of health and human services in 2007, 264:1, IX, E, for roof replacement and electrical upgrade - Twitchell building.
53. The appropriation made to the Pease development authority by 2007, 264:1, XII, A, as amended by 2008, 5:1, for market street marine terminal pier.
54. The appropriation made to the Pease development authority by 2007, 264:1, XII, B, as amended by 2008, 5:1, for Rye harbor commercial fish pier.
55. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, D, as extended by 2005, 259:25, XXXVIII and 2007, 264:29, LXII, for Mount Washington electrification.
56. The appropriation made to the department of resources and economic development in 2005, 259:1, IX, E, as extended by 2007, 264:29, LXIII, for Mount Washington electrification.
57. The appropriation made to the office of information technology in 2005, 259:1, X, A, as extended by 2007, 264:29, LXIV, for administrative services, enterprise resource planning.
58. The appropriation made to the department of safety in 2003, 240:3, I, D, as extended by 2005, 259:25, XLI and 2007, 264:29, LXVI, for finish Troop D first floor.
59. The appropriation made to the department of safety in 2005, 259:4, I, A, as extended by 2007, 264:29, LXVII for enhanced road toll system.
60. The appropriation made to the department of safety in 2005, 259:4, I, D, as amended by 2007, 264:26, as extended by 2007, 264:29, LXX, for Milford DMV office addition & renovate trooper barracks at DOT- Bedford.
61. The appropriation made to the department of safety in 2005, 259:4, I, F, as extended by 2007, 264:29, LXXII, for radio maintenance expansion.
62. The appropriation made to the department of safety in 2007, 264:2, I, D, for OIT projects for DMV.
63. 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, 2005, 259:25, LVI, and 2007, 264:29, LXXIV, for acquisition of railroad and airport properties.
64. The appropriation made to the department of transportation in 2007, 264:1, XIV, A, for 5-10 percent match for FAA projects.
65. The appropriation made to the department of transportation in 2007, 264:1, XIV, B, for public transit bus replacement.
66. The appropriation made to the department of transportation in 2007, 264:1, XIV, C, for rail match.
67. The appropriation made to the department of transportation in 2007, 264:1, XIV, D, for repair state rail lines.
68. The appropriation made to the department of transportation in 2007, 264:1, XIV, E, for maintenance hanger at Skyhaven airport.
69. The appropriation made to the department of transportation in 2007, 264:1, XIV, F, for Groveton branch line.
70. The appropriation made to the department of transportation in 2007, 264:2, II, B, for statewide - energy/environmental renovations.
71. The appropriation made to the department of transportation in 2007, 264:2, II, C, for statewide - underground fuel tank replacement.
72. The appropriation made to the department of transportation in 2007, 264:2, II, D, for the Chesterfield welcome center.
73. The appropriation made to the department of transportation in 2007, 264:2, II, E, for a fuel center computer system.

74. The appropriation made to the department of transportation in 2007, 264:2, II, G, 1, for consolidated federal funds, state match.

75. The appropriation made to the department of transportation in 2007, 264:2, II, G, 2, for highway construction betterment.

76. The appropriation made to the department of transportation in 2007, 264:2, II, G, 3, for state highway construction aid.

77. The appropriation made to the department of transportation in 2007, 264:2, II, G, 4, for highway municipal bridge program.

78. The appropriation made to the department of transportation in 2005, 259:1, XIII, A, as extended by 2007, 264:29, LXXVII, for 2 ½ - 5 percent match for FAA projects.

79. The appropriation made to the department of transportation in 2005, 259:1, XIII, B, as extended by 2007, 264:29, LXXVIII, for public transit bus replacement.

80. The appropriation made to the department of transportation in 2005, 259:1, XIII, F, as amended by 2007, 264:20, as extended by 2007, 264:29, for railroad acquisition, right of first refusal, rail match.

81. The appropriation made to the department of transportation in 2005, 259:4, II, D, as amended by 2007 264:19, as extended by 2007, 264:29, LXXXIV, district 5 office – Bedford, renovate Manchester Troop barracks.

82. The appropriation made to the department of transportation in 2005, 259:4, II, I, as extended by 2007, 264:29, LXXXVII, Chesterfield welcome center and Antrim rest area.

83. The appropriation made to the New Hampshire veterans' home in 2003, 240:1, XII, A, as extended by 2005, 259:25, LIII and 2007, 264:29, LXXXIX, for upgrade fire safety and renovation project.

84. The appropriation made to the New Hampshire veterans' home in 2005, 259:1, XII, A, as extended by 2007 264:29, XC, for HVAC, Tarr unit roof, life safety updates.

16 Effective Date.

I. Section 15 of this act shall take effect June 30, 2009.

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

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 211-FN, relative to drivers' licenses and relative to the definition of "drivers' school."
OUGHT TO PASS.

Rep. Ron J. Mack for Ways and Means: This bill implements a \$3.00 fee for any new drivers' licenses issued due to the holders change of address. The majority of the committee felt that the fee was a fair and reasonable amount to cover the additional renewable service. Vote 17-3.

On a division vote, 215 members having voted in the affirmative and 98 in the negative, the committee report was adopted.

Ordered to third reading.

HB 383, relative to passenger restraints. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for the Majority of Ways and Means: This bill requires passenger restraint use by all motor vehicle operators and passengers unless specifically exempt by law. The committee amended the bill to reduce the fines by 50%; \$50 to \$25 for the 1st offense and \$100 to \$50 for the 2nd or subsequent offense. Vote 11-7.

Rep. David J. Bettencourt for the Minority of Ways and Means: The haste to command mandatory seat belt use in the name of "safety" has neglected to adequately examine the potential negative fiscal impact that this legislation could have on New Hampshire. Outside of the promised federal funds the state would receive for compelling seat belt use, there has been no effort to determine the cost this legislation could have on the localities and the state in dealing with deaths caused by wearing seat belts. Additionally, the minority is concerned

about the potential for hidden costs that could equal or exceed the revenue we would receive from the federal government. A bill such as this should not be considered without a thorough analysis of incidents and costs. Such a study has yet to take place.

Majority Amendment (0619h)

Amend RSA 265:107-a, VII as inserted by section 2 of the bill by replacing it with the following:

VII. Any person who violates the provisions of this section shall be guilty of a violation, and shall be subject to the following fines:

(a) \$25 for a first offense.

(b) \$50 for a second or subsequent offense.

Rep. Hansen requested a roll call; sufficiently seconded.

YEAS 312 NAYS 12

YEAS 312

BELKNAP

Arsenault, Beth	Bolster, Peter	Fields, Dennis	Flanders, Donald
Johnson, William	Merry, Liz	Miller, Kate	Millham, Alida
Pilliod, James	Reever, Judith	Russell, David	Stuart, Richard
Swinford, Elaine	Wendelboe, Fran		

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Fleck, Joseph	Knox, J. David	McConkey, Mark	Patten, Betsey
Stevens, Stanley	Umberger, Karen	Wiley, Susan	

CHESHIRE

Butcher, Suzanne	Butterworth, Timothy	Butynski, William	Carr, Daniel
Eaton, Daniel	Emerson, Susan	Hunt, John	Johnson, Jane
Laurent, John	Lerandeau, Alfred	Lindsey, Steven	Meadar, David
Mitchell, Bonnie	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Sterling, Franklin Jr	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Merrick, Scott
Rappaport, Laurence	Remick, William	Richardson, Herbert	

GRAFTON

Almy, Susan	Benn, Bernard	Bulis, Lyle	Cooney, Mary
Ford, Susan	Friedrich, Carol	Gionet, Edmond	Gould, Franklin
Harding, Laurie	Ingbretson, Paul	Ladd, Rick Jr	Laliberte, Suzanne
Mulholland, Catherine	Nordgren, Sharon	Pastor, Beatriz	Preston, Philip
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beauchamp, Roger	Beaulieu, Jane
Beck, Catriona	Belvin, William	Bergin, Peter	Boisvert, Ronald
Campbell, David	Caron, June	Cebrowski, John	Chandley, Shannon
Chase, Claudia	Chininis, Alexis	Christensen, Chris	Christiansen, Lars

Clemons, Jane
Elliott, Nancy
Garrity, Patrick
Hackel, Paul
Harvey, Philip
Hinch, Richard
Holden, Rip
Katsiantonis, Thomas
Komi, Richard
Leishman, Peter
Mack, Ron

Mead, Robert
O'Brien, William
Pellegrino, Tony
Price, Pamela
Rosenwald, Cindy
Shattuck, Gilman
Soucy, Timothy
Ulery, Jordan
Willette, Robert

Cote, David
Flurey, Joan
Goley, Jeffrey
Haefner, Robert
Harvey, Suzanne
Hinkle, Peyton
Infantine, William
Kelley, John
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

Messier, Irene
O'Neil, James
Peterson, Andrew
Renzullo, Andrew
Ryder, Donald
Shaw, Kimberly
Spaulding, Jayne
Vaillancourt, Steve
Williams, Carol

Craig, James
Gagne, Larry
Gorman, Mary
Hammond, Jill
Hawkins, Ken
Hogan, Edith
Irwin, Anne-Marie
Knowles, John
Kurk, Neal
Lisle, Carolyn
Matarazzo, Anthony
Sr

Moran, Edward
Ober, Lynne
Pilotte, Maurice
Rhodes, Brian
Schulze, Joan
Silva, Peter
Tahir, Saghir
Villeneuve, Moe
Winters, Joel

Daniels, Gary
Gargas, Carolyn
Graham, John
Hardy, Valerie
Hikel, John
Holden, Frank
Jasper, Shawn
Knowles, Mary Ann
L'Heureux, Robert
Long, Patrick
McCarthy, Michael

O'Brien, Michael Sr
Palmer, Stephen
Poznanski, Brian
Rokas, Theodoros
Seidel, Carl
Soucy, Connie
Thompson, Robert
Walsh, Robert Jr

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Smith, Todd
Walz, Mary Beth
Williams, Robert

Brown, Carole
Foose, Robert
Hess, David
McGuire, Carol
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Clarke, Claire
French, Barbara
Kidder, David
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Davis, Frank
Gile, Mary
Kotowski, Frank
Osborne, Jessie
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Bridle, Russell
Casey, Kimberley
Cushing, Robert
DiFruscia, Anthony
Emiro, Frank
Gleason, John
Hoelzel, Kathleen
Kappler, L. Mike
Lyons, Melissa
McEachern, Paul
Nevins, Chris
Pantelakos, Laura
Priestley, Anne
Reagan, John

Schlachman, Donna
Stiles, Nancy
Weare, Everett

Allen, Mary
Bettencourt, David
Brown, C. Pennington
Charron, Gene
Day, Judith
DiPentima, Rich
Ferrante, Beverly
Griffin, Mary
Ingram, Russell
Katsakiores, George
Major, Norman
McKinney, Betsy
Nord, Susi
Perkins, Amy
Quandt, Matt
Russell, Trinka

Sedensky, John
Sullivan, James
Welch, David

Baldasaro, Alfred
Bishop, Franklin
Cali-Pitts, Jacqueline
Comerford, Timothy
DeSimone, Debra
Dumaine, Dudley
Fesh, Robert
Headd, James
Introne, Robert
Kepner, Susan
Mann, Maureen
McMahon, Charles
Norelli, Terie
Perkins, Lawrence
Rausch, James
Scamman, Stella

Smith, William
Tucker, Pamela

Bates, David
Borden, David
Case, Frank
Crisler, Margaret
Devine, James
Elliott, Robert
Garrity, James
Henson, John
Itse, Daniel
Kolodziej, Walter
McCarthy, Barbara
Moody, Marcia
Packard, Sherman
Pettersen, Don
Read, Robin Jr
Scamman, W.
Douglas Jr
Splaine, James
Van Patten, Don

STRAFFORD

Berube, Roger
Burke, Rachel
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Spang, Judith
Wall, Janet

Bickford, David
Cyr, James
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Michael
Sprague, Dale
Ward, Kenneth

Brown, Larry
Grassie, Anne
Hubbard, Pamela
Perry, Robert
Schmidt, Peter
Twombly, James
Watters, David

Browne, Brendon
Groen, Warren
Kaen, Naida
Rogers, Rose Marie
Smith, Marjorie
Vita, Carol

SULLIVAN

Cloutier, John
Harris, Sandra

Rodeschin, Beverly

Donovan, Thomas Jr
Houde-Quimby,
Charlotte
Skinder, Carla

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Osgood, Joe

NAYS 12

BELKNAP

None

CARROLL

Chandler, Gene

Scala, Dino

CHESHIRE

Parkhurst, Henry

COOS

Stohl, Eric

GRAFTON

Pierce, David

HILLSBOROUGH

Gidge, Kenneth

Movsesian, Lori

Ober, Russell III

Shaw, Barbara

MERRIMACK

Anderson, Eric

Stetson, William

ROCKINGHAM

None

STRAFFORD

Vachon, Dennis

SULLIVAN

None
and the majority committee amendment was adopted.

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

Reps. Ingbretson and Winters spoke against and yielded to questions.

Rep. Sally Kelly spoke in favor and yielded to questions.

Reps. Henson and Hatch spoke in favor.

Rep. Rip Holden requested a roll call; sufficiently seconded.

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YEAS 169

BELKNAP

Bolster, Peter	Merry, Liz	Miller, Kate	Millham, Alida
Pilliod, James	Reever, Judith	Stuart, Richard	

CARROLL

Bridgham, Robert	Butler, Edward	Knox, J. David	Wiley, Susan
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CHESHIRE

Butcher, Suzanne	Butterworth, Timothy	Butynski, William	Carr, Daniel
Eaton, Daniel	Mitchell, Bonnie	Richardson, Barbara	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	Merrick, Evalyn	Merrick, Scott	Remick, William
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GRAFTON

Almy, Susan	Benn, Bernard	Bulis, Lyle	Cooney, Mary
Ford, Susan	Gould, Franklin	Harding, Laurie	Laliberte, Suzanne
Mulholland, Catherine	Nordgren, Sharon	Pierce, David	Preston, Philip
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	

HILLSBOROUGH

Baroody, Benjamin	Beck, Catriona	Bergin, Peter	Campbell, David
Caron, June	Chandley, Shannon	Chase, Claudia	Flurey, Joan
Foster, Linda	Hackel, Paul	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Irwin, Anne-Marie	Katsiantonis, Thomas
Kelley, John	Knowles, John	Knowles, Mary Ann	Komi, Richard
Kopka, Angeline	L'Heureux, Robert	Levesque, Melanie	Lisle, Carolyn
Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr	Messier, Irene
O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice	Poznanski, Brian
Rhodes, Brian	Rokas, Theodoros	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Kimberly	Soucy, Timothy	Thompson, Robert
Walsh, Robert Jr	Williams, Carol		

MERRIMACK

Bouchard, Candace	Brown, Carole	Clarke, Claire	Davis, Frank
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kelly, Sally	Kidder, David	McMahon, Patricia
Osborne, Jessie	Palfrey, David	Porter, Margaret	Potter, Frances

Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Rice, Chip
Stetson, William
Walz, Mary Beth
Williams, Robert

Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Schuett, Dianne
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Devine, James
Henson, John
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

Borden, David
Crisler, Margaret
DiPentima, Rich
Kepner, Susan
McEachern, Paul
Petterson, Don
Splaine, James

Brown, C. Pennington
Cushing, Robert
Elliott, Robert
Lyons, Melissa
Moody, Marcia
Read, Robin Jr

Case, Frank
Day, Judith
Gleason, John
Mann, Maureen
Nord, Susi
Russell, Trinka

STRAFFORD

Berube, Roger
Grassie, Anne
Lauterborn, Elaine
Rollo, Michael
Spang, Judith
Watters, David

Brown, Larry
Horrigan, Timothy
Perry, Robert
Ryder, Mark
Vachon, Dennis

Burke, Rachel
Hubbard, Pamela
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Cyr, James
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 151

BELKNAP

Arsenault, Beth
Swinford, Elaine

Fields, Dennis
Wendelboe, Fran

Flanders, Donald

Russell, David

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Buco, Thomas
Patten, Betsey

Chandler, Gene
Scala, Dino

Fleck, Joseph
Stevens, Stanley

CHESHIRE

Emerson, Susan
Lindsey, Steven

Hunt, John
Meador, David

Johnson, Jane
Parkhurst, Henry

Laurent, John
Sterling, Franklin Jr

COOS

Rappaport, Laurence

Richardson, Herbert

Stohl, Eric

GRAFTON

Friedrich, Carol
Maybeck, Margie

Gionet, Edmond
Pastor, Beatriz

Ingbretson, Paul
Ward, Brien

Ladd, Rick Jr
Williams, Burton

HILLSBOROUGH

Batula, Peter
 Boisvert, Ronald
 Clemons, Jane
 Gagne, Larry
 Gorman, Mary
 Hikel, John
 Holden, Frank
 Kurk, Neal
 Mead, Robert
 Palmer, Stephen
 Price, Pamela
 Shaw, Barbara
 Tahir, Saghir
 Willette, Robert

Beauchamp, Roger
 Cebrowski, John
 Craig, James
 Gargasz, Carolyn
 Graham, John
 Hinch, Richard
 Holden, Rip
 Leishman, Peter
 Moran, Edward
 Pellegrino, Tony
 Renzullo, Andrew
 Silva, Peter
 Ulery, Jordan
 Winters, Joel

Beaulieu, Jane
 Christensen, Chris
 Daniels, Gary
 Gidge, Kenneth
 Haefner, Robert
 Hinkle, Peyton
 Infantine, William
 Long, Patrick
 Movsesian, Lori
 Pepino, Leo
 Ryder, Donald
 Soucy, Connie
 Vaillancourt, Steve

Belvin, William
 Christiansen, Lars
 Elliott, Nancy
 Goley, Jeffrey
 Hawkins, Ken
 Hogan, Edith
 Jasper, Shawn
 McCarthy, Michael
 O'Brien, William
 Peterson, Andrew
 Seidel, Carl
 Spaulding, Jayne
 Villeneuve, Moe

MERRIMACK

Anderson, Eric
 McGuire, Carol

Hess, David
 Smith, Todd

Kotowski, Frank

Lockwood, Priscilla

ROCKINGHAM

Allen, Mary
 Bettencourt, David
 Charron, Gene
 Dumaine, Dudley
 Garrity, James
 Introne, Robert
 Katsakiores, Phyllis
 McMahon, Charles
 Perkins, Lawrence
 Scamman, Stella

Baldasaro, Alfred
 Bishop, Franklin
 Comerford, Timothy
 Emiro, Frank
 Griffin, Mary
 Itse, Daniel
 Kolodziej, Walter
 Nevins, Chris
 Priestley, Anne
 Scamman, W.
 Douglas Jr

Bates, David
 Bridle, Russell
 DeSimone, Debra
 Ferrante, Beverly
 Headd, James
 Kappler, L. Mike
 Major, Norman
 Packard, Sherman
 Quandt, Matt
 Sedensky, John

Belanger, Ronald
 Cali-Pitts, Jacqueline
 DiFruscia, Anthony
 Fesh, Robert
 Hoelzel, Kathleen
 Katsakiores, George
 McKinney, Betsy
 Perkins, Amy
 Rausch, James
 Smith, William

Stiles, Nancy
 Weare, Everett

Sullivan, James
 Welch, David

Tucker, Pamela

Van Patten, Don

STRAFFORD

Bickford, David
 Keans, Sandra

Browne, Brendon
 Sprague, Dale

Groen, Warren
 Twombly, James

Hofemann, Roland
 Vita, Carol

SULLIVAN

Osgood, Joe
 Rodeschin, Beverly
 Sweeney, Cynthia

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

HB 392-FN*, establishing an on-premises cigar, beverage, and liquor license. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Frank V. Sapareto for Ways and Means: This bill allows smoke shops and smoking parlors to allow for the consumption of alcohol at the stores where 60% of sales or more comes from cigar sales. The committee felt that allowing alcohol at the shops would enhance their business and create revenue, jobs, and business opportunities within the industry. It was further felt that the highest fees would be inappropriate for such small establishments as those shops that exist in the state are much smaller than the average cocktail lounge or bar. It was decided that a fee of \$840 for a license of this sort was commensurate with alcohol fees in other licenses. Vote 16-2.

Amendment (1147h)

Amend the bill by replacing section 2 with the following:

2 On-Premises License Fees. Amend RSA 178:29, I to read as follows:

I. On-premises licensees shall pay the following applicable fees annually:

	Supplemental Only	Beverages and Wine	Beverages and Liquor	Cocktail Lounge
Airport				\$1,200
Ballroom	\$45			\$1,200
Bed and Breakfast		\$480	\$840	
Beer Festival				
One-day	\$250			
Two-day	\$300			
Three-day	\$350			
Catering (all)				\$1,200
Catering (off-site only)				\$840
Catering (on-site only)				
18 events-	\$5			
36 events-	\$5			
52 events-	\$5			
Club Military				\$100
Club Social				
9 events	\$250			
18 events	\$450			
36 events	\$750			
52 events	\$1,200			
Club Private				\$1,200
Club Veterans				
9 events	\$250			
18 events	\$450			
36 events	\$750			
52 events	\$1,200			
College Club				\$1,200
Convention Center				\$2,400
Dining Car		\$480		\$840
Fairs		\$112		
Hotel		\$840		\$1,200
One day License				\$100
Performing Arts				\$360
Racetrack/Motor Vehicle				\$1,800
Racetrack/Pari-Mutuel				\$3,000
Rail Cars				\$1,200
Restaurant		\$480	\$840	\$1,200
Special License			\$25	
Sports/Entertainment Complex				\$1,800
9 events	\$250			
18 events	\$450			
36 events	\$750			
52 events	\$1,200			
Sports Recreation Facility				\$1,200
<i>Tobacco Retailer</i>			<i>\$840</i>	
Vessel		\$480	\$840	\$1,200
Amendment adopted.				

Committee report adopted and ordered to third reading.

HB 407-FN, establishing a lobster and crab landing license, and increasing the fee for the nonresident commercial salt water license. **OUGHT TO PASS.**

Rep. David R. Boutin for Ways and Means: This bill establishes a new license for landing lobster and crabs in New Hampshire that are caught outside state waters and increases the non-resident saltwater commercial license fee. The fees will be comparable to fees presently charged in Maine and Massachusetts to New Hampshire residents landing lobsters in those states. This bill was supported by both the New Hampshire commercial fisherman's association and the advisory committee on marine fisheries. Vote 16-2.

Committee report adopted and ordered to third reading.

HB 481-FN-A, establishing a recreational saltwater license for taking finfish in coastal and estuarine waters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis P. Vachon for Ways and Means: This bill establishes a recreational saltwater license issued by the fish and game department to individuals, charter boats, and party boats taking finfish in coastal and estuarine waters. As amended, the annual fees established by this bill are \$15 for resident and nonresident individuals, \$75 for charter boats and other for hire vessels, except party boats which would cost \$150. The fish and game department provided testimony demonstrating that the proposed fees are at the lower end of the fees which would otherwise become payable to the federal government if the state does not have a saltwater fishing license system in place by January 1, 2011. The committee agrees that these fees are reasonable and would rather see the assessment support fisheries management and enforcement as well as coastal habitat protection in the State of New Hampshire than be paid over to the federal government. Vote 15-3.

Amendment (0767h)

Amend RSA 214:9, XVI(b) as inserted by section 2 of the bill by replacing it with the following:

(b) A resident or nonresident owner or operator of a for-hire vessel who wishes to provide recreational saltwater fishing opportunities for persons taking finfish from coastal and estuarine waters, shall pay a fee for each charter boat and each party boat according to the schedule in subparagraph (e), which shall entitle the owner or operator of the licensed for-hire vessel to take, possess, or transport finfish from coastal and estuarine waters, under the restrictions of this title.

Amend RSA 214:9, XVI(e)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) \$75 for charter boats and other for hire vessels, except party boats.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 203 members having voted in the affirmative and 96 in the negative, the committee report was adopted.

Ordered to third reading.

HB 601-FN, relative to claims for compensation from the victims' assistance fund.

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

Rep. Ron J. Mack for the Majority of Ways and Means: This bill simply raises the limit of recovery from the victim's assistance fund from \$10,000 to \$30,000. This program is funded by approximately 40% state restricted expenditures from the penalty assessment fund and approximately 60% from federal funds. The committee feels that there are sufficient monies in the fund to allow this increased recovery limit and the minor expansion to the rare illegal alien who is enslaved and brought to this country by traffickers. Vote 10-8.

Rep. David J. Bettencourt for the Minority of Ways and Means: The minority understands that the scope of the Ways and Means committee is to analyze the fiscal impact of this legislation on revenues and the state budget. As such, we are deeply concerned about the effect this legislation would have fiscally on New Hampshire since it expands access to the victim's assistance fund to "individuals who are not citizens of the United States or who are not legal aliens." The minority stand firmly behind the principle that barring extenuating circumstances state services should not be extended to those who are not United States citizens. The minority is also concerned about what this expansion to the fund could mean for revenues and the state budget. Additionally, this legislation expands the time frame for filing claims for the fund, which the department of justice states will result in "information from the application process being stale which will require additional staff time to process." Expanding access to the victim's assistance fund to illegal immigrants and further straining staff duties in the department of justice are two fiscally related issues in this legislation that the minority believes make this legislation imprudent at this time.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Bettencourt offered floor amendment (1300h).

Floor Amendment (1300h)

Amend RSA 21-M:8-h, I(c) as inserted by section of the bill by replacing it with the following:

(c) A family member of a law enforcement officer and an individual who is not a citizen of the United States but who is a legal alien shall be considered victims eligible for compensation under this section.

Rep. Bettencourt spoke in favor.

Rep. Cushing spoke against and yielded to questions.

Rep. Cushing requested a roll call; sufficiently seconded.

YEAS 122 NAYS 178

YEAS 122

BELKNAP

Fields, Dennis
Wendelboe, Fran

Millham, Alida

Russell, David

Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Scala, Dino

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Taylor, Kathleen

Ingbreton, Paul
Ward, Brien

Ladd, Rick Jr
Williams, Burton

Maybeck, Margie

HILLSBOROUGH

Batula, Peter	Belvin, William	Cebrowski, John	Christensen, Chris
Christiansen, Lars	Daniels, Gary	Elliott, Nancy	Gagne, Larry
Gargas, Carolyn	Graham, John	Haefner, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Holden, Rip	Infantine, William	Jasper, Shawn	Katsiantonis, Thomas
Kurk, Neal	L'Heureux, Robert	McCarthy, Michael	Mead, Robert
Moran, Edward	O'Brien, William	Palmer, Stephen	Pellegrino, Tony
Price, Pamela	Renzullo, Andrew	Ryder, Donald	Seidel, Carl
Shaw, Kimberly	Soucy, Timothy	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert	Winters, Joel	

MERRIMACK

Anderson, Eric	Hess, David	Kidder, David	Kotowski, Frank
Lockwood, Priscilla	Palfrey, David		

ROCKINGHAM

Allen, Mary	Bates, David	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Charron, Gene	DeSimone, Debra
Devine, James	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Garrity, James	Gleason, John	Griffin, Mary	Headd, James
Hoelzel, Kathleen	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Katsakiores, George	Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman
McKinney, Betsy	Nevins, Chris	Packard, Sherman	Perkins, Amy
Perkins, Lawrence	Priestley, Anne	Rausch, James	Scamman, Stella
Scamman, W.	Sedensky, John	Smith, William	Stiles, Nancy
Douglas Jr			
Sullivan, James	Tucker, Pamela	Weare, Everett	Welch, David

STRAFFORD

Groen, Warren	Hofemann, Roland	Lauterborn, Elaine	Rollo, Michael
Vita, Carol			

SULLIVAN

Osgood, Joe	Rodeschin, Beverly
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NAYS 178

BELKNAP

Arsenault, Beth	Bolster, Peter	Merry, Liz	Miller, Kate
Pilliod, James	Reever, Judith		

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Wiley, Susan
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CHESHIRE

Butcher, Suzanne	Butterworth, Timothy	Butynski, William	Carr, Daniel
Eaton, Daniel	Lindsey, Steven	Meador, David	Parkhurst, Henry
Richardson, Barbara	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

COOS

Hatch, William

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Almy, Susan

Friedrich, Carol

Mulholland, Catherine

Smith, Suzanne

Benn, Bernard

Gould, Franklin

Nordgren, Sharon

Townsend, Charles

Cooney, Mary

Harding, Laurie

Pastor, Beatriz

Ford, Susan

Laliberte, Suzanne

Preston, Philip

HILLSBOROUGH

Baroody, Benjamin

Bergin, Peter

Chase, Claudia

Craig, James

Gidge, Kenneth

Hammond, Jill

Irwin, Anne-Marie

Komi, Richard

Lisle, Carolyn

Matarazzo, Anthony Sr

O'Neil, James

Rosenwald, Cindy

Sullivan, Daniel

Beauchamp, Roger

Boisvert, Ronald

Chininis, Alexis

Flurey, Joan

Goley, Jeffrey

Hardy, Valerie

Kelley, John

Kopka, Angeline

Long, Patrick

Messier, Irene

Poznanski, Brian

Schulze, Joan

Thompson, Robert

Beaulieu, Jane

Caron, June

Clemons, Jane

Foster, Linda

Gorman, Mary

Harvey, Philip

Knowles, John

Leishman, Peter

Mack, Ron

Movsesian, Lori

Rhodes, Brian

Shattuck, Gilman

Walsh, Robert Jr

Beck, Catriona

Chandley, Shannon

Cote, David

Garrity, Patrick

Hackel, Paul

Harvey, Suzanne

Knowles, Mary Ann

Levesque, Melanie

Marshall, Seth

O'Brien, Michael Sr

Rokas, Theodoros

Spaulding, Jayne

Williams, Carol

MERRIMACK

Bouchard, Candace

DeStefano, Stephen

Kelly, Sally

Porter, Margaret

Rodd, Beth

Tilton, Joy

Watrous, Rick

Yeaton, Charles

Brown, Carole

Foose, Robert

McGuire, Carol

Potter, Frances

Schuett, Dianne

Tupper, Frank

Webb, Leigh

Clarke, Claire

French, Barbara

McMahon, Patricia

Reardon, Tara

Shurtleff, Stephen

Wallner, Mary Jane

Wheeler, Deborah

Davis, Frank

Gile, Mary

Osborne, Jessie

Rice, Chip

Stetson, William

Walz, Mary Beth

Williams, Robert

ROCKINGHAM

Abbott, Dennis

Case, Frank

Day, Judith

Elliott, Robert

Mann, Maureen

Nord, Susi

Russell, Trinka

Borden, David

Casey, Kimberley

DiFruscia, Anthony

Henson, John

McCarthy, Barbara

Pantelakos, Laura

Schlachman, Donna

Brown, C. Pennington

Crisler, Margaret

DiPentima, Rich

Kepner, Susan

McEachern, Paul

Petterson, Don

Splaine, James

Cali-Pitts, Jacqueline

Cushing, Robert

Dumaine, Dudley

Lyons, Melissa

Moody, Marcia

Read, Robin Jr

STRAFFORD

Bickford, David

Cyr, James

Kaen, Naida

Rollo, Deanna

Spang, Judith

Ward, Kenneth

Brown, Larry

Grassie, Anne

Keans, Sandra

Ryder, Mark

Sprague, Dale

Watters, David

Browne, Brendon

Horrigian, Timothy

Perry, Robert

Schmidt, Peter

Vachon, Dennis

Burke, Rachel

Hubbard, Pamela

Rogers, Rose Marie

Smith, Marjorie

Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Harris, Sandra

and floor amendment (1300h) failed.

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

Rep. Mack spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

YEAS 181 NAYS 114

YEAS 181

BELKNAP

Arsenault, Beth
Pilliod, James

Bolster, Peter
Reever, Judith

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

McConkey, Mark

CHESHIRE

Butcher, Suzanne
Eaton, Daniel
Richardson, Barbara
Weed, Charles

Butterworth, Timothy
Lindsey, Steven
Robertson, Timothy

Butynski, William
Meador, David
Sad, Tara

Carr, Daniel
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William
Remick, William

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Smith, Suzanne

Benn, Bernard
Gould, Franklin
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

Ford, Susan
Laliberte, Suzanne
Preston, Philip

HILLSBOROUGH

Baroody, Benjamin
Boisvert, Ronald
Chininis, Alexis
Flurey, Joan
Gidge, Kenneth
Hardy, Valerie
Irwin, Anne-Marie
Komi, Richard
Lisle, Carolyn
Matarazzo, Anthony
Sr
Poznanski, Brian
Schulze, Joan

Beauchamp, Roger
Caron, June
Clemons, Jane
Foster, Linda
Goley, Jeffrey
Harvey, Philip
Kelley, John
Kopka, Angeline
Long, Patrick
Messier, Irene
Rhodes, Brian
Shattuck, Gilman

Beaulieu, Jane
Chandley, Shannon
Cote, David
Gargasz, Carolyn
Gorman, Mary
Harvey, Suzanne
Knowles, John
Leishman, Peter
Mack, Ron
Movsesian, Lori
Rokas, Theodoros
Soucy, Timothy

Beck, Catriona
Chase, Claudia
Craig, James
Garrrity, Patrick
Hackel, Paul
Holden, Frank
Knowles, Mary Ann
Levesque, Melanie
Marshall, Seth
O'Neil, James
Rosenwald, Cindy
Sullivan, Daniel

Thompson, Robert

Walsh, Robert Jr

Williams, Carol

Winters, Joel

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Kelly, Sally
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Brown, Carole
Foose, Robert
Kidder, David
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Clarke, Claire
French, Barbara
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Stetson, William
Walz, Mary Beth
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Case, Frank
Day, Judith
Kepner, Susan
McEachern, Paul
Pettersen, Don
Splaine, James

Borden, David
Casey, Kimberley
DiFruscia, Anthony
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Welch, David

Brown, C. Pennington
Crisler, Margaret
DiPentima, Rich
Mann, Maureen
Nord, Susi
Russell, Trinka

Cali-Pitts, Jacqueline
Cushing, Robert
Henson, John
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Bickford, David
Cyr, James
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Larry
Grassie, Anne
Keans, Sandra
Rollo, Michael
Spang, Judith
Ward, Kenneth

Browne, Brendon
Horriggan, Timothy
Perry, Robert
Ryder, Mark
Sprague, Dale
Watters, David

Burke, Rachel
Hubbard, Pamela
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Harris, Sandra

NAYS 114

BELKNAP

Boyce, Laurie
Swinford, Elaine

Fields, Dennis
Wendelboe, Fran

Millham, Alida

Russell, David

CARROLL

Ahlgren, Christopher
Patten, Betsey

Chandler, Gene
Scala, Dino

Fleck, Joseph
Umberger, Karen

Knox, J. David

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle	Ingbretson, Paul	Ladd, Rick Jr	Maybeck, Margie
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Batula, Peter	Belvin, William	Bergin, Peter	Cebrowski, John
Christensen, Chris	Christiansen, Lars	Daniels, Gary	Elliott, Nancy
Gagne, Larry	Graham, John	Haefner, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Rip
Infantine, William	Jasper, Shawn	Katsiantonis, Thomas	Kurk, Neal
L'Heureux, Robert	McCarthy, Michael	Mead, Robert	Moran, Edward
O'Brien, William	Palmer, Stephen	Pellegrino, Tony	Price, Pamela
Renzullo, Andrew	Ryder, Donald	Seidel, Carl	Spaulding, Jayne
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert

MERRIMACK

Anderson, Eric	Kotowski, Frank	Lockwood, Priscilla	McGuire, Carol
Palfrey, David			

ROCKINGHAM

Allen, Mary	Bates, David	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Charron, Gene	DeSimone, Debra
Devine, James	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Ferrante, Beverly	Fesh, Robert	Garrity, James	Gleason, John
Griffin, Mary	Headd, James	Hoelzel, Kathleen	Introne, Robert
Itse, Daniel	Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis
Kolodziej, Walter	Major, Norman	McKinney, Betsy	Nevins, Chris
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Priestley, Anne
Rausch, James	Scamman, Stella	Scamman, W.	Sedensky, John
		Douglas Jr	
Stiles, Nancy	Sullivan, James	Weare, Everett	

STRAFFORD

Groen, Warren	Hofemann, Roland	Lauterborn, Elaine	Vita, Carol
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SULLIVAN

Osgood, Joe	Rodeschin, Beverly	Sweeney, Cynthia
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and the committee report was adopted.
Ordered to third reading.

HB 647-FN, relative to motor vehicle fines and violations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan W. Almy for the Majority of Ways and Means: This bill came from the oversight commission on motor vehicle fines and corrects an imbalance in our speeding laws. Under current law, speeding 30 mph above the speed limit on a rural road or even in front of a school brings a lower fine than speeding at that level on the interstate. The commission recommended equalizing the fines to the interstate level so as not to send the wrong message about speeding. That includes leaving in place a statutory fine for driving 1-10 mph above speed limit, which is rarely if ever enforced. The committee amendment with the support of the policy committee and the department of safety, sets a cap on the speeds and fines above which the person ticketed must appear in court, and rewords the fines as base amounts, exclusive of a separately calculated penalty assessment. Penalty assessments change, and

this avoids having to rewrite the law each time. The amendment also has a change proposed by the department of safety and approved by the policy committee which says that youth operators and those with prior convictions for speeding, reckless driving or driving to endanger must appear in court. Vote 12-6.

Rep. David J. Bettencourt for the Minority of Ways and Means: The minority understands that it is important to promote safe road ways and that firm penalties can assist in ensuring safety, particularly within school zones and residential areas. However, the minority also believes that there is a clear distinction between stiff penalties and excessive penalties. While the committee amendment makes this legislation considerably more palatable by reducing several of the proposed fines, it still doubles or more than doubles three different penalty assessment categories for speed. Most glaringly, under this legislation, a driver may be fined \$120 for exceeding one to 10 miles per hour over the speed limit; the fine was previously \$50. Again, the minority stands firm behind the principle that speed limits must be followed and enforced, but the increases in fines proposed in this legislation are extreme and unnecessary.

Majority Amendment (1116h)

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

1 Registration Required; Fine. Amend RSA 261:40 to read as follows:

261:40 Registration Required. Except as otherwise provided, it is a violation for any person to drive or any owner or custodian to knowingly permit or cause to be driven on the ways of this state any vehicle which is not specifically exempt by statute or rule from the requirement of registration, unless the same has been registered and the appropriate fee paid in accordance with the provisions of this chapter. The fine, ***exclusive of the penalty assessment***, for a violation of this section shall be ~~[\$100]~~ **\$85**.

2 New Section; Penalties and Court Appearances; Calculation of Fines. Amend RSA 262 by inserting after section 41 the following new section:

262:41-a Calculation of Fines. Unless a fine in this title specifies that it is inclusive of the penalty assessment, the court or, in the case of a plea by mail, the department, shall levy a penalty assessment on the statutory fine amount in accordance with RSA 188-F:31.

3 Allowing an Improper Person; Fine. Amend RSA 263:1-a to read as follows:

263:1-a Allowing an Improper Person. No person shall knowingly permit a motor vehicle owned or controlled by him ***or her*** to be driven by a person who is not properly licensed or otherwise entitled to drive. Any person who violates this section shall be guilty of a violation, and if the license or driving privilege of the person allowed to drive is under suspension or revocation, the owner or person in control of the vehicle, notwithstanding title LXII, shall be fined, ***exclusive of the penalty assessment***, not less than \$100.

4 Motorcycle License; Fine. Amend RSA 263:30, II to read as follows:

II. The fine, ***exclusive of the penalty assessment***, for a violation of this section shall be ~~[\$100]~~ **\$85**.

5 Commercial Driver License Classifications; Fine. Amend RSA 263:92, II to read as follows:

II. Any driver who operates a motor vehicle in violation of the provisions of the commercial driver license classification system shall be subject to a fine, ***exclusive of the penalty assessment***, of ~~[\$100]~~ **\$85**.

6 Highway Markings; Fine. Amend RSA 265:22, II to read as follows:

II. The fine, ***exclusive of the penalty assessment***, for a violation of this section shall be ~~[\$100]~~ **\$85**.

7 Stop Signs and Yield Signs; Fine. Amend RSA 265:31, IV to read as follows:

IV. The fine, ***exclusive of the penalty assessment***, for violation of this section shall be ~~[\$100]~~ **\$85**.

8 Speed Limits; Fines and Appearances. Amend RSA 265:60, V-VI to read as follows:

V. The fines, ***exclusive of the penalty assessment***, for violation of subparagraphs ~~II(a)-(d)~~ ***II(b)-(e)*** shall be as follows:

Miles per hour above the limit specified:

1-10 ~~[\$50]~~ ***\$100***

11-15 ~~[75]~~ ***\$125***

16-20 ~~[100]~~ ***\$210***

21-25 ~~[200]~~ ***\$290***

26-30 \$415

31-39 \$450

~~[26+]~~ ***40+*** Must appear

~~[(Minimum \$350)]~~

VI. ~~[The fines for violations of subparagraph II(e) shall be as follows:~~

~~Miles above the 65 mph limit:~~

~~1-5 \$65~~

~~6-10 100~~

~~11-15 150~~

~~16-20 250~~

~~21-25 350~~

~~26+ Must appear]~~ The ***fine, exclusive of the penalty assessment, for violation of subparagraph II(a) shall be \$125.***

VII. Any person driving a vehicle at a speed more than 26 miles per hour above the limit specified who has a youth operator's license or who has 2 or more previous speeding convictions or a conviction of reckless driving or driving to endanger may not enter a plea by mail but must appear before the court.

9 Obstruction; Fine. Amend RSA 265:95, IV to read as follows:

IV. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine, ***exclusive of the penalty assessment***, of ~~[\$75]~~ ***\$60.***

10 Riding Upon Motorcycles; Fine. Amend RSA 265:120, V to read as follows:

V. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine, ***exclusive of the penalty assessment***, of ~~[\$75]~~ ***\$60.***

11 Effective Date. This act shall take effect 120 days after its passage.

AMENDED ANALYSIS

This bill modifies the fine amounts for various motor vehicle offenses, specifies that certain fine amounts exclude the penalty assessment, and changes the circumstances under which a violator must appear in court.

This bill is a request of the department of safety.

Majority committee amendment adopted.

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

Reps. Bettencourt and Winters spoke against.

Rep. Almy spoke in favor.

Rep. Belanger requested a roll call; sufficiently seconded.

YEAS 137 NAYS 153

YEAS 137

BELKNAP

Arsenault, Beth

Merry, Liz

Miller, Kate

Reever, Judith

CARROLL

Bridgham, Robert

Wiley, Susan

CHESHIRE

Butcher, Suzanne
Richardson, Barbara
Weed, Charles

Butterworth, Timothy
Robertson, Timothy

Butynski, William
Sad, Tara

Eaton, Daniel
Weber, Lucy

COOS

Hatch, William

Mears, Lucy

Merrick, Evalyn

GRAFTON

Almy, Susan
Gould, Franklin
Nordgren, Sharon
Taylor, Kathleen

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

Cooney, Mary
Laliberte, Suzanne
Preston, Philip

Ford, Susan
Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Caron, June
Flurey, Joan
Gorman, Mary
Harvey, Suzanne
Knowles, Mary Ann
Lisle, Carolyn
O'Brien, Michael Sr
Schulze, Joan
Walsh, Robert Jr

Beaulieu, Jane
Chandley, Shannon
Foster, Linda
Hackel, Paul
Irwin, Anne-Marie
Kopka, Angeline
Mack, Ron
Rhodes, Brian
Shattuck, Gilman
Willette, Robert

Beck, Catriona
Chase, Claudia
Garrity, Patrick
Hardy, Valerie
Kelley, John
Leishman, Peter
Marshall, Seth
Rokas, Theodoros
Thompson, Robert
Williams, Carol

Bergin, Peter
Cote, David
Goley, Jeffrey
Harvey, Philip
Knowles, John
Levesque, Melanie
Movsesian, Lori
Rosenwald, Cindy
Ulery, Jordan

MERRIMACK

Bouchard, Candace
Foose, Robert
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth
Yeaton, Charles

Brown, Carole
French, Barbara
Osborne, Jessie
Rice, Chip
Tilton, Joy
Webb, Leigh

Davis, Frank
Gile, Mary
Porter, Margaret
Rodd, Beth
Tupper, Frank
Wheeler, Deborah

DeStefano, Stephen
Kelly, Sally
Potter, Frances
Schuett, Dianne
Wallner, Mary Jane
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Cushing, Robert
Kepner, Susan
Moody, Marcia
Read, Robin Jr

Borden, David
Day, Judith
Lyons, Melissa
Nord, Susi
Russell, Trink

Brown, C. Pennington
DiFruscia, Anthony
Mann, Maureen
Pantelakos, Laura
Splaine, James

Casey, Kimberley
DiPentima, Rich
McCarthy, Barbara
Pettersen, Don
Weare, Everett

STRAFFORD

Browne, Brendon
Hubbard, Pamela
Schmidt, Peter
Ward, Kenneth

Burke, Rachel
Kaen, Naida
Smith, Marjorie
Watters, David

Grassie, Anne
Rogers, Rose Marie
Spang, Judith

Horrigan, Timothy
Rollo, Deanna
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Gottling, Suzanne

Harris, Sandra

Houde-Quimby,
Charlotte

McClammer, Jim

Skinder, Carla

NAYS 153

BELKNAP

Bolster, Peter
Pilliod, James

Boyce, Laurie
Russell, David

Fields, Dennis
Swinford, Elaine

Millham, Alida
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Fleck, Joseph
Scala, Dino

Buco, Thomas
Knox, J. David
Umberger, Karen

Butler, Edward
McConkey, Mark

Chandler, Gene
Patten, Betsey

CHESHIRE

Carr, Daniel
Laurent, John
Sterling, Franklin Jr

Emerson, Susan
Lindsey, Steven

Hunt, John
Meader, David

Johnson, Jane
Parkhurst, Henry

COOS

Merrick, Scott
Stohl, Eric

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle
Maybeck, Margie

Friedrich, Carol
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Chininis, Alexis
Craig, James
Gargas, Carolyn
Hawkins, Ken
Holden, Frank
Katsiantonis, Thomas
Levasseur, Nickolas

Beauchamp, Roger
Christensen, Chris
Daniels, Gary
Gidge, Kenneth
Hikel, John
Holden, Rip
Komi, Richard
Long, Patrick

Belvin, William
Christiansen, Lars
Elliott, Nancy
Graham, John
Hinch, Richard
Infantine, William
Kurk, Neal
Matarazzo, Anthony
Sr

Boisvert, Ronald
Clemons, Jane
Gagne, Larry
Haefner, Robert
Hogan, Edith
Jasper, Shawn
L'Heureux, Robert
McCarthy, Michael

Mead, Robert
O'Neil, James
Price, Pamela
Soucy, Timothy
Villeneuve, Moe

Messier, Irene
Palmer, Stephen
Renzullo, Andrew
Spaulding, Jayne
Winters, Joel

Moran, Edward
Pellegrino, Tony
Ryder, Donald
Sullivan, Daniel

O'Brien, William
Poznanski, Brian
Seidel, Carl
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Lockwood, Priscilla

Clarke, Claire
McGuire, Carol

Kidder, David
Palfrey, David

Kotowski, Frank
Stetson, William

ROCKINGHAM

Allen, Mary
Bishop, Franklin
DeSimone, Debra

Bates, David
Bridle, Russell
Devine, James

Belanger, Ronald
Charron, Gene
Dumaine, Dudley

Bettencourt, David
Crisler, Margaret
Elliott, Robert

Emiro, Frank	Ferrante, Beverly	Fesh, Robert	Garritty, James
Gleason, John	Griffin, Mary	Headd, James	Henson, John
Hoelzel, Kathleen	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Katsakiores, George	Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman
McEachern, Paul	McKinney, Betsy	Nevins, Chris	Packard, Sherman
Priestley, Anne	Rausch, James	Scamman, Stella	Scamman, W.
			Douglas Jr
Sedensky, John	Stiles, Nancy	Sullivan, James	Welch, David

STRAFFORD

Bickford, David	Brown, Larry	Cyr, James	Groen, Warren
Hofemann, Roland	Keans, Sandra	Lauterborn, Elaine	Perry, Robert
Rollo, Michael	Ryder, Mark	Sprague, Dale	Vachon, Dennis
Vita, Carol			

SULLIVAN

Osgood, Joe Rodeschin, Beverly Sweeney, Cynthia
and the majority committee report failed.
Rep. Bettencourt moved Inexpedient to Legislate.
Motion adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 74 and 99.

Rep. Schuett, Sen. D'Allesandro for the Committee

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it adopted the motion of Inexpedient to Legislate on ***HB 647-FN***, relative to motor vehicle fines and violations.

Rep. Vaillancourt spoke against.

On a division vote, 99 members having voted in the affirmative and 188 in the negative, the motion failed.

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 Wednesday, April 22, 2009 at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

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

HB 391, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

HB 420-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system.

HB 468-FN-L, relative to caps on total billings by the state to the counties for nursing home care.

HB 590-FN, relative to the retirement age for group II members.

HB 25-FN-A, making appropriations for capital improvements.

HB 211-FN, relative to drivers' licenses and relative to the definition of "drivers' school."

HB 383, relative to passenger restraints.

HB 392-FN, establishing an on-premises cigar, beverage, and liquor license.

HB 407-FN, establishing a lobster and crab landing license, and increasing the fee for the nonresident commercial salt water license.

HB 481-FN-A, establishing a recreational saltwater license for taking finfish in coastal and estuarine waters.

HB 601-FN, relative to claims for compensation from the victims' assistance fund.

UNANIMOUS CONSENT

Rep. Bergin addressed the House.

RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purposes of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Adopted.

The House recessed at 6:30 p.m.

RECESS

(Rep. Benn in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 182, 284, 451, 526, 612 and 633 and Senate Bills numbered 39 and 77.

Rep. Schuett, Sen. D'Allesandro for the Committee

RECESS

(Rep. Irwin in the Chair)

RESOLUTION

Rep. Houde-Quimby offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 5, 40, 59, 78, 85, 90, 97, 123, 132, 134, 142, 151, 153, 167, 172, 188, 195, 202, 203 and 205 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

First, second reading and referral

SB 5, prohibiting retailers from disclosing private customer information to foreign states in connection with the collection of certain sales and use taxes. (Commerce and Consumer Affairs)

SB 40, relative to protecting workers and local governments with advance notice of impending plant closings and layoffs. (Labor, Industrial and Rehabilitative Services)

SB 59, relative to the renovation and replacement of school buildings. (Education)

SB 78, relative to contractor accountability and disclosure in the public works construction procurement process. (Public Works and Highways)

SB 85, relative to the commission to develop a plan for the expansion of transmission capacity in the north country. (Science, Technology and Energy)

SB 90, establishing a private right of action for pharmacies against health maintenance organizations. (Judiciary)

SB 97, establishing a committee to study the standards and procedures by which certain information should be provided to electrical service customers. (Science, Technology and Energy)

SB 123, relative to agricultural restricted grants. (Environment and Agriculture)

SB 132, establishing a commission to develop implementation plans for merging state agencies and programs to enhance efficiency and lower costs. (Executive Departments and Administration)

SB 134-FN, relative to the comprehensive shoreland protection act. (Resources, Recreation and Development)

SB 142, relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators. (Criminal Justice and Public Safety)

SB 151, relative to quorum requirements for public bodies for which a quorum is not expressly declared. (Executive Departments and Administration)

SB 153, relative to business practices between motor vehicle manufacturers, distributors, and dealers. (Commerce and Consumer Affairs)

SB 167-FN, relative to employee leasing companies. (Labor, Industrial and Rehabilitative Services)

SB 172, relative to eligibility for state-federal extended unemployment benefits. (Labor, Industrial and Rehabilitative Services)

SB 188, relative to establishing a commission to study hospital billing practices of health care providers. (Commerce and Consumer Affairs)

SB 195, relative to procedures for the trimming, cutting, or removal of trees by utilities. (Municipal and County Government)

SB 202-FN-L, relative to employee candidate background checks by municipalities. (Municipal and County Government)

SB 203, relative to liability protection for railroad operators operating alongside recreational trails. (Resources, Recreation and Development)

SB 205-FN, making various changes to the criminal statutes. (Criminal Justice and Public Safety)

SENATE MESSAGES

CONCURRENCE

HB 162, relative to recycled and rebuilt vehicles.

HB 182, relative to fish and game department authorization to administer programs involving federal aid, and relative to biennial reports of the department.

HB 284-FN, increasing the contract amount that triggers the bond requirement on public projects.

HB 451, authorizing a transaction fee for license agents electronically issuing fish and game licenses.

HB 483, establishing the developmental services quality council.

HB 526, changing certain references in fish and game laws to river herring.

HB 545-FN, relative to the wildlife damage control program in the fish and game department.

HB 594-FN, relative to the medicaid pharmacy benefits management program.

HB 612, relative to the suspension or revocation of fish and game licenses.

HB 633-FN, relative to eligibility for medical benefits payment by the retirement system for certain group I teacher and political subdivision employee members.

CONCURRENCE WITH AMENDMENTS

SB 39-FN-L, relative to municipal and state deposits, authorizing special meetings for considering an appropriate response to the American Recovery and Reinvestment Act of 2009, and relative to certain administrative rules.

SB 77, renaming the Christa McAuliffe planetarium the McAuliffe-Shepard discovery center.

RECESS

(Rep. Jasper in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 162 and 594.

Rep. Schuett, Sen. D'Allesandro for the Committee

RECESS