

# Bill as Introduced

HB 638-FN-A - AS INTRODUCED

2009 SESSION

09-0611

09/01

HOUSE BILL

**638-FN-A**

AN ACT

increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

SPONSORS:

Rep. Butynski, Ches 4; Rep. Hatch, Coos 3; Rep. Bridgham, Carr 2; Rep. Pilliod, Belk 5; Rep. Emerton, Hills 7

COMMITTEE:

Ways and Means

---

ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

-----  
Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT            increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Tobacco Tax Increased. Amend RSA 78:7 to read as follows:

2            78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.33~~] **\$2.33**  
3 for each package containing 20 cigarettes or at a rate proportional to such rate for packages  
4 containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment  
5 of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in  
6 which such products usually are sold at retail. The word "package" as used in this section shall not  
7 include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this  
8 state is prohibited by the Constitution of the United States.

9            2 Distribution of Funds. Amend RSA 78:32 to read as follows:

10           78:32 Distribution of Funds.

11           I. The commissioner shall determine the additional amount of revenue produced by any  
12 additional tax in excess of 37 cents **and up to and including 42 cents** for each package containing  
13 20 cigarettes or at a rate proportional to such rate for packages containing more or less than  
14 20 cigarettes, on all tobacco products sold at retail in this state imposed by RSA 78:7 and shall  
15 certify such amount to the state treasurer by October 1 of each year for deposit in the [~~education~~  
16 ~~trust fund established by RSA 198:39~~] **comprehensive cancer plan fund established pursuant**  
17 **to RSA 126-A:64.**

18           II.(a) *The commissioner shall determine the additional amount of revenue*  
19 *produced by any additional tax in excess of 42 cents for each package containing*  
20 *20 cigarettes or at a rate proportional to such rate for packages containing more or less*  
21 *than 20 cigarettes, on all tobacco products sold at retail in this state imposed by RSA 78:7*  
22 *and shall certify such amount to the state treasurer by October 1 of each year for deposit in*  
23 *the education trust fund established by RSA 198:39.*

24           [~~H.~~](b) The commissioner shall make quarterly estimates of the amount of additional  
25 revenues that will be produced by such increase in tax rate for the next fiscal year and shall certify  
26 such amount to the state treasurer for deposit in the education trust fund established by  
27 RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of  
28 each year.

29           3 Comprehensive Cancer Plan Fund. Amend the introductory paragraph of RSA 126-A:64 to  
30 read as follows:

1       126-A:64 Comprehensive Cancer Plan Fund. There is hereby established in the office of the  
2 state treasurer the comprehensive cancer plan fund, to be administered by the department of health  
3 and human services. *A portion of tobacco tax revenues shall be deposited annually in the*  
4 *fund, pursuant to RSA 78:32, I.* The department is authorized to accept public sector and private  
5 sector grants, gifts, donations, and appropriations for deposit into the fund. The fund shall be  
6 nonlapsing and continually appropriated to the department, and shall be used to implement the  
7 provisions of the New Hampshire comprehensive cancer plan as developed by the New Hampshire  
8 comprehensive cancer collaboration. The fund shall be expended annually for the following  
9 purposes, with allocations determined by the comprehensive cancer plan oversight board:

10       4 Applicability. Section 1 of this act shall apply to all persons licensed under RSA 78:2. Such  
11 persons shall inventory all taxable tobacco products in their possession and file a report of such  
12 inventory with the department of revenue administration on a form prescribed by the commissioner  
13 within 20 days after the effective date of this act. The tax rate effective July 1, 2009 shall apply to  
14 such inventory and the difference, if any, in the amount paid previously on such inventory and the  
15 current effective rate of tax shall be paid with the inventory form. The inventory form shall be  
16 treated as a tax return for the purpose of computing penalties under RSA 21-J.

17       5 Effective Date. This act shall take effect July 1, 2009.

LBAO  
09-0611  
01/22/09

**HB 638-FN-A - FISCAL NOTE**

AN ACT            increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Revenue Administration. When completed, the fiscal note will be forwarded to the House Clerk's Office.

LBAO  
09-0611  
Revised 03/02/09

**HB 638 FISCAL NOTE**

AN ACT            increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

**FISCAL IMPACT:**

The Department of Revenue Administration states this bill will decrease state general fund revenue by \$27,324,977 in FY 2010 and each year thereafter. This bill will increase restricted education trust fund revenue by \$6,331,289 in FY 2010 and decrease restricted education trust fund revenue by \$5,668,711 in FY 2011 and each year thereafter. This bill increases restricted cancer fund revenue by \$3,162,018 in FY 2010 and each year thereafter. This bill has no fiscal impact on county and local revenue and state, county, and local expenditures.

**METHODOLOGY:**

The Department of Revenue Administration states this bill increases the tobacco tax rate from \$1.33 per package to \$2.33 per package. Tax revenue produced up to 37 cents per package will be deposited in the general fund, tax revenue produced in excess of 37 cents and up to and including 42 cents per package will be deposited in the comprehensive cancer plan fund, and tax revenue in excess of 42 cents for each package will be deposited in the education trust fund.

The Department states the current tobacco tax rate of \$1.33 results in tax revenue of approximately \$187,932,579 annually. According to the NHDRA Tobacco Tax Increase Model, an increase in the rate from \$1.33 to \$2.33 per pack will result in tax revenues of approximately \$158,100,909 annually, resulting in a net loss of \$29,831,670 annually (\$187,932,579 - \$158,100,909). The schedule below represents the annual anticipated revenue resulting from this bill with the applicable distributions based on percentages of the \$2.33 per package tobacco tax:

	Current		Proposed		Effect
General Fund	28%	\$52,621,122	16%	\$25,296,145	(\$27,324,977)
Education Trust Fund	72%	\$135,311,457	82%	\$129,642,746	(\$5,668,711)
Cancer Fund	0%	\$0	2%	\$3,162,018	\$3,162,018
<b>Total</b>	<b>100%</b>	<b>\$187,932,579</b>	<b>100%</b>	<b>\$158,100,909</b>	<b>(\$29,831,670)</b>

**HB 638-FN-A - AS INTRODUCED**

The Department states the tobacco tax rate increase results in a decrease in tobacco sales due to price elasticity and the loss of cross border sales. Also, there are 12,000,000 packages of cigarette inventory currently in the market place in which the \$1 increase will apply to, generating \$12,000,000 in additional tax revenue deposited in the education trust fund in FY 2010. The following schedule represents the impact on revenue from the proposed tobacco tax in FY 2010 through FY 2013:

	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
General Fund (16%)	\$25,296,145	\$25,296,145	\$25,296,145	\$25,296,145
Education Trust Fund (82%)	\$129,642,746	\$129,642,746	\$129,642,746	\$129,642,746
Current Inventory	\$12,000,000			
Cancer Fund (2%)	\$3,162,018	\$3,162,018	\$3,162,018	\$3,162,018
Proposed Revenues	\$170,100,909	\$158,100,909	\$158,100,909	\$158,100,909
<i>Less: Current Revenues</i>	\$187,932,579	\$187,932,579	\$187,932,579	\$187,932,579
<b>Revenue Decrease . . . .</b>	<b>(\$17,831,670)</b>	<b>(\$29,831,670)</b>	<b>(\$29,831,670)</b>	<b>(\$29,831,670)</b>

The Department states this bill will decrease state general fund revenue by \$27,324,977 in FY 2010 and each year thereafter. This bill will increase restricted education trust fund revenue by \$6,331,289 in FY 2010 and decrease restricted education trust fund revenue by \$5,668,711 in FY 2011 and each year thereafter. This bill will increase restricted cancer fund revenue by \$3,162,018 in FY 2010 and each year thereafter.

# Amendments



Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0563h  
05/09

Amendment to HB 638-FN-A

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

2

3 AN ACT            increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4                            comprehensive cancer plan fund, and establishing the motor vehicle air pollution  
5                            abatement fund.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9        5 New Subparagraph; General Revenue Exemptions; Motor Vehicle Air Pollution Abatement  
10 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:  
11                            (277) Funds deposited in the motor vehicle air pollution abatement fund established  
12 in RSA 125-S:3.

13        6 New Chapter; Motor Vehicle Air Pollution Abatement Fund. Amend RSA by inserting after  
14 chapter 125-R the following new chapter:

15

CHAPTER 125-S

16

MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

17        125-S:1 Purpose. The general court finds that emissions of air contaminants from motor  
18 vehicles represent a potential serious health problem to the citizens of New Hampshire and a threat  
19 to the air quality of the state. The purpose of this chapter is to establish a fund to be used for costs  
20 incurred by the department of environmental services in the prevention and abatement of emissions  
21 of air contaminants from motor vehicles registered for on-road use in the state of New Hampshire.

22        125-S:2 Definitions. In this chapter:

23

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

24

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

26

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

28

29        125-S:3 Fund Established. There is established a motor vehicle air pollution abatement fund,  
30 which shall be administered by the department of environmental services. This fund shall be used  
31 for costs incurred by the department in the course of carrying out activities that are designed to  
32 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

Amendment to HB 638-FN-A

- Page 2 -



1 special nonlapsing fund to be known as the motor vehicle air pollution abatement fund and shall be  
2 continually appropriated to the department for the administration of this chapter.

3 125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement  
4 fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2.

5 7 Inspection Sticker Fees. Amend RSA 266:2 to read as follows:

6 266:2 Fees. The fee for inspection stickers shall be [~~\$2.50~~] **\$3.00** for each sticker furnished an  
7 approved inspection station. ***The division shall transfer \$.25 of each fee collected under this***  
8 ***section to the motor vehicle air pollution abatement fund established by RSA 125-S:3.*** All  
9 unused stickers returned by the approved inspection station to the division shall be refundable at the  
10 rate of [~~\$2.50~~] **\$3.00** each, except that unused stickers purchased from the division for a fee of \$2.50  
11 shall be refundable at the rate of \$2.50 each.

12 8 Effective Date. This act shall take effect July 1, 2009.



2009-0563h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

II. 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.

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0573h  
04/09

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund and amending the department of transportation's  
5 oversize and overweight permit fee schedule.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 Equipment of Vehicles; Permit Fees. Amend RSA 266:22 to read as follows:

10 266:22 Permit Fees. Before any special permit authorized by RSA 266:24 is issued, the  
11 commissioner of transportation shall collect fees as follows:

12 I. Each permit for either over-length, over-width or over-height or any combination thereof,  
13 [~~\$6~~] **\$9**;

14 II. Each permit for vehicle and load over-weight, fee based on the following schedule:  
15 vehicle and load over registered weight but not exceeding 50,000 pounds, [~~\$5.50~~] **\$9**; 50,001 pounds  
16 to 60,000 pounds, [~~\$6.50~~] **\$11**; 60,001 pounds to 70,000 pounds, [~~\$7.50~~] **\$13**; 70,001 pounds to 80,000  
17 pounds, [~~\$8.50~~] **\$15**; 80,001 pounds to 90,000 pounds, [~~\$9.50~~] **\$17**; 90,001 pounds to 100,000 pounds,  
18 [~~\$10.50~~] **\$19**; and for each additional 10,000 pounds [~~\$2~~] **\$3.50** shall be added to the above rate;

19 III. Provided a special **annual oversize** permit may be issued to a person to cover all types  
20 of **oversize** moves made within a radius of 100 miles from the person's home location for a fee of  
21 [~~\$60~~] **\$90** for each unit. Permits issued under the provisions of this paragraph may be issued for  
22 such time as the commissioner of transportation may determine.

23 IV. Provided further that a special annual **oversize** permit may be issued to a person to  
24 cover all types of **oversize** moves for a fee of [~~\$115~~] **\$180** for each unit. Each permit issued under  
25 the provisions of this paragraph shall be issued for one year;

26 ***IV-a. Provided further that a book of 25 "in-transit" permits may be issued for a fee***  
27 ***of \$75. Applicants may request authorization of an in-transit permit from the permit office***  
28 ***for annual permits, supplemental permits, or single trip permits. Permit fees for single***  
29 ***trip permits shall be collected pursuant to paragraphs I and II for each authorized in-***  
30 ***transit permit;***

31 ***IV-b. Provided further that the department may provide specialized engineering***  
32 ***review of proposed travel over weight-limited posted bridges or for supermoves for a fee of***

Amendment to HB 638-FN-A

- Page 2 -



1 *\$65 per hour. All fees collected shall be deposited in the highway fund.*

2 V. The provisions of this section shall not apply to any special permit authorized by  
3 RSA 266:24 issued for farm equipment.

4 6 Effective Date. This act shall take effect July 1, 2009.



2009-0573h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. The bill also amends the department of transportation's oversize and overweight permit fee schedule.

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0577h  
03/09

Amendment to HB 638-FN-A

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

2

3 AN ACT                    increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund and relative to fees for certain food and beverage  
5 licenses.  
6

7 Amend the bill by inserting after section 4 the following and renumbering the original section 5 to  
8 read as 9:

9

10        5 Department of Health and Human Services; Homestead Food License. Amend RSA 143-A:12,  
11 II to read as follows:

12            II. There is hereby established a 2-level homestead license. ~~[For a level one license, a one-~~  
13 ~~time fee of \$25 shall be paid to the department of health and human services. The level 2 homestead~~  
14 ~~license shall be based on gross sales.] **Fees for each level shall be established by rule under**~~  
15 **RSA 143-A:13, V.** It shall be unlawful for a processor or a manufacturer to operate a homestead  
16 without a homestead license as required under this subdivision. The commissioner and the  
17 commissioner of the department of agriculture, markets, and food shall administer the homestead  
18 licensure required under this subdivision.

19        6 Department of Health and Human Services; Homestead Food License; Rulemaking. Amend  
20 RSA 143-A:13, V to read as follows:

21            V. Fees for [a] level **1 and 2** [license] **licenses**, including application fees and fees for  
22 renewal.

23        7 Manufacture and Sale of Beverages. Amend RSA 143:12 to read as follows:

24        143:12 Registration by Nonresident Vendors. No beverage or beverage concentrate, for retail  
25 sale, manufactured out of the state, shall be sold or offered for sale within the state unless the same  
26 has first been registered by its manufacturer or by the manufacturer's agent with the department of  
27 health and human services. Such registration shall be in form similar to that provided in  
28 RSA 143:11 and shall be issued subject to suspension, revocation, and cancellation as elsewhere  
29 specified in this subdivision for licenses. An annual registration fee ~~[of \$140]~~ **established by rule**  
30 **under RSA 143:6, II(a)**, to defray the cost of inspection and analysis of all the products of the same  
31 manufacturing plant, shall be paid to the department of health and human services by the  
32 manufacturer, importer, agent, or vendor.

Amendment to HB 638-FN-A

- Page 2 -



1           8 Department of Health and Human Services; Manufacture and Sale of Beverages; Rulemaking.

2

3 Amend RSA 143:6, II(a) to read as follows:

4

5           (a) Licenses, license classes, and fees under RSA 143:11 *and RSA 143:12.*





2009-0577h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. This bill also makes changes in the fees for level 1 of the homestead license and the nonresident registration fee for the manufacture and sale of beverages.

# Committee Minutes

HOUSE COMMITTEE ON WAYS AND MEANS  
FULL COMMITTEE WORK SESSION ON HB 638

**BILL TITLE:** 0572 driveway permits  
**DATE:** 3/12/09  
**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 2:38 p.m.  
**Time Adjourned:** 2.56 p.m.

(please circle if present)

**Committee Members:** Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Ulery and Osgood.

**Bill Sponsors:** Reps. M. Smith, S. Almy

**TESTIMONY**

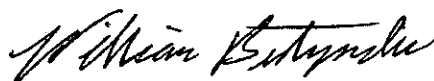
\* Use asterisk if written testimony and/or amendments are submitted.

\***Jeff Brillhart and Mike Pillsbury**, DOT, submitted written testimony

**Gary Abbot**, representing Associated General Contractors of NH

-like the proposed scale of trips and will send the information to members and provide feedback to subcommittee meeting on Monday.

Respectfully submitted,



Rep. Wm. Butynski,  
Clerk of the Committee

2:35 PM

Amendment #0572 re - "free low costs of performing engineering" .. driving points

★ ~~Jim Bullharts~~ + ~~Alfred Pellebury~~, DOT  
see HANDOUT

Gary Abbott, Associated General Contractors of NH - takes the prepared scale of Timber ~~payments~~ & will send the information & members and provide feedback to

2:56 PM Subcommittee <sup>meeting</sup> ~~ass~~ Monday

3:07 PM Amendment #0562 (w) - "relating to the DOE's subsurface systems program" - #10664 budget, + #15000000 - sub 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

★ ~~DOE~~ ~~Committee~~ Tom Bracker, Harry Stewart, Susan Carlson + Randy Pelletier all of DHS

- Comm. Bracker's transcript includes a new Amendment - believe the program should be fee funded, rather than funded by the General Fund

- Harry Stewart on new Amendment to Amendment #0562 (w)

~~Randy Pelletier of DHS~~ ~~transcript~~ ~~of meeting~~

3:40 PM



3/12/09

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0572h  
04/09

Amendment to HB 638-FN-A

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

2

3 AN ACT                    increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4                                comprehensive cancer plan fund, and establishing a fee for the costs of performing  
5                                engineering reviews and construction inspections associated with the issuance of  
6                                driveway permits.  
7

8 Amend the bill by replacing all after section 4 with the following:

9

10            5 New Subparagraph; Driveways and Other Accesses to the Public Way. Amend RSA 236:13, III  
11 by inserting after subparagraph (c) the following new subparagraph:

12                    (d) The department of transportation may charge a fee to cover costs expended to  
13 perform engineering reviews and construction inspections associated with the issuance of driveway  
14 permits required under this section. The fee for work performed by department technical and  
15 engineering personnel shall be \$65 per hour, and in no case shall the total fee exceed \$6,500. The fee  
16 for work performed by consultants engaged by the department to assist with this work shall be the  
17 actual costs charged by the consultant. The actual fee for department of transportation hours and  
18 consultant work for any single permit application shall not exceed \$25,000. All fees collected under  
19 this subparagraph shall be deposited in the highway fund.

20            6 New Paragraph; Department of Transportation; Required Rulemaking. Amend RSA 21-L:12  
21 by inserting after paragraph X the following new paragraph:

22                    X-a. Fees for driveway construction permits pursuant to RSA 236:13, III(d).

23            7 Effective Date. This act shall take effect July 1, 2009.

2009-0572h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

II. Establishes a fee for the costs of performing engineering reviews and construction inspections associated with the issuance of driveway permits, and requires such fees to be deposited into the highway fund.

POT Amendment to HB 2

109 New Subparagraph; Driveways and Other Accesses to the Public Way. Amend RSA 236:13, III by inserting after subparagraph (c) the following new subparagraph:

(d) The department of transportation may charge a fee to cover costs expended to perform engineering reviews and construction inspections associated with the issuance of driveway permits required under this section subparagraphs III (a) and (b) associated with the issuance of driveway permits for access to a proposed commercial or industrial enterprise, or to a subdivision, that require a traffic impact study to consider traffic impacts that approach or exceed 100 or more trip ends (total entering plus exiting volume) at the site drive in the peak traffic flow hour, or at a location in high traffic area within 1000 feet of a signalized intersection. The fee for work performed by department technical and engineering personnel shall be \$65 per hour, and in no case shall the total fee exceed \$6,500. shall be assessed in accordance with the following schedule:

Less than 100 trip ends	\$0	
100-300 trip ends	\$ 7,500	- 09, Ranton Route re metal front
301-600 trip ends	\$15,000	- 09, Concession store; direct
601-900 trip ends	\$20,000	- 09, Super Wal Mart
901-1200 trip ends	\$25,000	- 09, Super Wal Mart
1201 or more trip ends	\$35,000	- 09, Cabellae

The fee for work performed by consultants engaged by the department to assist with this work shall be the actual costs charged by the consultant. The actual fee for department of transportation hours and consultant work for any single permit application shall not exceed \$25,000. All fees collected under this subparagraph shall be deposited in the highway fund.

110 New Paragraph; Department of Transportation; Required Rulemaking. Amend RSA 21 L:12 by inserting after paragraph X the following new paragraph:



~~X a. Fees for driveway construction permits pursuant to RSA 236:13,  
III(d).~~

HOUSE COMMITTEE ON WAYS AND MEANS  
FULL COMMITTEE WORK SESSION ON HB 638

**BILL TITLE:** 0562h DES subsurface  
**DATE:** 3/12/09  
**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 3:07 p.m.  
**Time Adjourned:** 3:40 p.m.

(please circle if present)

**Committee Members:** Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Ulery and Osgood.

**Bill Sponsors:** Reps. M. Smith, S. Almy

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

\***Tom Burack**, Commissioner of DES, Harry Stewart, Susan Carlson, Randy Pelletier, all of DES  
-Commissioner Burack's handout includes a new amendment  
-believes these programs should be fee funded, rather than funded by the General Fund  
**Harry Stewart, DES**, spoke on new amendment to Amend. 0562h

Respectfully submitted,



Rep. Wm. Butynski,  
Clerk of the Committee

2:35 PM

Amendment #0572 W - "fee for costs of performing engineering & driveway permits"

★ Jeff Bullharts + Alida Pillsbury, POT

see HANDOUT

Gary Abbott, Associated General Contractors of NH - takes the proposed scale of Twp ~~program~~ & will send the information to members and provide feedback to Subcommittee <sup>meeting</sup> ~~on~~ Monday

2:56 PM

3:07 PM

Amendment # 0562 (W) - "relating to the DDES subsurface systems program" - by 1069 of laws, & #15000000, include 3, 4, and 44

★ ~~DDES~~ ~~Committee~~ Tom Bracker, Harry Stewart, + Susan Carlson + Randy Pelletier all DDES

- Commr. Bracker's transcript includes a new Amendment - believe this program should be fee funded, rather than funded by the General Fund

- Harry Stewart on new Amendment to Amendment # 0562 (W)

~~Randy Pelletier DDES~~ ~~Amendment~~ ~~Amendment~~

3:40 PM



3/12/09 - Amendment # 0562(h) # HB 638  
The State of New Hampshire *Attch HANDOUT INCLUDES AN*  
**DEPARTMENT OF ENVIRONMENTAL SERVICES** *NEW AMENDMENT*



Thomas S. Burack, Commissioner

March 12, 2009

The Honorable Susan W. Almy, Chairman  
House Ways and Means Committee  
Rooms 202, Legislative Office Building  
Concord, NH 03301

**Subject:** HB 2, Sections 69-70 (Amendment Number 0562h) relative to subdivision fees and environmental services' subsurface systems program.

Dear Chairman Almy:

Thank you for the opportunity to comment on HB 2, Sections 69-70 (Amendment 0562h), which increases subsurface system design review and subdivision fees, and creates a dedicated Subsurface Systems Fund. The Department of Environmental Services (DES) strongly supports Amendment 0562h with an amendment (copy attached) which broadens the fees that support the proposed Subsurface Systems Fund to be consistent with how the program is currently funded. With the proposed DES amendment, the Amendment will meet the primary objectives of ensuring that this program will not operate at a loss to the general fund during the next biennium and will be managed as a dedicated fee account independent of the general fund in the future.

The original language of Amendment 0562h inadvertently did not include all the fees that currently support the program and which would be appropriate for inclusion to meet the Amendment's objectives. In addition to the subdivision application fees included in the original language, other application fees in the existing statute that should be included are for septic systems, as well as permits for designers and installers. The proposed amendment also includes a proposed fee increase for septic systems applications consistent with the subdivision applications fees that are set by regulations. With the recommended amendment, Amendment 0562h will eliminate the costs to the general fund of the Subsurface Systems Program.

The Subsurface System Program provides capacity for DES to implement New Hampshire's septic system program as required by RSA 485-A. Program activities include septic system and subdivision plan reviews, new system inspections, designer and installer permitting, and compliance activities to ensure that systems are installed properly and that failed systems that create public health and environmental problems are replaced. The attached chart provides an 18-year history of subdivision and septic system applications for the period from State FY 1992 through FY 2009 (projected). This chart shows the cyclical nature of program activity, hence program revenues, with the economy. Over this 18-year period, applications for subsurface systems and subdivision units ranged from a high of 15,233 in 2005 to a projected low of 5,559 in 2009. During peak economic periods when development is booming, revenues exceed expenses and the subsurface systems program has provided positive cash flow to the state general fund, whereas, during recessions, such as we are currently experiencing, the program loses money. Amendment Number 0562h serves to ensure that the program will have a positive cash flow in FY 2010-2011 and will not be a burden to the general fund in the future.

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2982 • TDD Access: Relay NH 1-800-735-2964


A comparison of the revenues, expenses and budgets for FY 2009 and 2010 is provided in the table below.

	Number of Units	FY 2009		FY 2010	
		Unit Fee	Total	Proposed Unit Fee	Total
<b>Estimated Revenues:</b>					
Subsurface Systems	3963	\$150	\$594,450	\$300	\$1,188,900
Subdivisions	1596	\$150	\$239,400	\$300	\$ 478,800
Designer and Installers	3800	\$40	\$152,000	\$40	\$ 152,000
Total			\$985,850		\$1,819,700
<b>Total Estimated Expenses</b> <i>Fy 08 1.17M</i>					
			\$1,636,720		\$1,815,000
<b>Net(Revenues-Expenses)</b>			<b>(\$ 650,870)</b>		<b>\$4,700</b>
<b>Annual Budget</b>			<b>\$2,027,699</b>		<b>\$2,134,718</b>

For both FY 2009 and FY 2010, the annual budget as presented in the table is greater than the estimated total annual expenses because, for both years, actual program staffing will be lower than full program staffing. In fact, at this time, the Subsurface System Bureau has 5 vacant positions out of 24 total positions because we have reduced staff by attrition over the course of FY 2009 by leaving permitting-related positions unfilled in recognition of the slow economy. Even with these vacancies, in FY 2009, we project an operating loss to the general fund of just over \$650,000. With the fee increase, at the existing staffing level including increased staff costs attributable largely to statutory increases in salaries and benefits, the Subsurface Systems Bureau would be expected to effectively "break even" during FY 2010. Please note that this assumes that the very low activity levels of FY 2009 for new systems will continue through FY 2010. It also assumes no fee revenues from replacements systems, which we intend to require by rule clarification in FY 2010, and could raise in the order of \$300,000 (at assumed activity level of 1,000 systems/year). Therefore, these revenue projections are probably conservative. Also, as the economy heats up, revenues will increase first and then ultimately we will need to systematically refill vacant Subsurface Bureau positions to perform necessary application processing, plan reviews, permitting and site inspections.

In conclusion, the creation of a dedicated Subsurface Systems Fund with the proposed fee increases will permanently eliminate the cost burden of this program on the state general fund. Also, changing this program from a general fund program to a fee-funded program would make the program's funding structure more consistent with other development permitting programs at DES including the Terrain Alteration Program, the Shoreland Program, and portions of the Wetlands Program. This consistency will be very beneficial as DES moves toward unified, more streamlined permitting processes in the future.

Thank you again for this opportunity to comment on Amendment 0562h. Please do not hesitate to call either me at 271-2958, or Rene Pelletier at 271-2951, if you have any questions or need additional information.

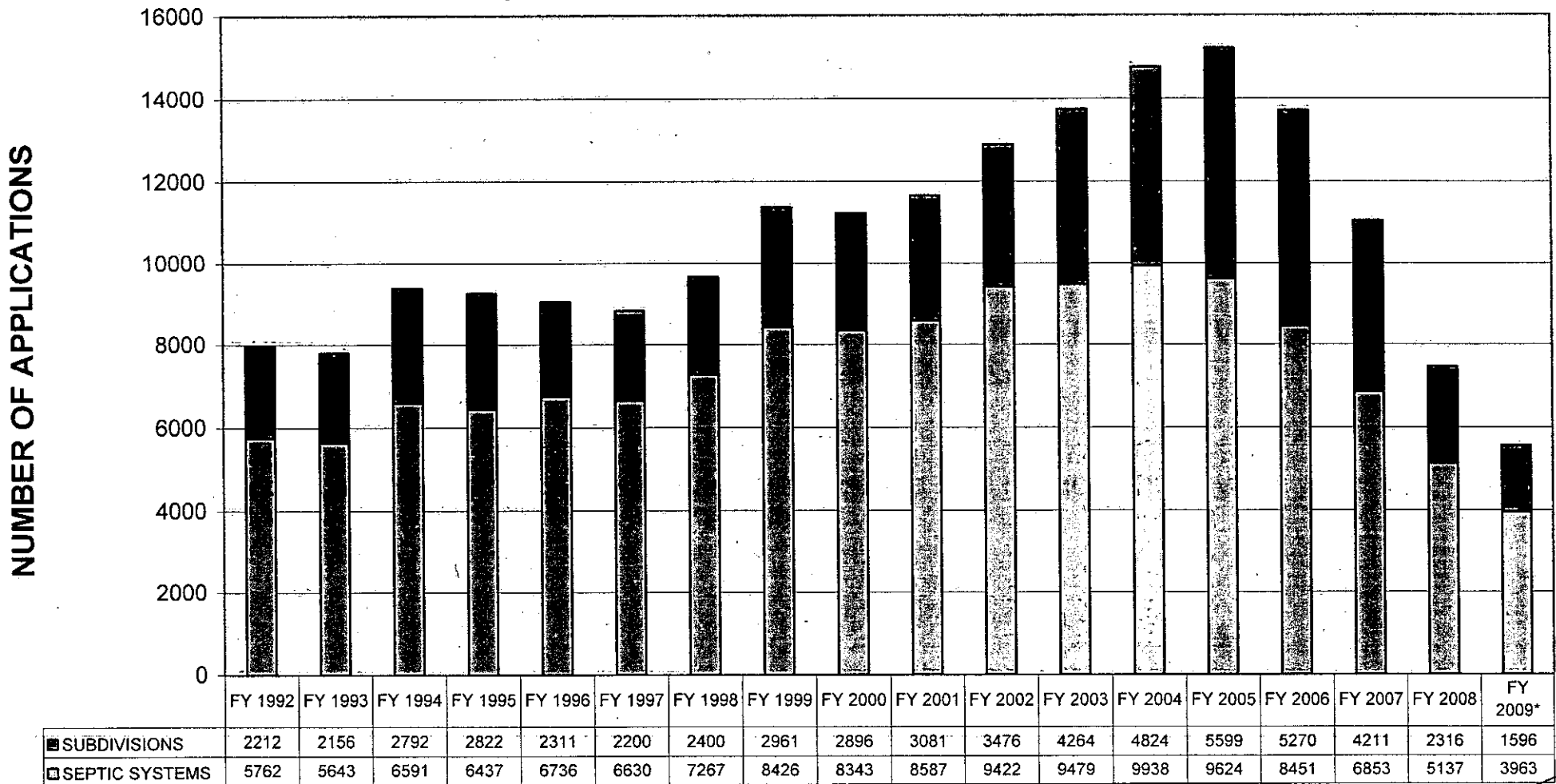
Very truly yours,  
  
 Thomas S. Burack, Commissioner

Attachments

Cc: Katherine Peters, Office of Governor Lynch

# NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES SUBSURFACE SYSTEMS BUREAU

## NUMBER OF SEPTIC SYSTEMS AND SUBDIVISIONS APPLICATIONS RECEIVED BY FISCAL YEAR



FISCAL YEAR

*15,223*  
*subdivisions*

*5,559*

\* NOTE: THE NUMBERS FOR FY 2009 3RD AND 4TH QUARTERS ARE ESTIMATED

**PROPOSED AMENDMENT TO AMENDMENT 0562h FOR THE ESTABLISHMENT OF SUBSURFACE SYSTEMS FUND AND RELATED FEE INCREASE**

**1. Amend RSA 485-A: 30 to read as follows:**

**485-A:30 Fees. –**

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~~ **\$300** 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-~~a~~*. 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.

~~I-a. In addition to fees required under paragraph I, any person submitting plans and specifications for sewage or waste disposal systems shall pay to the department a fee of \$10 for each system. Said fee shall be for supporting a general-funded position at the department to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. In the event and to the extent the department is able to use funds from sources other than the general fund to support the position, it shall receive from the general fund an amount equivalent to the fees collected under this paragraph, in addition to any other appropriations, for use in the septage handling and treatment facilities grant program to municipalities under RSA 486:3, III. The fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited with the state treasurer as unrestricted revenue.~~

*I-a. 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-b. 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 economic development committee, and the senate energy, environment, and economic development committee relative to administration of the subsurface systems program.*

*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.*

2. Amend RSA 485-A: 30, I (a) to read as follows:

**485-A:36 System Installer Permit. –**

I. (a) No person shall engage in the business of installing subsurface sewage or waste disposal systems under this subdivision without first obtaining an installer's permit from the department. The permit holder shall be responsible for installing the subsurface sewage or waste disposal system in accordance with the intent of the approved plan. The department shall issue an installer's permit to any person who submits an application provided by the department, pays a fee of \$80 and demonstrates a sound working knowledge of RSA 485-A:29-35 and the ability to read approved waste disposal plans. The department shall require an oral or written examination or both to determine who may qualify for an installer's permit. Individuals who have been actively engaged in the business of installing systems for at least 12 months prior to January 1, 1980, shall not be required to submit to such examination, but shall be issued a permit upon filing an application and paying the initial fee, if application is made before June 30, 1980. Permits shall be issued from January 1 and shall expire December 31 of every other year. Permits shall be renewable upon proper application, payment of a biennial fee of \$80, and documentation of compliance with the continuing education requirement of subparagraph (b). The installer's permit may be suspended, revoked or not renewed for just cause, including, but not limited to, the installation of waste disposal systems in violation of this subdivision or the refusal by a permit holder to correct defective work. The department shall not suspend, revoke or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the department. An appeal from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 21-O:14. *All fees shall be deposited with the state treasurer as ~~unrestricted revenue~~ in the subsurface systems fund established in RSA 485-A:30, I-~~V~~<sub>a</sub>*

3. Amend RSA 485-A: 35, II to read as follows:

I. (a) All applications, plans, and specifications submitted in accordance with this chapter for subsurface sewage or waste disposal systems shall be prepared and signed by the person who is directly responsible for them and who has a permit issued by the department to perform the work. The department shall issue a permit to any person who applies to the department, and pays a fee of \$80 and who has demonstrated a sound working knowledge of the procedures and practices required in the site evaluation, design, and operation of subsurface sewage or waste disposal systems. The department shall require an oral or written examination or both to determine who may qualify for a permit. Permits shall be issued from January 1 and shall expire December 31 of every other year. Permits shall be renewable upon proper application, payment



of a biennial fee of \$80, and documentation of compliance with the continuing education requirement of subparagraph (b). A permit issued to any person may be suspended, revoked or not renewed only for just cause and after the permit holder has had a full opportunity to be heard by the department. An appeal from a decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 541. *All fees shall be deposited in the subsurface systems fund established in RSA 485-A:30, I-~~b~~<sub>a</sub>*

II. Any person who desires to submit plans and specifications for a sewage or waste disposal system for the person's own domicile shall not be required to obtain a permit under this paragraph provided that the person attests to eligibility for this exemption in the application for construction approval. The commissioner shall adopt rules, prepared under the supervision of a professional engineer licensed to practice engineering in the state of New Hampshire, pursuant to RSA 541-A, relative to requiring a permit holder to be a licensed professional engineer with a civil or sanitary designation in order to submit applications for construction approval in certain complex situations. *All fees collected pursuant to this paragraph shall be deposited with the state treasurer as unrestricted revenue, in the subsurface systems fund established in RSA 485-A:30, I-~~b~~<sub>a</sub>*



House Ways & Means Committee  
LOB 202, Concord NH 03301

April 14, 2009

**FILE COPY**

Mr. Ed Csenge  
PO Box 1  
Sullivan NH 03445

Dear Mr. Csenge,

I regret to tell you that the subdivision fees section of HB2 as submitted by the Governor left my committee some weeks back, returned to the Finance Committee, after we agreed to the only matter that was before us: whether to double the sub-division fee for subsurface work and dedicate the entire fee to preserving enough staff in DES to regulate subsurface installations.

You seem to think that my committee is the DES, and that we have something to do with some policy change about in-kind or other replacement. If you wish to discuss this policy change with DES or the legislature, you should address the DES and the relevant policy committee – Resources – directly. If you wish to fight the fee, you should go to one of the Senate's budget hearings, as they now have the budget that the fee is in, or talk to one of the Senate Finance Committee members.

Sincerely,



Susan W. Almy  
Chair

ED CSENGE  
PO BOX 1  
SULLIVAN, NH 03445  
603-847-9158

April 7, 2009

The Honorable Susan W. Almy  
House Ways and Means Committee  
Rooms 202, Legislative Office Building  
Concord, NH 03301

**FILE COPY**

Subject: HB2, Sections 69-70 (Amendment #0562h) relative to subdivision fees and environmental services' subsurface systems program.

Dear Chairman Almy:

The proposal of the DES to raise the fees as described in House Bill #2 and to remove the in-kind replacement rule for septic systems is a serious disservice to the public and practitioners. This is only for the reason to gain back DES permit fees lost to the economic downturn.

I, as a business owner, had to lay off 3 of my 5 employees to maintain solvency. If I now doubled my rates, there would be no business at all, we in fact are reducing our rates and profit margins. The only reason you, the DES, can get away with this travesty is you are government and thus have no competitors. People need a break, businesses are trying to get back on their feet, you must not institute these increases.

Leave the permit fee where it is. Stay with the in-kind replacement with the form that was instituted last year. Give it time to work. If you were to add a \$50.00 fee, that would be more acceptable.

The proposal for House Bill #2, you will only get less compliance. More people will do something on their own. They will use non-permitted people and those of us who are permitted and operating to the higher standard will loose out.

There are many failed systems out here that people leave alone or hide to avoid the repair expenses. The state has no way to find them, many can not be seen or smelled from the road. You have stated that permitted designers and installers should report them. That is not our function and if we did we would be hated in the community.

It is up to you to help the people you work for to enable them to be compliant. To be sure high fees and more paperwork will not do it.

Which would you be inclined to do:

A: Pay a small fee \$50.00 to NHDES  
Designer fee for as-built drawing, filed with NHDES \$350.00  
Pay for work performed

B: Pay a large fee \$300.00 to NHDES  
Designer fee for new septic design \$1100.00  
Pay for work performed

What would you do at your house with your money?

Sincerely:

*Ed*

Ed Csenge, Installer #2442, since 1987  
Member GSDI and NHASH.

cc: Charles Weed, NH Representative, Molly Kelly, NH Senate, Deborah Hinds, Chairwoman, GSDI, NH Home Builders & Remodelers, Monadnock Board of Realtors and Thomas S. Burack, Commissioner DES

Amendment to HB 638-FN-A

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

2

3 AN ACT relative to increasing the tobacco tax and dedicating certain tobacco tax revenues  
4 to the comprehensive cancer plan fund, and relative to the department of  
5 environmental services subsurface systems program.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 Department of Environmental Services; Fee for Department Review of Subsurface Plans and  
10 Subdivisions. Amend RSA 485-A:30, I to read as follows:

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

23 6 New Paragraphs; Department of Environmental Services; Fee for Department Review of  
24 Subsurface Plans and Subdivisions. Amend RSA 485-A:30 by inserting after paragraph I-a the  
25 following new paragraphs:

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

30 I-c. Beginning October 1, 2009 and each fiscal quarter thereafter, the department shall  
31 submit a quarterly report to the house and senate finance committees, the house resources,  
32 recreation, and economic development committee, and the senate energy, environment, and economic

**Amendment to HB 638-FN-A**  
**- Page 2 -**

1 development committee relative to administration of the subsurface systems program.  
2       7 New Subparagraph; Dedicated Fund; Subsurface Systems Fund Added. Amend RSA 6:12, I(b)  
3 by inserting after subparagraph (276) the following new subparagraph:  
4               (277) Moneys deposited in the subsurface systems fund, under RSA 485-A:30, I-b.  
5       8 Effective Date. This act shall take effect July 1, 2009.

2009-0562h

AMENDED ANALYSIS

This bill:

- I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.
- II. Increases the fee for department review of subsurface plans and subdivisions.
- III. Establishes the subsurface systems fund and requires a quarterly report relative to the administration of the subsurface systems program.

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0562h  
05/09

Amendment to HB 638-FN-A

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

2

3 AN ACT relative to increasing the tobacco tax and dedicating certain tobacco tax revenues  
4 to the comprehensive cancer plan fund, and relative to the department of  
5 environmental services subsurface systems program.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 Department of Environmental Services; Fee for Department Review of Subsurface Plans and  
10 Subdivisions. Amend RSA 485-A:30, I to read as follows:

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

23 6 New Paragraphs; Department of Environmental Services; Fee for Department Review of  
24 Subsurface Plans and Subdivisions. Amend RSA 485-A:30 by inserting after paragraph I-a the  
25 following new paragraphs:

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

30 I-c. Beginning October 1, 2009 and each fiscal quarter thereafter, the department shall  
31 submit a quarterly report to the house and senate finance committees, the house resources,  
32 recreation, and economic development committee, and the senate energy, environment, and economic



Amendment to HB 638-FN-A

- Page 2 -



- 1 development committee relative to administration of the subsurface systems program.
- 2 7 New Subparagraph; Dedicated Fund; Subsurface Systems Fund Added. Amend RSA 6:12, I(b)
- 3 by inserting after subparagraph (276) the following new subparagraph:
- 4 (277) Moneys deposited in the subsurface systems fund, under RSA 485-A:30, I-b.
- 5 8 Effective Date. This act shall take effect July 1, 2009.



2009-0562h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

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

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

**FILE COPY**

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund, and establishing the motor vehicle air pollution  
5 abatement fund.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 New Subparagraph; General Revenue Exemptions; Motor Vehicle Air Pollution Abatement  
10 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

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

13 6 New Chapter; Motor Vehicle Air Pollution Abatement Fund. Amend RSA by inserting after  
14 chapter 125-R the following new chapter:

15

CHAPTER 125-S

16

MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

17 125-S:1 Purpose. The general court finds that emissions of air contaminants from motor  
18 vehicles represent a potential serious health problem to the citizens of New Hampshire and a threat  
19 to the air quality of the state. The purpose of this chapter is to establish a fund to be used for costs  
20 incurred by the department of environmental services in the prevention and abatement of emissions  
21 of air contaminants from motor vehicles registered for on-road use in the state of New Hampshire.

22 125-S:2 Definitions. In this chapter:

23

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

24

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

26

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

28

29 125-S:3 Fund Established. There is established a motor vehicle air pollution abatement fund,  
30 which shall be administered by the department of environmental services. This fund shall be used  
31 for costs incurred by the department in the course of carrying out activities that are designed to  
32 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

Amendment to HB 638-FN-A

- Page 2 -

1 special nonlapsing fund to be known as the motor vehicle air pollution abatement fund and shall be  
2 continually appropriated to the department for the administration of this chapter.

3 125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement  
4 fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2.

5 7 Inspection Sticker Fees. Amend RSA 266:2 to read as follows:

6 266:2 Fees. The fee for inspection stickers shall be [~~\$2.50~~] **\$3.00** for each sticker furnished an  
7 approved inspection station. *The division shall transfer \$.25 of each fee collected under this*  
8 *section to the motor vehicle air pollution abatement fund established by RSA 125-S:3.* All  
9 unused stickers returned by the approved inspection station to the division shall be refundable at the  
10 rate of [~~\$2.50~~] **\$3.00** each, except that unused stickers purchased from the division for a fee of \$2.50  
11 shall be refundable at the rate of \$2.50 each.

12 8 Effective Date. This act shall take effect July 1, 2009.

2009-0563h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

II. 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.

Rep. M. Smith, Straf 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0565h  
10/09

**FILE COPY**

Amendment to HB 638-FN-A

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

2

3 AN ACT                    increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund, and relative to the funding and operation of  
5 liquor stores by the liquor commission.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9        5 Liquor Commission; Liquor Commission Funds. RSA 176:16, I is repealed and reenacted to  
10 read as follows:

11            I. There is established the liquor commission fund which shall be nonlapsing and continually  
12 appropriated to the liquor commission for the purposes of this title. The state treasurer may invest  
13 moneys in the fund as provided by law and all interest received on such investment shall be credited  
14 to the fund. Except as provided in paragraph II, all gross revenue derived by the commission from  
15 the sale of liquor and related products, or from license fees, shall be deposited into the liquor  
16 commission fund from which the state treasurer shall pay all expenses of the liquor commission  
17 incident to the administration of this title and all administration and enforcement expenses of the  
18 liquor commission. Any balance left in the fund after such expenses are paid shall be deposited in  
19 the general fund.

20        6 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph  
21 (276) the following new subparagraph:

22                    (277) Moneys deposited in the liquor commission fund established in RSA 176:16, I.

23        7 Reference Changed. Amend RSA 176:10 to read as follows:

24            176:10 Preference Given. Any person who served for not less than 90 days in the armed forces of  
25 the United States during "any war in which the United States was engaged, and received an  
26 honorable discharge from such service," shall be given preference in appointment under the  
27 provisions of RSA 176:7, RSA 176:9, RSA [~~177:4~~] **177:1**, and RSA 179:59, if qualified for such  
28 positions.

29        8 Liquor Commission; State Stores. RSA 177:1 is repealed and reenacted to read as follows:

30            177:1 State Stores.

31            I. The commission may lease and purchase and equip, in the name of the state, such stores,  
32 warehouses, supplies, materials, products, and other merchandising requirements for the sale or

**Amendment to HB 638-FN-A**  
**- Page 2 -**

1 promotion of liquor and related products as are necessary to carry out the provisions of this chapter.  
2 The commission may lease, in the name of the state, space in state stores to banks for the purpose of  
3 installing automated teller machines. No newly established state store shall be operated within 200  
4 feet of any public or private school, church, chapel, or parish house.

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

11 III. The commission may in its discretion operate stores for the sale of liquor and related  
12 products in such cities and towns as shall have accepted the provisions hereof as hereinafter  
13 provided and may employ salespersons to sell liquor and related products in said stores. The  
14 commission's enforcement bureau shall complete background checks on all full-time employees. No  
15 salesperson employed to sell liquor and related products under the provisions of this chapter shall  
16 sell liquor and related products except such as may be legally obtained under the provisions of this  
17 title. If a state liquor store closes, the commission shall make reasonable efforts to provide state  
18 employees other positions, if other positions are available and the state employees are qualified for  
19 the other positions.

20 9 New Paragraph; Liquor Commission; Agency Liquor Stores; Rulemaking. Amend RSA 177:10  
21 by inserting after paragraph I the following new paragraph:

22 I-a. Application and qualifications.

23 10 Liquor Commission; Location of Agency Liquor Stores. RSA 177:11 is repealed and reenacted  
24 to read as follows:

25 177:11 Location of Agency Liquor Stores.

26 I. The commission shall have the authority to license an agency liquor store at its discretion.  
27 An agency liquor store shall only be located in a municipality which has voted in favor of the  
28 operation of state liquor stores under RSA 175:7. The commission shall not license any new agency  
29 liquor stores after June 30, 2014.

30 II. The commission shall only issue an agency liquor store license, in accordance with  
31 RSA 541-A:39. The commission shall hold a public hearing before issuing an agency liquor store  
32 license in any municipality. The license application shall be processed by the director of the division  
33 of enforcement and licensing. The director of the division of enforcement and licensing shall  
34 recommend in writing approval or denial of any agency liquor store.

35 III. The commission shall notify any applicant denied a license of the reasons for the denial  
36 by certified mail to the mailing address given by the applicant in the application for an agency liquor  
37 store license.

1 IV. Any applicant aggrieved by a decision made by the commission may appeal the decision  
2 in accordance with RSA 541.

3 V. Any retail licensee, whether proprietorship, partnership, limited liability company, or  
4 corporation shall only be approved to establish one agency liquor store.

5 VI. Any applicant selected for an agency liquor store license shall pay a one-time  
6 background check processing fee of \$500. The annual fee for agency liquor stores licensed after  
7 December 31, 2008 shall be \$1,000 per cash register.

8 VII. The commission shall collect data on new revenue, alcohol-related violations, social  
9 disorder, population growth, alcohol availability, and emergency services relative to use or abuse of  
10 alcohol in each municipality were an agency liquor store license has been issued. The commission  
11 shall publish its findings in an annual report submitted to the governor and council, the fiscal  
12 committee of the general court, the president of the senate, and the speaker of the house of  
13 representatives.

14 11 Repeal. The following are repealed:

15 I. RSA 177:2, relative to closing of state stores.

16 II. RSA 177:4, relative to operation of state stores and salespersons.

17 12 Liquor Commission; Pricing and Discounts. Notwithstanding any other provision of law, for  
18 the biennium ending June 30, 2011, the liquor commission shall have the authority to set the pricing  
19 of liquor and related products, establish product discounts, and employ promotional investments in a  
20 manner that it believes will most effectively optimize the value and profitability of New Hampshire's  
21 liquor stores.

22 13 Liquor Commission; Concord Warehouse. Notwithstanding any provision of law, the liquor  
23 commission shall have the authority to develop and issue a request for proposals to include but not  
24 be limited to a sale, lease, concession agreement, or other management contract for its Concord  
25 warehouse. Any agreement or contract issued pursuant to this section shall be submitted for  
26 approval in accordance with RSA 4:40.

27 14 Effective Date. This act shall take effect July 1, 2009.



2009-0565h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

The bill also:

- I. Establishes the liquor commission fund and requires the state treasurer to deposit all liquor revenues and licensing fees into the fund, except where otherwise provided by law.
- II. Changes various restrictions on the liquor commission relating to the operation of liquor stores.
- III. Authorizes the liquor commission for the biennium ending June 30, 2011 to set the pricing of liquor and related products, establish product discounts, and employ promotional investments in a manner that optimizes the value and profitability of state liquor stores.
- IV. Authorizes the liquor commission to issue a request for proposals for the sale, lease, or concession of the commission's Concord warehouse.

Rep. M. Smith, Straf 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0566h  
10/09

**FILE COPY**

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund, and increasing the rate of the meals and rooms  
5 tax.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 Meals and Rooms Tax; Rate Increased. Amend RSA 78-A:6 to read as follows

10 78-A:6 Imposition of Tax.

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

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

13 (a) Three cents for a charge between \$.36 and \$.37 inclusive;

14 (b) Four cents for a charge between \$.38 and \$.50 inclusive;

15 (c) Five cents for a charge between \$.51 and \$.62 inclusive;

16 (d) Six cents for a charge between \$.63 and \$.75 inclusive;

17 (e) Seven cents for a charge between \$.76 and \$.87 inclusive;

18 (f) Eight cents for a charge between \$.88 and \$1.00 inclusive;

19 (g) Eight **and 3/4** percent of the charge for taxable meals over \$1.00, provided that  
20 fractions of cents shall be rounded up to the next whole cent.

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

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

24 6 Effective Date. This act shall take effect July 1, 2009.

Amendment to HB 638-FN-A  
- Page 2 -

2009-0566h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. The bill also increases the rate of the meals and rooms tax.

**FILE COPY**

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund, and establishing a tax on gambling winnings.  
5

6 Amend the bill by replacing all after section 4 with the following:

7

8 5 New Subdivision; Gambling Tax. Amend RSA 77 by inserting after section 37 the following  
9 new subdivision:

10

Gambling Tax

11

77:38 Definitions.

12

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

15

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

16

77:39 Registration.

17

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

20

II. Each payor shall apply for registration on a form designated by the commissioner.

21

Applicants shall furnish the following:

22

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

24

(b) Social security number, or federal employment identification number, as applicable.

25

The number furnished shall be the same number used to file any applicable business tax returns.

26

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

28

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

30

(e) Signatures. The application shall be signed under the pains and penalties of perjury  
31 by the applicant or applicants as attesting to the information provided in this paragraph and  
32 acknowledging each applicant's personal liability for the payment of tax as provided under

Amendment to HB 638-FN-A

- Page 2 -

1 RSA 77:40. If the applicant is a business entity, every partner, member, or corporate officer shall  
2 sign the application.

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

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

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

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

15 V. No payor shall be issued an original registration if the issuance of such registration  
16 permits any person to circumvent or evade the payment of tax, interest, or penalties. The  
17 commissioner shall have the authority to request any additional information or documentation from  
18 an applicant to aid in his or her determination.

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

22 77:40 Tax Imposed. A tax is hereby imposed at a rate of 10 percent upon:

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

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

27 77:41 Withholding. Each payor operating in-state shall withhold the tax from the distribution of  
28 taxable gambling winnings to the winner. Within 10 days after the end of each month, the payor  
29 shall pay over such tax to the department accompanied by such form or return as determined by the  
30 commissioner. The payor shall keep books and records in a form acceptable to the department  
31 showing the amount of all taxes collected.

32 77:42 Returns and Payment of Tax by Individuals. Every resident who receives taxable  
33 gambling winnings from an out-of-state payor shall pay the tax imposed under this subdivision and  
34 file a return on or before the fifteenth day of the fourth month following the expiration of the tax  
35 year.

36 77:43 Nature of Tax; Penalties and Violations.

37 I. The tax imposed by this subdivision shall become state funds at the moment a payor

**Amendment to HB 638-FN-A**

**- Page 3 -**

1 distributes gambling winnings to the winner.

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

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

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

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

9 77:44 Enforcement. An action may be brought by the commissioner in the name of the state to  
10 recover the amount of taxes, penalties, and interest due from the operator, if the action is brought  
11 within 3 years after the taxes, penalties, and interest are due. The action is returnable in the county  
12 where the operator resides if he or she is a resident of the state; and if a nonresident, the action is  
13 returnable to the county of Merrimack. The limitation of 3 years in this section does not apply to a  
14 suit to collect taxes, penalties, interest, and costs when the operator filed a fraudulent return or  
15 failed to file a return when the return was due.

16 77:45 Bonds; State Agency Cooperation.

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

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

21 6 New Paragraph; Rulemaking. Amend RSA 21-J:13 by inserting after paragraph XII the  
22 following new paragraph:

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

25 7 Repeal. RSA 284:21-r, relative to the exemption of sweepstakes prizes from taxation, is  
26 repealed.

27 8 Effective Date. This act shall take effect July 1, 2009.

**Amendment to HB 638-FN-A**  
**- Page 4 -**

2009-0568h

**AMENDED ANALYSIS**

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. The bill also establishes a tax on gambling winnings.

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0570h  
04/09

**FILE COPY**

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund and relative to the filing fee for complaints about  
5 unfair labor practices.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 Public Employee Labor Relations Board; Fee Increase. Amend RSA 273-A:6, II to read as  
10 follows:

11 II. Complaints shall be filed by affidavit and shall be accompanied by a [~~\$60~~] **\$100** filing fee.  
12 Such fees shall be continually appropriated to the board. A copy of the complaint shall be given to  
13 the party complained against at the time the complaint is filed. The board or its designee shall hold  
14 a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give  
15 5 working days' notice of the hearing by certified mail to all persons required to appear and to the  
16 representative of any party against whom a complaint has been filed.

17 6 Effective Date. This act shall take effect July 1, 2009.



Amendment to HB 638-FN-A  
- Page 2 -

2009-0570h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. This bill also increases the filing fee for complaints about unfair labor practices to the public employee labor relations board.

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0572h  
04/09

FILE COPY

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund, and establishing a fee for the costs of performing  
5 engineering reviews and construction inspections associated with the issuance of  
6 driveway permits.  
7

8 Amend the bill by replacing all after section 4 with the following:

9

10 5 New Subparagraph; Driveways and Other Accesses to the Public Way. Amend RSA 236:13, III  
11 by inserting after subparagraph (c) the following new subparagraph:

12 (d) The department of transportation may charge a fee to cover costs expended to  
13 perform engineering reviews and construction inspections associated with the issuance of driveway  
14 permits required under this section. The fee for work performed by department technical and  
15 engineering personnel shall be \$65 per hour, and in no case shall the total fee exceed \$6,500. The fee  
16 for work performed by consultants engaged by the department to assist with this work shall be the  
17 actual costs charged by the consultant. The actual fee for department of transportation hours and  
18 consultant work for any single permit application shall not exceed \$25,000. All fees collected under  
19 this subparagraph shall be deposited in the highway fund.

20 6 New Paragraph; Department of Transportation; Required Rulemaking. Amend RSA 21-L:12  
21 by inserting after paragraph X the following new paragraph:

22 X-a. Fees for driveway construction permits pursuant to RSA 236:13, III(d).

23 7 Effective Date. This act shall take effect July 1, 2009.

2009-0572h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

II. Establishes a fee for the costs of performing engineering reviews and construction inspections associated with the issuance of driveway permits, and requires such fees to be deposited into the highway fund.

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0573h  
04/09

FILE COPY

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund and amending the department of transportation's  
5 oversized and overweight permit fee schedule.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 Equipment of Vehicles; Permit Fees. Amend RSA 266:22 to read as follows:

10 266:22 Permit Fees. Before any special permit authorized by RSA 266:24 is issued, the  
11 commissioner of transportation shall collect fees as follows:

12 I. Each permit for either over-length, over-width or over-height or any combination thereof,  
13 [~~\$6~~] \$9;

14 II. Each permit for vehicle and load over-weight, fee based on the following schedule:  
15 vehicle and load over registered weight but not exceeding 50,000 pounds, [~~\$5.50~~] \$9; 50,001 pounds  
16 to 60,000 pounds, [~~\$6.50~~] \$11; 60,001 pounds to 70,000 pounds, [~~\$7.50~~] \$13; 70,001 pounds to 80,000  
17 pounds, [~~\$8.50~~] \$15; 80,001 pounds to 90,000 pounds, [~~\$9.50~~] \$17; 90,001 pounds to 100,000 pounds,  
18 [~~\$10.50~~] \$19; and for each additional 10,000 pounds [~~\$2~~] \$3.50 shall be added to the above rate;

19 III. Provided a special *annual oversize* permit may be issued to a person to cover all types  
20 of *oversize* moves made within a radius of 100 miles from the person's home location for a fee of  
21 [~~\$60~~] \$90 for each unit. Permits issued under the provisions of this paragraph may be issued for  
22 such time as the commissioner of transportation may determine.

23 IV. Provided further that a special annual *oversize* permit may be issued to a person to  
24 cover all types of *oversize* moves for a fee of [~~\$115~~] \$180 for each unit. Each permit issued under  
25 the provisions of this paragraph shall be issued for one year;

26 *IV-a. Provided further that a book of 25 "in-transit" permits may be issued for a fee*  
27 *of \$75. Applicants may request authorization of an in-transit permit from the permit office*  
28 *for annual permits, supplemental permits, or single trip permits. Permit fees for single*  
29 *trip permits shall be collected pursuant to paragraphs I and II for each authorized in-*  
30 *transit permit;*

31 *IV-b. Provided further that the department may provide specialized engineering*  
32 *review of proposed travel over weight-limited posted bridges or for supermoves for a fee of*

Amendment to HB 638-FN-A

- Page 2 -

1 ***\$65 per hour. All fees collected shall be deposited in the highway fund.***

2 V. The provisions of this section shall not apply to any special permit authorized by  
3 RSA 266:24 issued for farm equipment.

4 6 Effective Date. This act shall take effect July 1, 2009.

2009-0573h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. The bill also amends the department of transportation's oversize and overweight permit fee schedule.

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0575h  
03/09

**FILE COPY**

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund and relative to fees for health facilities and  
5 community living facilities.  
6

7 Amend the bill by inserting after section 4 the following and renumbering the original section 5 to  
8 read as 7:

9

10 5 Department of Health and Human Services; Health Facility Licensing; Fees for Licenses. RSA  
11 151:5 is repealed and reenacted to read as follows:

12 151:5 Licenses. Licenses issued hereunder shall expire one year after the date of issuance, or  
13 upon such uniform dates annually, as the department of health and human services shall prescribe  
14 by rule. Licenses shall be issued only for the premises and persons named in the application, and  
15 shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the  
16 licensed premises. Fees for an annual license shall be as follows:

17 I. Hospitals; \$52 per licensed bed.

18 II. Specialty hospital-psychiatric; \$52 per licensed bed.

19 III. Specialty hospital-rehabilitation; \$52 per licensed bed.

20 IV. Nursing homes; \$52 per licensed bed.

21 V. Acute psychiatric residential treatment programs; \$52 per licensed bed.

22 VI. Residential treatment and rehabilitation facilities; \$52 per licensed bed.

23 VII. Hospice houses; \$52 per licensed bed.

24 VIII. Licensed community residences; \$52 per licensed bed.

25 IX. Adult family care homes; \$52 per licensed bed.

26 X. Residential and supported residential care; \$31 per licensed bed.

27 XI. Home health hospice providers; \$517.

28 XII. Home health care providers; \$517.

29 XIII. Personal care providers; \$75.

30 XIV. Outpatient clinics; \$1,034.

31 XV. End stage renal dialysis centers; \$1,034.

32 XVI. Ambulatory surgical centers; \$1,034.

Amendment to HB 638-FN-A

- Page 2 -

1 XVII. Educational health centers; \$1,034.

2 XVIII. Freestanding emergency rooms; \$1,034.

3 XIX. Health promotion clinics; \$1,034.

4 XX. Collecting stations; \$517.

5 XXI. Adult day care centers; \$414.

6 XXII. Birthing centers; \$310.

7 XXIII. Case management agencies; \$310.

8 XXIV. Laboratories; \$310 per year for each category of testing licensed.

9 6 New Paragraph; Department of Health and Human Services; Certification for Community  
10 Living Facilities; Fee Established. Amend RSA 126-A:20 by inserting after paragraph II the  
11 following new paragraph:

12 II-a. The fee for an initial or annual renewal certification for a certified community residence  
13 shall be \$78 per certified bed. The fee for an initial or annual renewal certification for a certified day  
14 program shall be \$78 per individual served by the day program.



2009-0575h

AMENDED ANALYSIS

This bill:

- I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.
- II. Establishes and changes license fees under the health facility licensure law.
- III. Establishes a fee for initial or renewal certification for a certified community residence and day program.

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0577h  
03/09

FILE COPY

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund and relative to fees for certain food and beverage  
5 licenses.  
6

7 Amend the bill by inserting after section 4 the following and renumbering the original section 5 to  
8 read as 9:

9

10 5 Department of Health and Human Services; Homestead Food License. Amend RSA 143-A:12,  
11 II to read as follows:

12 II. There is hereby established a 2-level homestead license. ~~[For a level one license, a one-~~  
13 ~~time fee of \$25 shall be paid to the department of health and human services. The level 2 homestead~~  
14 ~~license shall be based on gross sales.] Fees for each level shall be established by rule under~~  
15 **RSA 143-A:13, V.** It shall be unlawful for a processor or a manufacturer to operate a homestead  
16 without a homestead license as required under this subdivision. The commissioner and the  
17 commissioner of the department of agriculture, markets, and food shall administer the homestead  
18 licensure required under this subdivision.

19 6 Department of Health and Human Services; Homestead Food License; Rulemaking. Amend  
20 RSA 143-A:13, V to read as follows:

21 V. Fees for [a] level **1 and 2 [license] licenses**, including application fees and fees for  
22 renewal.

23 7 Manufacture and Sale of Beverages. Amend RSA 143:12 to read as follows:

24 143:12 Registration by Nonresident Vendors. No beverage or beverage concentrate, for retail  
25 sale, manufactured out of the state, shall be sold or offered for sale within the state unless the same  
26 has first been registered by its manufacturer or by the manufacturer's agent with the department of  
27 health and human services. Such registration shall be in form similar to that provided in  
28 RSA 143:11 and shall be issued subject to suspension, revocation, and cancellation as elsewhere  
29 specified in this subdivision for licenses. An annual registration fee ~~[of \$140]~~ **established by rule**  
30 **under RSA 143:6, II(a)**, to defray the cost of inspection and analysis of all the products of the same  
31 manufacturing plant, shall be paid to the department of health and human services by the  
32 manufacturer, importer, agent, or vendor.

**Amendment to HB 638-FN-A**

**- Page 2 -**

1           8 Department of Health and Human Services; Manufacture and Sale of Beverages; Rulemaking.

2

3 Amend RSA 143:6, II(a) to read as follows:

4

5           (a) Licenses, license classes, and fees under RSA 143:11 *and* ***RSA 143:12.***

Amendment to HB 638-FN-A  
- Page 3 -

2009-0577h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. This bill also makes changes in the fees for level 1 of the homestead license and the nonresident registration fee for the manufacture and sale of beverages.

HOUSE COMMITTEE ON WAYS AND MEANS  
FULL COMMITTEE WORK SESSION ON HB 638

**BILL TITLE:** 0564h amend water pollution  
**DATE:** 3/12/09  
**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 3:50 P.M.  
**Time Adjourned:** 4:05 P.M.

(please circle if present)

**Committee Members:** Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Ulery and Osgood.

**Bill Sponsors:** Reps. M. Smith, S. Almy

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

\***DES Commissioner Tom Burack, Harry Stewart and Susan Carlson,**  
-Commissioner Burack submitted handout letter  
-stimulus money can be used as grants.  
-17.8 million and 37 million will be used for loan forgiveness  
-benefit will go straight to the communities

Respectfully submitted,



Rep. Wm. Butynski  
Clerk of the Committee

3:50 PM

3:50 PM - Amendment # 0564 (L) " " " state water pollution control  
& drinking water pollution control & drinking water reclamation  
loan funds"

✓ \* DES Commission Tom Burack & Harry Stewart & Susan  
Carlson - See Handout letter from Comm. Burack  
on Amendment # 0564 (L)

Stimulus money can be used as grants - 17.8 million  
and 37 million will be used for loan forgiveness.

Benefit straight to communities.

4:05 PM



3/12/09

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0564h  
05/09

Amendment to HB 638-FN-A

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

2

3 AN ACT relative to increasing the tobacco tax and dedicating certain tobacco tax revenues  
4 to the comprehensive cancer plan fund, and ~~relative to administrative costs of the~~  
5 state water pollution control and drinking water revolving loan funds.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 Department of Environmental Services; State Revolving Loan Fund; Administrative Fee  
10 Increase. Amend RSA 486:14(b) to read as follows:

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

21 6 Effective Date. This act shall take effect July 1, 2009.



2009-0564h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

II. 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.

3/12/09 - Amendment # 0564h) & HB 635



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 12, 2009

The Honorable Susan W. Almy, Chairman  
House Ways and Means Committee  
Rooms 202, Legislative Office Building  
Concord, NH 03301

**Subject:** HB 2, Paragraph 68 (Amendment Number 0564h) relative to administrative costs of the state water pollution control and drinking water revolving loan funds.

Dear Chairman Almy:

Thank you for the opportunity to comment on Amendment Number 0564h relative to administrative costs of the state water pollution control and drinking water revolving loan funds. The proposed Amendment would increase the administrative charge against loan repayments, for low interest loans taken out from the Clean Water State Revolving Loan Fund (CWSRF) and Drinking Water State Revolving Loan Fund (DWSRF) programs, from 1% to 2%, for most loans, to support the costs of administering these programs and providing environmental program technical support to New Hampshire communities. This Amendment will better ensure the long term sustainability of the CWSRF and the DWSRF, and, as significantly, the Federal Performance Partnership Grant (PPG) programs at the Department of Environmental Services (DES). It is important to note that the proposed fee change is specifically structured to ensure no net increase in costs to municipalities or other loan recipients.

The CWSRF and DWSRF provide low interest loans to municipalities (under both funds) and other public water supplies (under the DWSRF) to support very important environmental and drinking water supply infrastructure projects. These funds are provided at interest rates that are well below market rates for loan terms of between 5 years (currently at 1.315%) and 20 years (currently at 4.208%). These loans result in substantial savings to borrowers of these funds, and thus to households served by water and wastewater facilities across the state. Interest rates are set annually based on a discount from a national interest rate index. All of these funds are originally derived from federal grants matched with state capital budget monies that are lent to communities. When due, loan repayments are deposited into a dedicated State Revolving Fund (SRF) repayment account from which DES again lends out the monies to communities, hence the name "state revolving fund." A flow chart depicting the cash flow through the CWSRF is attached to further your understanding of these programs.

DES is allowed under Federal requirements to take an annual administrative fee on each loan repayment to provide resources for wastewater and water program administration and technical support. This is essentially part of the "interest" on the loan. Pursuant to RSA 486:14 as enacted in 1996 (see Chapter 224 of 1996 Session Law) when the DWSRF program was first authorized, these fees have been set at 1% of the

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2982 • TDD Access: Relay NH 1-800-735-2964

outstanding loan principal charged on an annual basis for both programs. Between 1989, when the CWSRF was authorized, and 1996, we believe that only interest and no fee was collected as part of CWSRF loan repayment. Through Amendment Number 0564h, DES proposes to increase the administrative fees to 2% in order to address actual and projected funding shortfalls that exist collectively in the CWSRF, DWSRF and Federal PPG. These shortfalls have developed over time as a result of increasing personnel costs, funding declines in real terms especially in the Federal PPG grant, and transfers of positions in past years from the state general fund and Federal PPG into the SRF accounts to meet budget reduction requirements without reducing services to communities. There is now an immediate need to shore up the total funds available on an annual basis in these three accounts to ensure long term sustainability because these funds are now collectively too stressed to support important environmental programs.

To provide greater understanding of how SRF fee revenues are derived and why a shortfall exists at this time, DES has developed a series of figures that illustrate the history of the CWSRF for the period from SFY 1999 to SFY 2008:

- Figure 1 provides the total number of CWSRF loans issued and the sources of funds for these loans by year. Over this period, DES has issued between 9 and 15 CWSRF loans per year with total loan amounts that were just under \$5 million in 1999 and have ranged up to a high of over \$57 million in 2008.
- Figure 2 shows the number and amount of loan repayments per year. These have climbed from \$6.3 million in 1999 to \$26 million in 2008, with a high of just over \$30 million in 2006.
- Figures 3 and 4 provide summaries of the average loan amounts and numbers of loans by loan term for 5, 10, 15 and 20 years. Note that over 76% of the loans are for 20 years, the maximum loan term allowed by the federal Clean Water Act.
- Figure 5 shows the annual fee revenues and number of loan repayments. Fees from annual loan repayments have ranged between \$570,120 and \$1,615,124.
- Figure 6 shows the CWSRF Administration Account history back to 1997, including annual revenues, expenses and fee account balances for this period. The fee account balance peaked in 2005 at just over \$2.1 million and has since steadily declined as expenses have exceeded revenues. In July 2009, the CWSRF fee account is projected to have no balance remaining, so it is at a critical level. The reason for this decline is a combination of increased staff costs (on a per staff basis) and staff transfers into the account over several years from the PPG account or the general fund. This is evident from the progressively higher costs depicted in Figure 6.
- Figure 7 projects the annual revenues, expenses and fee account balance for 2009 to 2015, assuming the proposed 2% fee and a transfer of \$500,000 in expenses from the Federal PPG account. Based on these projections, the CWSRF Fee Account can absorb these additional costs and maintain steady growth in the account.

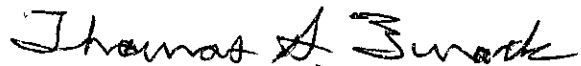
If requested by your Committee, DES can provide similar graphs for the DWSRF and PPG. The PPG account has virtually an identical problem to the CWSRF account, with a projected balance of "carryover funds" projected to be zero by this summer. By

shoring up both the DWSRF and CWSRF accounts, we will be able to immediately transfer expenses for four eligible positions into these accounts to take the pressure off of the PPG accounts. The DWSRF and the related federal drinking water program accounts do not have an immediate balance problem. In fact, the DWSRF administrative account currently has a balance of just under \$3 million. However, this fund is projected to draw down to zero in 3 years, around 2012, unless the revenue stream is increased. Essentially, the drawdown of this fund to zero is projected to lag the CWSRF fund by 3 years under the current revenue structure. Again, if requested, DES could provide a complete, detailed analysis of the integrated funding picture for these federal accounts at your request.

Finally, as noted briefly above, Amendment 0564h is specifically structured to ensure that there is no increase in fees to municipalities or other loan recipients who repay these loans. Rather, there will be an equivalent reduction in the interest income credited to the CWSRF and DWSRF repayment accounts. In our judgment, this minor negative impact to the revenue stream to the repayment accounts (which currently have balances of just over \$62 million in the CWSRF and \$7 million in the DWSRF) is more than offset by our increased ability to support federal water programs staff for the foreseeable future. Also, please note that DES has confirmed with the Environmental Protection Agency staff in Boston that the approach set forth in Amendment 0564h is acceptable to them.

Thank you again for this opportunity to comment on Amendment 0564h. Please do not hesitate to call either me at 271-2958, Harry Stewart at 271-0677, or Sue Carlson at 271-1881 if you have any questions or need additional information.

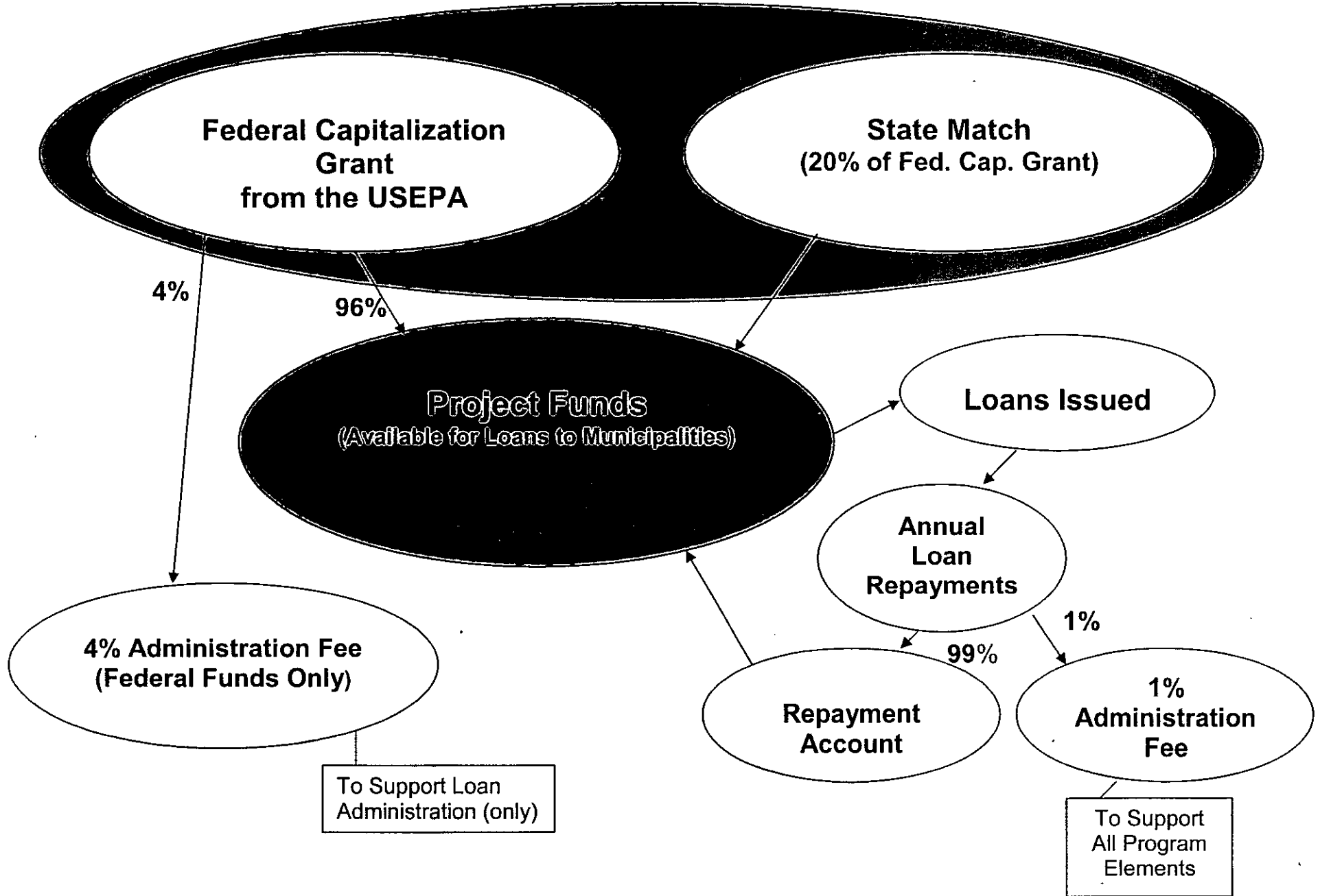
Very truly yours,



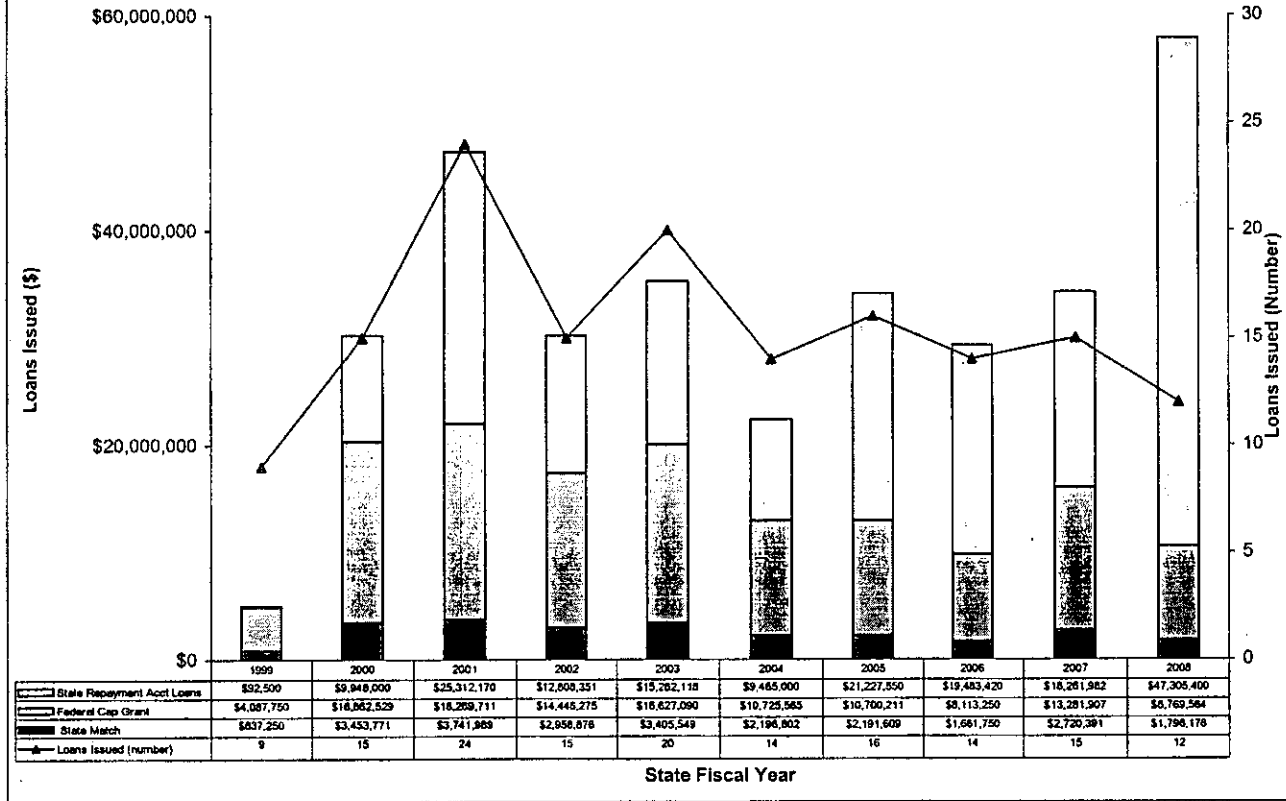
Thomas S. Burack  
Commissioner

Attachments

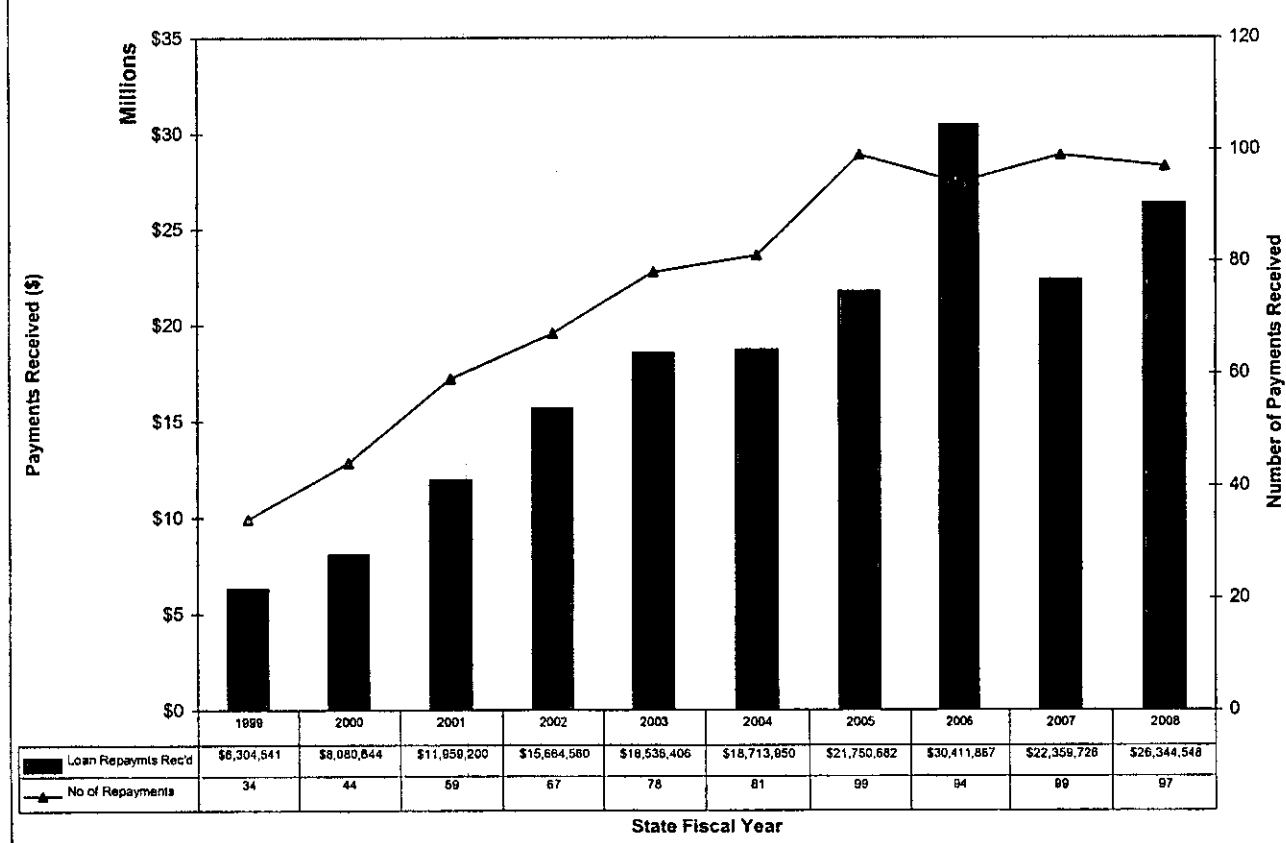
# NH CLEAN WATER STATE REVOLVING LOAN FUND DEPICTION OF CASH FLOW



**Figure 1**  
**Clean Water SRF History: Annual Loans Issued from Federal Grants, State Match**  
**(from Capital Budget) and Repayment Account**

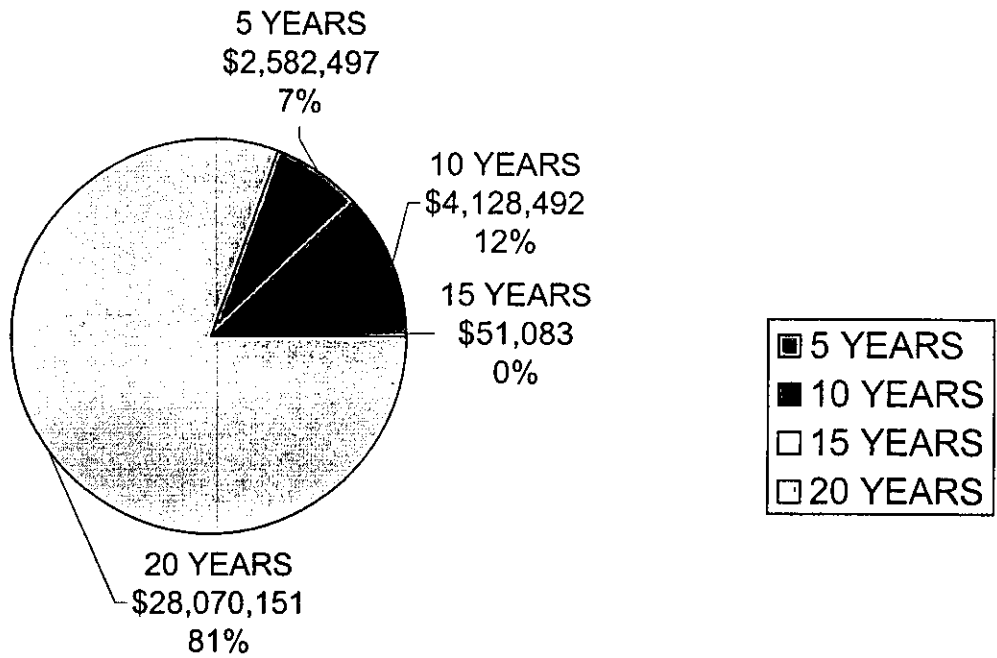


**Figure 2**  
**CW SRF Repayment Account History: Annual Loan Repayments Received**



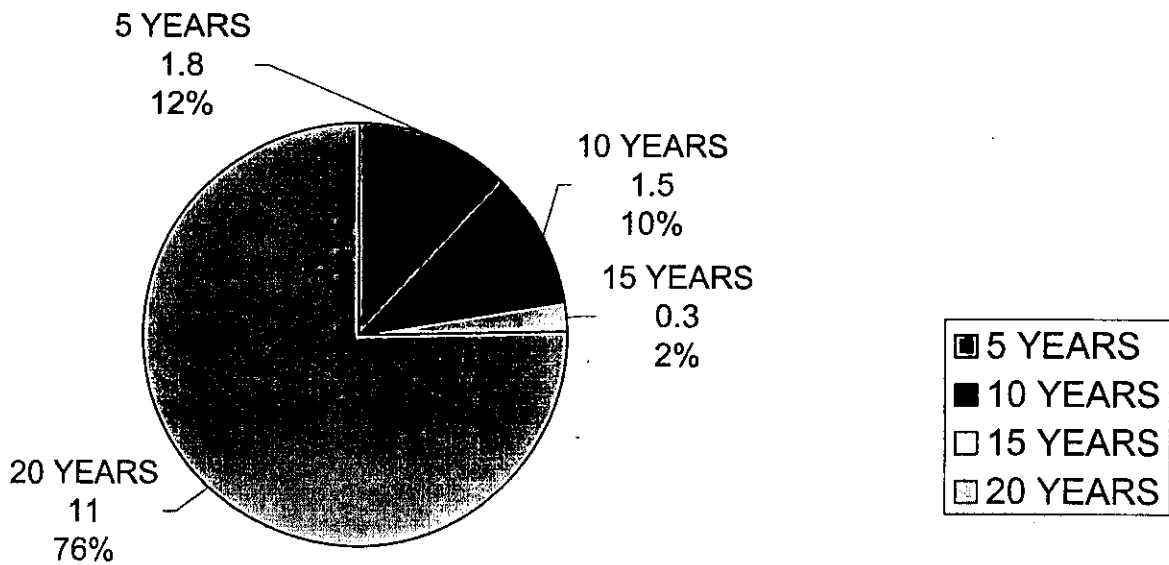
**Figure 3**  
**Clean Water SRF Average Loan Amount by Loan Term**

State Fiscal Years 2003-2008  
 (Average Total Loan Amount = \$34,800,000/year)

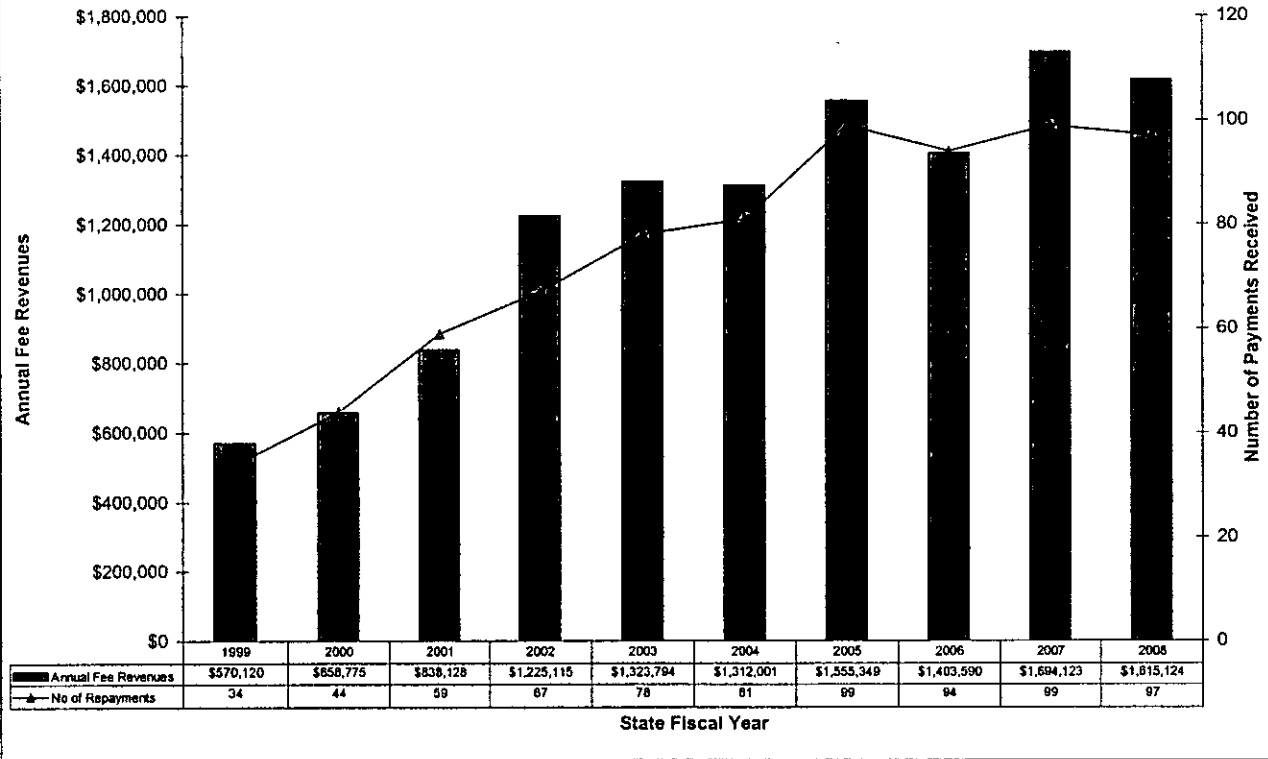


**Figure 4**  
**Clean Water SRF Average Number of Loans by Loan Term**

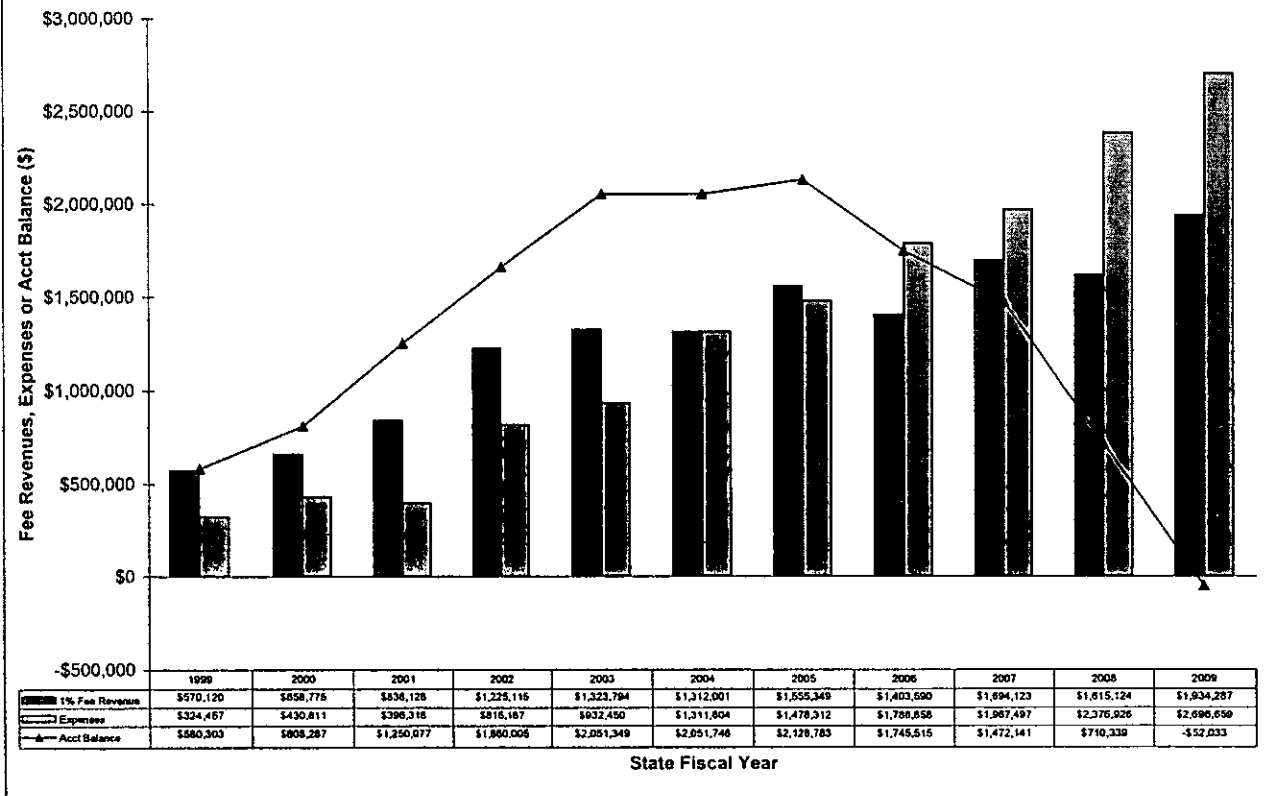
State Fiscal Years 2003-2008  
 (Average Total Number of Loans = 14.7/year)



**Figure 5**  
**Clean Water SRF Repayment Account History: Annual Fee Revenues**  
**(1% of Principal Repayments)**

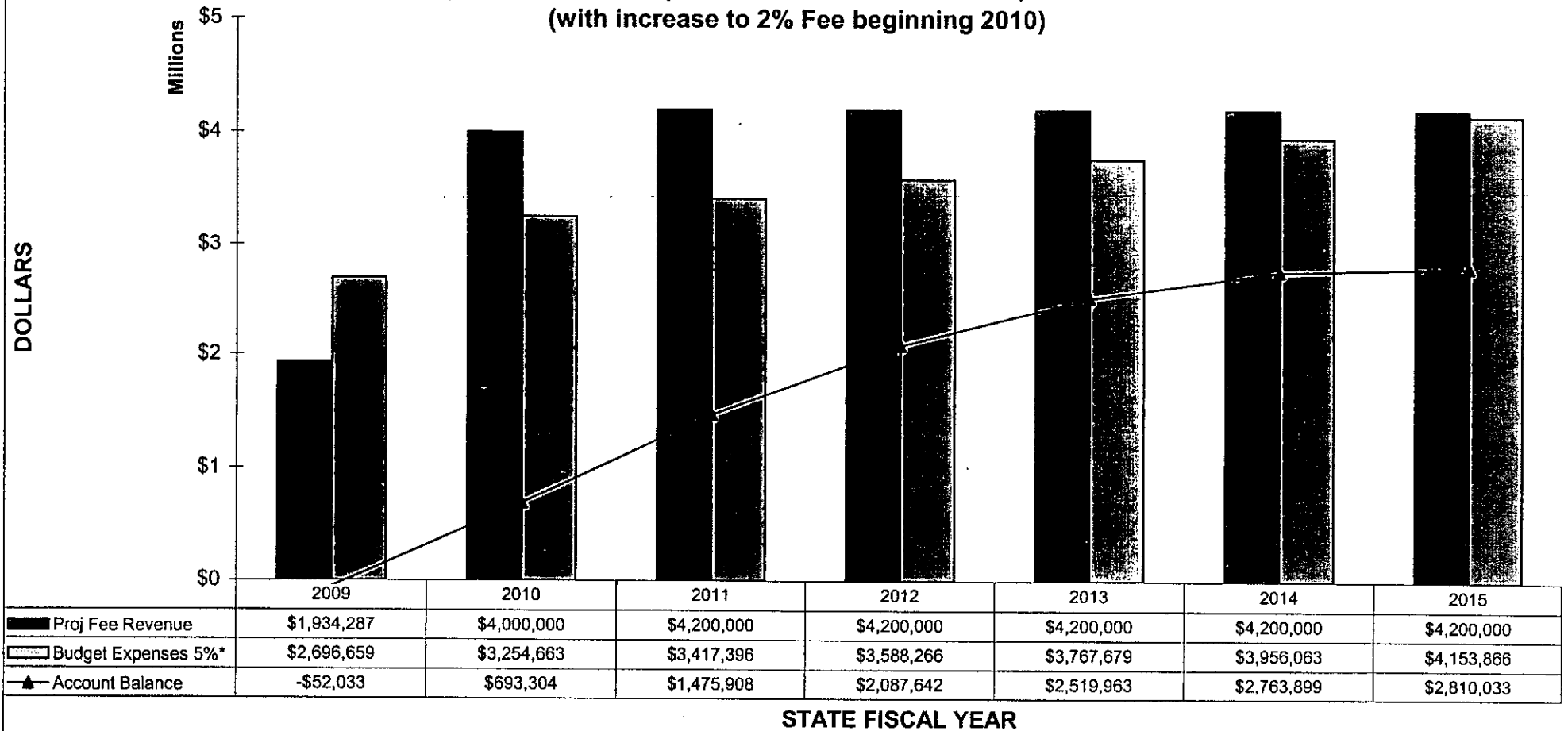


**Figure 6**  
**Clean Water SRF Administration Account**  
**History (State FY1997 to 2008)**





**Figure 7**  
**Clean Water State Revolving Fund (CWSRF) Fee Account:**  
**Projected Income, Expenses and Account Balance, FY 2009-2015**  
**(with increase to 2% Fee beginning 2010)**



\*Note: From 2011 to 2015 expenses assume 5%/year increase from previous year

**HOUSE COMMITTEE ON WAYS AND MEANS**  
**FULL COMMITTEE WORK SESSION ON 0572h amend to HB 638**

**BILL:** establishing a fee – driveway permits, engineering reviews, etc.

**DATE:** 3/17/2009

**Subcommittee Members:** Reps.

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by

Seconded by

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,  
Rep Wm. Butynski, Clerk of the Committee

HOUSE COMMITTEE ON WAYS AND MEANS

FULL  
SUBCOMMITTEE WORK SESSION ON 19B638,

BILL TITLE: *increasing the tobacco tax ;*

DATE: *3/17/09*

*Amendment #0572 by  
"establishing a fee ... engineering services  
& construction inspection ... driveway  
permits"*

Subcommittee Members: Reps. *[Signature]*

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

WAYS AND MEANS

Bill #: HB638, Amendment #0572 Title: establishing a fee for the costs of performing engineering reviews  
+ construction inspections associated with the issuance of drinking permits  
PH Date: 3 / 17 / 09 Exec Session Date: 3 / 17 / 09

Motion: \_\_\_\_\_ Amendment #: 0572(h)

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman		
Hatch, William A, V Chairman		
Davis, Frank W		
Butynski, William, Clerk		
Vachon, Dennis P		
Shattuck, Gilman		
Kelley, John D		
Mack, Ron J		
Johnson, William G		
Price, Susan G		
Walsh, Robert M		
Major, Norman L		
Griffin, Mary E		
Lockwood, Priscilla P		
Boutin, David R		
Bettencourt, David J		
Ober, Russell T		
Sapareto, Frank V		
Ulery, Jordan G		
Osgood, Joe		
TOTAL VOTE:		

HOUSE COMMITTEE ON WAYS AND MEANS

FULL COMMITTEE WORK SESSION ON 0566h amend. to HB 638

**BILL TITLE:** increasing the rooms and meals tax

**DATE:** 3/17/2009

**Subcommittee Members:** Reps.

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Johnson

Seconded by Rep. Davis

Vote: 10 Yes 3 No

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep Wm. Butynski, Clerk of the Committee

HOUSE COMMITTEE ON WAYS AND MEANS

~~SUB~~ COMMITTEE WORK SESSION ON <sup>FULL</sup> HB 635, Amendment #1  
0566

BILL TITLE: *Increasing the hours & meat days*

DATE: *3/14/09*

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Johnson*

Seconded by Rep. *Davis*

Vote: *10 Yea + 3 No*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

WAYS AND MEANS

Bill #: HB 638 Amendment #056 Title: increasing the number meals tax credits  
HB 638 increased the number of meals tax credits

PH Date:           /          /           Session Date: 3, 17, 09

Motion: OTP on 056 to HB 638 by Johnson & Down Amendment #: 056 to HB 638

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P <u>ABSENT</u>		
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L		✓
Griffin, Mary E <u>ABSENT</u>		
Lockwood, Priscilla P <u>ABSENT</u>		
Boutin, David R		✓
Bettencourt, David J <u>ABSENT</u>		
Ober, Russell T <u>ABSENT</u>		
Sapareto, Frank V <u>ABSENT</u>		
Ulery, Jordan G		✓
Osgood, Joe <u>ABSENT</u>		
	10 Yea	3 No

NB 638



# TOWN OF BEDFORD

Website: [www.ci.bedford.nh.us](http://www.ci.bedford.nh.us)

24 NORTH AMHERST ROAD • BEDFORD, NEW HAMPSHIRE 03110-5400

~~FILE COPY~~

March 17, 2009

House Ways and Means Chair Susan Almy  
STATE HOUSE  
107 North Main Street  
Concord, New Hampshire 03301

Honorable Representative Almy:

Attached is a Petition signed by 1,204 residents of Bedford relative to restoring the Rooms and Meals Tax and Revenue Sharing to local communities. In addition, it calls for the reversal of the recommendation for the reduction of the state retirement contribution from 35% to 30%. It was delivered with testimony at today's budget hearing. Copies have been given to the Finance Chair, Finance Division 1 Committee, Governor Lynch and the Senate President and Speaker of the House.

Although overall, these changes represent well over \$105 million for local communities. For Bedford that means \$932,200, \$156,500 and \$116,000 respectively. In total, these three items total \$1,204,700 which is revenue included in our Approved 2009 Budget and an unanticipated, unbudgeted retirement contribution. Should all of this occur, it represents an additional .36 cents on our anticipated tax rate, which is 5 times the budget recently approved of .07 of an anticipated increase in our town tax rate!

Although Governor Lynch recommended that the Legislature reinstate the Rooms and Meals Tax, that recommendation has yet to be reinstated. This is a very daunting task facing the State of New Hampshire, but as you know local officials throughout the state take exception to having the state budget balanced on the backs of local government.

Thank you for all you for the benefit of the State of New Hampshire and its residents.

Sincerely,

Russell R. Marcoux  
Town Manager

Town Council / Town Manager  
Recreation • Information Systems  
(603) 472-5242

Finance & Personnel  
(603) 472-9869

Public Works Department • Highway Division  
Waste Management  
Phone: (603) 472-3070  
Fax: (603) 472-4572

Other Departments Fax: (603) 472-4573

Town Clerk • Tax Collector  
Motor Vehicle Registrations  
(603) 472-3550

Planning & Zoning • Assessing  
(603) 472-8104



PETITION TO GOVERNOR JOHN LYNCH  
 And MEMBERS OF THE NH HOUSE AND NH SENATE  
 March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
<u>Murree A Marcoux</u>	<u>14 Pebble Beach Dr</u>
<u>Joseph B. Kelly</u>	<u>49 OLD SAWMILL ROAD</u>
<u>Mary Doughtie</u>	<u>91 Quincy Dr.</u>
<u>Phil Doughtie</u>	<u>91 Quincy Dr.</u>
<u>John - Tracy</u>	<u>22 Old Stone Way</u>
<u>Jay R</u>	<u>83 GAULT RD.</u>
<u>Barbara Quinn</u>	<u>28 Conch Rd.</u>
<u>Scott Blair</u>	<u>22 WHISPER DR.</u>
<u>Donna Klauke</u>	<u>89 Tirrell Rd.</u>
<u>RANDY BARNHART</u>	<u>123 Powder Hill Pond</u>
<u>John Slater</u>	<u>9 Monadnock Ln</u>
<u>[Signature]</u>	<u>25 Scott Road</u>

PETITION TO GOVERNOR JOHN LYNCH  
And MEMBERS OF THE NH HOUSE AND NH SENATE  
March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
<i>[Signature]</i>	265 N. AMHERST RD.
<i>[Signature]</i>	16 Maiden Ln
<i>[Signature]</i>	8 Plummer Rd
<i>[Signature]</i>	137 Campbell Rd
<i>[Signature]</i>	22 Brick Mill Rd.
Tom Hayes	20 Southgofo Dr
Mary C Turner	34 McIntosh Lane
<i>[Signature]</i>	4 CHUBUCK RD
Cheryl Mouscar	156 New Boston Rd.
Deih Keim	4 Park Dr.
<i>[Signature]</i>	12 SETON DR
Gay Dixon	47 Rindlett Hill Rd

PETITION TO GOVERNOR JOHN LYNCH  
 And MEMBERS OF THE NH HOUSE AND NH SENATE  
 March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
J. Leizilla	28 Birchwood Circle
J. Leizilla	"
Max D. Hinson	19 Birchwood Circle
Justin McIntyre	28 Appleton Rd.
Dr. J. Houle	19 Golden Dr.
Richard J. Magan	12 SONOMA DR
Rene W. [unclear]	58 Blanford Pl.
Justin [unclear]	14 Pheasant Run
Paul M. Koudellis	42 TUMBLE RD
Robert J. Welch	17 KING RD.
[unclear]	1 OAK [unclear]
Tom M. [unclear]	25 McAFFEE FARM RD

PETITION TO GOVERNOR JOHN LYNCH  
And MEMBERS OF THE NH HOUSE AND NH SENATE  
March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
<u>Alan W. Poole</u>	<u>9 Minfield Rd.</u>
<u>David A. Pumb</u>	<u>142 Powder Hill Rd</u>
<u>Joyce Fritze</u>	<u>27 Buckale Rd.</u>
<u>Jeanne McGeffer</u>	<u>17 Summer Snow</u>
<u>William J. [Signature]</u>	<u>68 Federation Dr.</u>
<u>MICHAEL MODEROS</u> <u>[Signature]</u>	<u>206 WAUNE ROAD</u>
<u>Leslie Thompson</u>	<u>11 Heritage Dr.</u>
<u>William Biddis</u>	<u>1 HAMMERWITTS WAY</u>
<u>Emilia O'Toole</u>	<u>11 Teaberry Lane</u>
<u>STEPHEN GILVIE</u>	<u>31 Nancy Lane</u>
<u>John Grubmuller</u>	<u>14 Orchard Hill Cir.</u>
<u>John Black</u>	<u>10 CRICKETEE CT.</u>

PETITION TO GOVERNOR JOHN LYNCH  
 And MEMBERS OF THE NH HOUSE AND NH SENATE  
 March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
James Cannon	39 Pebble Beach Drive
Carol Poir	7 Tirrell Rd
Stanford Poir	7 Tirrell Rd
Sharon Hammond	36 m'Affee Farm Rd
Margaret Deale	11 Bushdale Rd.
Ed	33 Cider Mill Rd
Mark O'Donnell	110 Blanford PL
Beth Jefferson	22 Wellesley DR
Paul C. Paul	4 Pinewood
Dr. [unclear]	158 [unclear]
Nutshell P. Utter	27 John Goffe Dr.
Phil Kyr	65 Hawthorne Dr

PETITION TO GOVERNOR JOHN LYNCH  
And MEMBERS OF THE NH HOUSE AND NH SENATE  
March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
<u>Christine Gallagher</u>	<u>15 Galloway Lane</u>
<u>PAUL LACOURSE</u>	<u>17 SUFFOLK CT.</u>
<u>HERMAN STRUBBURGER</u>	<u>45 BURNING OAK</u>
<u>Walter Griffin</u>	<u>16 Spyglass Pt. Circle</u>
<u>GWEN STRUCHHOFF</u>	<u>191 BEALS RD.</u>
<u>ANDREW STRUCHHOFF</u>	<u>191 BEALS RD.</u>
<u>DOUGLAS DINKEL</u>	<u>2 WESTVIEW TRD</u>
<u>Ted Gorski</u>	<u>9 Mayflower Dr Bedford, NH</u>
<u>Jeff Benson</u>	<u>24 Old Stone Way</u>
<u>Madelaine O'Neil</u>	<u>24 John Goffe Dr.</u>
<u>HOWARD SEEVER</u>	<u>184 LIB HILL RD</u>
<u>Laura Clark</u>	<u>38 Cortland Dr Bedford, NH</u>

PETITION TO GOVERNOR JOHN LYNCH  
 And MEMBERS OF THE NH HOUSE AND NH SENATE  
 March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

Name	Address
Kurt J. Jervis	192 BACK RIVER RD - Bedford
Pat C.	192 Back River Rd - Bedford
Susan Finerty	11 Cotton Circle - Bedford
Michael Cyr	26 Nancy Ln. Bedford
Abbey Starn	55 OFFICE DRIVE, Bedford
Anna Watson	1 NEIGHBORHOOD CH, Bedford
JOSEPH BOURBON	11 PRIMROSE LN BEDFORD
Normand St Amant	12 Palomino Tr. Bedford
Paul St. Amant	12 Palomino Lane, Bedford
Dan Bond	24 Foxwood Rd Bldg
Scott Foster	61 Caterby Lane
Roger A. Hinkle	17 HAZEL RD

PETITION TO GOVERNOR JOHN LYNCH  
 And MEMBERS OF THE NH HOUSE AND NH SENATE  
 March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
<u> Pamela Macdonald </u>	<u> 12 Mcintosh Ln </u>
<u> P. C. Macdonald </u>	<u> 12 Mcintosh Ln. </u>
<u> Fabrice Jean Stolt </u>	<u> 47 Beichard Circle </u>
<u> Mary Johnson </u>	<u> 15 Nancy Ln. </u>
<u> Stuenkel </u>	<u> 27 Broadmead </u>
<u> Laura Ring </u>	<u> 10 Connie </u>
<u> James Pohn </u>	<u> 40 Lindahl Rd. </u>
<u> Joseph Hammarford </u>	<u> 36 Hickory Lane </u>
<u> [Signature] </u>	<u> 95 Gage Road Bedford NH </u>
<u> [Signature] </u>	<u> 41 Gault Road Bedford NH </u>
<u> Deborah Madelin </u>	<u> 8 Sandstone In Bedford </u>
<u> Emma Curran </u>	<u> 23 Fairland DR </u>



PETITION TO GOVERNOR JOHN LYNCH  
And MEMBERS OF THE NH HOUSE AND NH SENATE  
March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
Ronald A. Pomeroy	24 GAULT RD BEDFORD
Margie O. Jeffrey	8 Teaberry Ln. Bedford
Al Stewart	38 Pine Beach Ln Bedford
Larry Brewster	38 Twin Brook Ln.
Phil Donohue	1 Roosevelt Drive, Bedford, NH
Chris Buffey	24 Plumace Rd BEDFORD
Cheryl Day	21 ORIOLE DRIVE, BEDFORD NH
<del>Robert A. White</del>	21 ORIOLE DRIVE, BEDFORD, NH
Elizabeth A. Fero	55 WENTWORTH DRIVE, BEDFORD, NH
Robert Blawie	20 Forest Drive, Bedford, N.H
Cheryl Jasper	118 County Rd, Bedford, NH
James T. Fero	118 County Rd BEDFORD NH

PETITION TO GOVERNOR JOHN LYNCH  
 And MEMBERS OF THE NH HOUSE AND NH SENATE  
 March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
<u>Karen B. Kline</u>	<u>53 Kensington Lane Bedford NH</u>
<u>André Garçon</u>	<u>48 Pinecrest Drive Bedford NH</u>
<u>[Signature]</u>	<u>2 New Lane Bedford NH</u>
<u>Will Hatfield</u>	<u>50 Pruden Hill Rd</u>
<u>Erik Anderson</u>	<u>55 Hawk Dr Bedford</u>
<u>[Signature]</u>	<u>51 Pawe Hill Rd Bedford NH</u>
<u>[Signature]</u>	<u>41 Jenks Rd. Bedford NH</u>
<u>[Signature]</u>	<u>17 Pond Point Dr. Bedford NH</u>
<u>Cheryl LeFrancis</u>	<u>411 Joppa Hill Rd</u>
<u>Carol Fournier</u>	<u>421 Joppa Hill Rd</u>
<u>[Signature]</u>	<u>38 Old Farm Rd.</u>
<u>Brian Duncanson</u>	<u>45 Greyrock Rd, Bedford NH</u>

PETITION TO GOVERNOR JOHN LYNCH  
And MEMBERS OF THE NH HOUSE AND NH SENATE  
March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
Richard McLoee	53 Patten Rd.
Maryann	36 Summit Rd.
Laura Street	22 Tirrell Rd.
MATHEW Skilliter	9 DAM CANE
Anita Boulay	3 HIGH GATE DR.
John Boulay	3 High Gate Dr.
Michael A. Albani	21 Rosewell Rd Bedford
<del>Donna</del>	35 Oakl Rb Bedford
Louis Madore	35 Gault Rd Bedford
Anna Petille	8 T. Amy Lane
Janet Sumalo	21 Winchester Ln, Bedford
Judith Perry	10 Perry Rd Bedford

PETITION TO GOVERNOR JOHN LYNCH  
And MEMBERS OF THE NH HOUSE AND NH SENATE  
March 10, 2009

We the undersigned, as residents of the Town of Bedford, request that you give serious consideration to the implications of the PROPOSED cost shifting from the State to our local communities as a result of your review of the NH 2009-2010 State Budget.

BEDFORD'S VOTER APPROVED 2009 Budget includes \$1,088,100 in Revenue from the NH Rooms and Meals Tax and Revenue Sharing. The reduction in the State Retirement contribution from 35% to 30% would cost our community an additional \$116,700. If approved as PROPOSED, that represents a budget IMPACT of \$1,204,700 or an additional .36 cents on our tax rate as a result of this possible OFF LOADING of the state's deficit to local communities.

<u>Name</u>	<u>Address</u>
<u>Donald Jones</u>	<u>41 Palomino Ln</u>
<u>Doretha Jones</u>	<u>45 Veronica Dr</u>
<u>[Signature]</u>	<u>48 Colonel Daniels Dr.</u>
<u>[Signature]</u>	<u>78 Tinnall Rd</u>
<u>[Signature]</u>	<u>8 Karolina Lane</u>
<u>[Signature]</u>	<u>18 Cortland Dr. Bedford.</u>
<u>[Signature]</u>	<u>214 Back River Rd Bedford</u>
<u>[Signature]</u>	<u>6 Connie Court Bedford</u>
<u>Ada Babowski</u>	<u>50 Edinburgh Dr Bedford</u>
<u>Aynn Ballotta</u>	<u>39 Catesby Ln</u>
<u>Nanda L. Jeskins</u>	<u>31 Spring Hill Rd.</u>
<u>Mae M. Marceau</u>	<u>214 No. Amherst Rd.</u>

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Anthony J. Julian	38 Julian Sufbe Dr. BEDFORD, NH
John Martin	32 Buckingham Way Bedford
Anne Bisclair	2 Blanning Way
Lillian King	44 Sturll Rd.
Leslie R. McDaniel	12 Lenwood Way Bedford
Catherine [unclear]	70 Wendover Way Bedford
Michael Hor	11 Old Lantern Bedford
Joseph Tenyer	14 McQuee Farm Rd Bedford
Beverly Shover	11 Old Lantern Bedford
Kenna M. Kardach	19 Chipping Norton, Bedford
Nita Beale	200 Campbell Rd. "
Dorothy Gudmundson	19 Heathside Cir Bedford
Gudy Veilleux	20 Greeley Hill Rd Bedford
Lucille Pratte	74 Palomino Ln Bedford
Roy A Pratte	74 Palomino Ln BEDFORD
Nelle fast	9 Trellis Way Bedford
Lynette Fancher	412 Char. Bancroft Hwy
Claude Strasser	17 Holbrook Hill RD.
Suzanne P. Hester	47 Birchwood Cir.
Kathleen Keep	42 Rice Ln

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Monica J. Dumouchel	71 Rosewell Rd Bedford
Lucille Barr	9 Polly Peabody Rd Bedford
Richard Barr	9 Polly Peabody Rd
Paul Ann Purni	15 GREEN MEADOW RD
Austin Stratton	26 Stratford Ln.
Mrs W. Jenni	23 Galloway Lane Bedford
Margaret Soujer	10 Dalton R. Bedford
Herbert J. Soujer	10 Dalton R. Bedford
David B. Pickett	19 Jackson St, Bedford
Lisa Nissen	7 Dublin Ct. Bedford
Johanna Purlow	29 Fox Run Rd. Bedford
Adam Lamy	16 Mulberry Lane Bedford
MICHAEL SANDHU	4 BURLEIGH TR.
Aurore Raymond	214 P.4/PIT RD
Brenda Robinson	24 Braeburn Ct.
Dyan Gordon	7 BIRCHWOOD CR.
Susan M. Fete	3 Pasture Lane Bedford
<del>Margaret</del>	20 Lindahl Rd Bedford
Kathleen White	30 Church Rd. Bedford
Margaret Jackson	38 John Wolfe Dr Bedford

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Marion Cullen	30 Holbrook Rd
Carolyn Claussen	31 Weymouth Dr.
Kathleen Hoffman	23 Constance St.
Susan Thomas	36 Glen Road
MARK CRECONE	61 MINISTERIAL
Wjuscott	45 Grey Rock Rd
Dun J. J. J.	390 Wallace
Janie Dunams	7 Cabot Lane
R. M. Witzel	1 Darling St
Dan J. J.	15 Nancy Lane
R. J. J.	10 CONALE CT
E. J. J.	11 Spaw Hill
L. R. J.	27 Brickmill W.
James O. Nade	37 Christmas Tree
Elaine Shihany	53 Edinburgh St.
Joel Shihany	53 Edinburgh Dr.
James J. Bell	15 Stratford Ln.
SP K. C. J.	15 Laurel Dr.
Barbara Chagnon	80 McIntosh Ln
Sarah Prothero	11 Elk Drive

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Eugene Gobel	92 Gage Girls Rd.
Barbara Madruaid	82 Riddle Dr.
Lyndell Jan	18 Wright Gars
Michael Garrow	9 checker berry Lane
Richard Russell	65 Hawthorn DR
Nancy Dinkel	7 McAllister Rd.
Marge Ford	7 W. Au 15.75E RD.
John Korman	42 King Rd.
Lyn Sawyer	30 Roswell Rd
May M. McInaha	41 CONSTANCE ST.
Carl Moyer	23 Hawk Dr.
Bruce Moyer	23 Hawk Dr
Marge Tolo	68 Reed Dr.
Vera Sachs	48 W. Daniels, dr.
Vivian M. Soto	104 Worthley Rd
Grand George	279 BACK RIVER RD.
[Signature]	38 Hawthorne Dr., J-206
[Signature]	51 Normand Cir
[Signature]	135 Nashua Rd
[Signature]	33 Boxwood RD.



BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Sue Williams	2 Lancaster Ln
Kevin Freuent	4 Kings Ranson Ln
Leonard Abram	589 New Boston Rd.
Nancy Dunning	25 Farmhouse Rd
Penny Woods	42 St. Andrews Dr
<del>Cheryl</del>	8 Canterbury Lane
Brandi Nimmo	43 Golden Drive
Lacie Carothers	4 Tebbetts Lane
Karen Kerse	6 Rumford Lane
Kathryn Bloch	23 Adams Green
Nena N. O'Brien	92 Rosewell Rd
Lulu & Mrs	92 ROSEWELL ROAD
Marie-Anne Blanchard	160 Wallace Rd
Liam Dickson	31 Birchwood Cir.
Meryl Duly	38 Birchwood Cir.
Aranda Cebrowski	54 Buttonwood Rd.
Carol Hancock	56 Hawk Dr.
<del>Michelle</del>	56 Hawk Dr.
Margaret C. Barr	94 Sebbins Pond Dr.
Kathleen Barr	94 Sebbins Pond Dr.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
R Parker	41 BEAVER LN.
<del>Anthony</del> J. Kelle	42 Tumble Rd 95 JOHN GIFFS LN
Diane Dwyer	49 Newfam Rd Bedford
Alicia C. Cronin	11 OLD EVANGELIN RD
D. Nite Todd	179 BACK BAY RD
T. P. Re	57 SIRONOAK RD.
Jutte Vaeker	1 Camelot Dr.
Paul Whiggin	39 WENTWORTH DR
Hendrick Oland	11 MAIRFIELD RD.
Jiang Vaelyn	12 Winchester LN
Bill Dorman	6 ARROWHEAD DR. E
Aulth J. Tabb	10 Old Sawmill Rd
M. E. —	224 JUPP HILL RD.
Deborah Townsend	224 Jupp Hill Rd.
Verdy Packard	50 Old Bedford Rd
LINDA MATTA	28 Wright Acres Rd, Bedford
DAVID MATTA	28 Wright Acres Rd., Bedford
Amy Matta	28 Wright Acres Rd., Bedford
Kim Preskenis	14 Newton Rd Bedford

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Mark Preskens	14 Newfare Rd Bedford
Kevin Preskens	14 Newfare Rd Bedford
Rothryn Phillips	4 Ruth St Bedford
Sam Phillips	4 Ruth St. Bedford.
Mark Bray	10 Bethans Ln Lees
Charlotte Johnde	35 Magazine St
Paul S. Johnde	35 Magazine St
Virginia Covant	15 Jefferson Rd
Gerald Bachner	74 Barrington Dr.
Kara Jordan	74 Hitching Post Ln. Bedford
Gary Medinoff	25 Mountain Rd Bedford.
Aurice Shuri	30 Brookview Terr
Melissa Crews	23 Rollingwoods Dr
Tammy Goldstein	130 Powder Mill Rd
Andrea Conway	113 N. Amherst Rd
Christine Villeneuve	8 Rutledge Rd Bedford
Leticia Riley	38 Constance St Bedford
Karen Bosting	21 Rile Lane
Richard E. Rancello	27 Buttonwood Rd.
Payson Langley	11 Camelot Drive

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
THADEUS KIELAR	16 OLD COVENTRY LANE
ROMAYNE E. KIELAR	16 OLD COVENTRY LANE
Craig Meservy	341 Joppa Hill Rd.
Joyce G. Kasiaras	156 County Rd.
Tom Conroy	113 No Amherst Rd
Mike Pstragowski	34 CARON RD BEDFORD, NH.
Lena Zota	14 Pheasant Run Bedford NH
Louise Langley	11 Camelot Dr.
Susan Clapp	66 Blanford
Rich Fackl	179 BeeKriver
Donna M. Bundy	142 Powder Hill Rd.
Kathleen Berg	134 Nashua Rd Bedford
John P. Williams	230 Back River Rd Bedford
Hans Hofitz	20 American Beauty Ln Bedford
James Wright	26 Welleclay Dr
Melissa Angel	37 Oriole Dr. Bedford
Joyce Sherrin	3 York Rd Bedford NH
Rt 111	3 York Rd Bedford NH
Douglas Harper	28 Harthside Circle
Neri Harper	28 Harthside Circle

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Mary Quinn	17 Hitching Post Ln.
Susan Frewett	4 Kings Ransom Ln
Catherine Carey	44 Sebbins Pond Dr.
Ed Carey	" " " "
Claire Flynn	1 Stagecoach Lane
Martina E. Kenny	40 Newfane Rd.
J. Duell Hamilton	84 LIBERTY HILL RD
THOMAS KRANASIOS	183 JOPPA HILL RD
Anise Loebel	17 WOODLAWN AVE
Charlotte Aulburn	9 Dalton Rd.
Kelly Kirkpatrick	35 Boxwood Rd.
Kathy Grubmiller	14 Orchard Hill
Magg Zink	43 Palmyra Lane #
Lani HEINE	37 Beacon Ln.
Cinda S. Lilligan	20 Weymouth Dr.
Donna	43 Gordon Dr.
Jenny Cathers	9 TOBBATS LN.
C. Cunn	11 Roswell Rd.
<del>Edward</del>	18 JACKSON SQ.
Edward Lane	6 RUMFORD LN

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

<del>Carla Albert</del>	32 Suffolk Ct.
Jane Ryan	38 Huntington St. Unit 106
Rene J. Pinnace	12 METEA LANE
Madonna Robert Repeta	9 Roswell Rd
Christa Myers	22 Burkdale Rd
Paul Shiff	306 Wallow Rd
Carol S. Sigafoos	241 Earl River rd
John White Jr	" " "
Ann W. W. W.	Campbell Rd
Dorinda DeLaney	19 Pauline Ct
W. J. Henderson	209 N. Amberly
Steph. C. C.	532 New Boston Rd
Michael O'Connell	11 Teaberry Lane Bedford
Ann M. Byrne	39 Ministerial Branch
Stephen C. C.	223 Joppa Hill Rd
Ann W. C.	223 JOPPA Hill RD
Susan W. Fuller	11 Winchester Ln
Ann M.	42 Tumble Rd
Aura May	20 Suffolk Ct.
Bryan Hall	8 Danforth Rd.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Ray Gato	63 Westworth Dr
Ron Mansen	13 ESSEX RD.
Georgia Eaton	3 Glenage
Deem Goffin	182 N. Amherst Rd.
Ted All	14 Jackson Sq.
Fudy Currie	10 BOWER LN.
H. Jant	12 EDWARD CIRCLE
E. Blair	37 Palomino
D. Lucas	7 West Dr
Marilyn Aubrey	95 Brick Mill Rd.
Donna Sadaf	95 Brick Mill Rd
Betty Felson	6 Whittemore St.
Donald E. Felson	" " "
<del>Yang Rose</del>	32 Haven
LIDIA PERRO	25 SCOTT RD
Gene Carlin	4 Pinewood Ter
John Hastings	
Gail Patrick	12 Jun: per Dr
Teresa shawyer	49 Liberty Hill Rd.
Paul Byrne	39 Ministerial Branch

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
William B. Lee	17 Patten Rd Bedford
Randy Koby	3 Alder Way Bedford
Murchison	39 King Rd Bedford
Jonna Guibord	191 Joppa Hill Rd. Bedford
<del>John</del>	191 Joppa Hill Rd Bedford
Warren Parks	25 Woodbury Ln. Bedford, N.H.
Dorothy Parks	25 Woodbury Ln.
Charles J. Smyl	8 Darby Ln. Bedford, N.H.
James J. Clark	54 STOWELL ROAD
Cathy Farrell	53 Braden Cir.
Wally Pak	28 POWERS HILL RD
Anne Jacobs	46 St. Andrews Dr.
Phil Jacobs	46 ST ANDREWS DR.
PAT KATHE	56 Birkdale Rd.
Chwalcoot	41 Highland Farms Dr
Tom T. Thompson	16 Whitney Ct 180 Liberty Hill
PAUL GOCHRAN	12 Edward Circle
George M. K. Kopy	37 PALOMINO LN
George M. K. Kopy	76 Harrington Drive



BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Thomas Eng	66 Eagle Dr. Bedford, NH
Jesse Caron	24 Wildwood Dr Bedford
Mark Tjelle	36 GAULT Road Bedford NH
ROBERT AUBIN	381 N ANTHEOST RD BRIDGEMAN CT
Stephanie Latlamm	11 Chippendale Dr Bedford NH
Jessica Humphrey	2 Col Daniels Bedford NH
Stephen G. Kuhn	36 Wellaley Dr Bedford NH
LEWIS TETLOW	16 Stoppingstone Rd Bedford NH
Deavis Finn	28 Lancaster Ln Bedford NH
Richard Hamill	25 Stanford Dr. Bedford N.H.
Frank Daniels	30 Olde English Rd Bedford NH
JIM GUERIN	30 BROOKVIEW TERRACE
Tina Operach	30 Forest dr Bedford NTT
Bob Goulah	12 Kawlina Ln. Bedford NH
Jill Dubois	168 New Boston Rd Bedford <sup>NH</sup>
André Joly	50 Paradise Ln
Marie Elena Dubois	50 Carriage Ln. Bedford
Dick Wines	3 MURFIELD RD
RICHARD POASE	30 BEDFORD COMMON RD
DAIGN MIKE	31 Orion Rd

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Shirley L. Ayer	19 Seabee St.
Allen T. Jones	5 Blandin ST.
Virginia Warren	33 Redgewood -
Robert Adams	37 Redgewood
Chas. Lee	6. Pkyn Dr.
Ethe Carr	24 WILDWOOD DR.
Anita M. Auben	381 N. Amherst Rd
V. Elate	33 Dunlap Bedford, Md
Laura C. Averil	92 McIntosh Ln. Bedford N
Lisa Parker	41 Bevan Lane.
TERRANCE J. RADKE	16 DARBY LANE
Cynthia H. DeJ	17 Rev. Houston Dr.
Edward F. Fitey	16 TRACY R. USE ED
Beverly Here	17 Patten Rd.
Ulrich Roney	3 Alder Way
Beth Wolfe	38 Mulberry Lane
Marian Zayac	111 Back River Rd.
MARILYN QUAIL	49 Catesby Ln
THOMAS QUAIL	49 CATESBY LN
Marita Kuffer	200 County Rd.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
James E. Power	48 ODE WANTEAN RD. 40 Newfane Rd.
Nicholas H. Jones Jr.	6 SMITHFIELD LN.
<del>David T. Brown</del>	343 NEW BOSTON R.D.
W. Hedstrom	25 EAGLE DR.
Steve Armstrong	1 Veronica Drive
John P. Luni	190 Meadys Lane Rd
<del>Edward</del>	29 LEDGEWOOD RD.
Pete E. Truender	45 FETTER Rd
M. M. Moran	8 NICE Lane B. N. H.
D. A. Stern	53 WHIPPOORWILL LN
Greg Webster	34 SELBINS POND DR.
Gary Summers	36 Smith Rd
Hugh K. Kline	27 ST ANDREWS DR
James Roberts	284 N. Amherst Rd
Sam Landau	26 Roswell Rd
<del>Thomas</del>	324 JOPPA Hill KO,
Cindy Tate	324 Joppa Hill Rd
DENNIS TOKAE	39 McIntosh Ln.
M. M. M. M. M.	50 F. d. d. d. d. Rd

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
John Burr	50 N. Amherst Rd
Joan Theurer	9 Chipping Norton Ln
Arthur Jackson	15 WOODBURY LA
Jonathon	12 Old Sawmill Rd
Elizabeth Jennings	6 Arrowhead Dr.
Ramon Gambastoni	6 Smithfield Lane
Kyeon Taylor	234 Liberty Hill Rd
Lynda Hagnon	9 Servant St.
Edward	1 Verona Drive
Judy R	9 Baldwin Lane
Ann Marie Higgins	92 Tirrell Rd
Bill Dargatzis	-
Frank King	1 SETON DRIVE
Robert Carey	57 Gray Rock Ln
Dan Sullivan	41 SETON DR
Stella Annette	196 Back River Rd
Melinde Sanborn	84 Rosewell Rd
Dana Rodare	8 Rice Ln.
Susan Broadwater	127 Willow Rd
Mark Borst	21 Kennedy Dr.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

Carol G. Small	2 Maple Drive, Bedford
<del>Franklin</del>	157 MA RD
John W. Turpechia	3 McIntosh Lane Bedford
George Perreault	17 Birkdale Rd
Kevin Shaughnessy	3 Birchwood Circle
Marilyn Otteron	10 Lane Drive
Javice Bontio	31 Ceyton Rd.
J. Villeneuve	106 ACE RD. Bedford, NH
Max Vilk	10 Grace Rd. Bedford NH
Laura Thomas	40 Seton Dr. Bedford
Callie Hill	103 Camelot - Bedford
Priscilla L. Hill	" " " BEDFORD
Tommi HALL	69 HITCHING POST LN
Pauline Liffman	52 Smith Rd Bedford
Walter Bradford	112 Ashua Rd Bedford
John McTigue	82 Col. Daniels Dr Bedford
Joseph Ford	7 POND POINT DR. "
H. M. SHOOBMAN	31 Catesby Ln. "
Maria Brana	18 Beech St, BEDFORD
KATHLEEN M. BENUCK	83 GAULT ROAD, BEDFORD

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Liffany Constant	57 Patton Rd Bedford
Barbara Karanassis	50 Rumi Rd Bedford
Elaine Kroll	14 Shaw Dr Bedford
Eveline Provencal	17 Hazen Rd., Bedford
L.H. Donnell	125 Banning Way Bedford
Gene Wachs	5 Nestor Cullen Dr. Bedford
Catherine Terravecchia	3 Mcintosh Lane, Bedford
Blanche Zebrowski	Dunby St, Bedford NH
Dorothy Stratton Marino	15 Montlight Rose Lane Bedford
L. Bongily	404 Wallace St - Bedford NH
Edna M Swant	99 Sebbins Pond Rd
Mrs E. O'Rourke	8 CIRCLE DRIVE
Ellen Coleyove	61 Ministerial Rd.
Clara Barry	25 Kiantic Rd.
Scott LaVelle	261 Back River Rd -
Doris H. Patis	111 Meadowcrest Dr.
Margaret F. Stanger	10 Lane Dr.
Lynne Barts	30 Clifton Rd. Bedford
Charlene Delany	263 N. Amherst Rd.
Nichole Nelson	14 Edinburgh Dr. Bedford

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

JARY PARISQAU	41 New Mansfield Rd Bedford NH
Shane Cucci	23 Fairlane Dr Bedford
MICHAEL SCANLON	15 CARON TRL. BEDFORD
Jeanne M. Marcoux	14 Pebble Beach Dr. Bedford NH
Peter A. DeTone	10 Colleen Dr. Bedford, NH
Marilyn J. DeTone	10 Colleen Dr. Bedford NH
Ursula Laniviere	4 Murlot Court Bedford, NH
Bob Marston	116 Walker Rd Bedford NH
Jane Tamelwice	5 Spring Hill Rd Bedford
Lynn Tamelwice	5 Spring Hill Rd Bedford, NH
Robert Miller	28 Pheasant Run, Bedford NH
Jane Miller	28 Pheasant Run Bedford NH
Ernest Dupes	5 Woyseide Dr Bedford
Jane Astante	69 ROSBURY RD BEDFORD
Bipintha Jamsela	32 Colonel Daniels Dr Bedford
Bob Jones	19 Heartside Circle Bedford NH
Joe P. Pugh	12 Appoos Rd Bedford
of Mahit	8 Leabe St.
Lyndy Dupes	15 WENOVER WAY
JM	47 CHATHAM DR.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

Lisa Rick	32 Greenmeson Lane
Donna D. O'Keefe	12 Cambridge Rd.
Susan Duff-Moore	29 Bedford Center Rd.
Linda Nicks-Krosch	50 Constance St.
James P Scanlon	15 JEFFERSON ROAD
Bettie Ann McKee	203 Liberty Hill
Dorothy A. Roy	78 Runlett Hill Rd.
Kim Lehouk	159 Back River Rd.
Steven Pugh	2 Tolford Hill Road.
<del>Richard</del>	141 Bens Rd.
Scott & Kim	17 Rock bound Rd.
Patricia Walsh	30 Birchwood C.
Bardy Snyder	11 Chestersfield Pl.
Margaret Shanks	23 Old English Rd
<del>Angela</del>	
<del>Patricia</del>	
Jane F. Wiggins	297 Elm River Rd.
Marie Noonan	48 Constance St.
<del>Donna</del>	12 Fourth Street
<del>Sara</del>	Bedford Center Rd.
Nancy McKinnis	78 Smith Rd



BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Way Arnold	<del>1157</del> 28 Mequon Oak
Marlene Rouse	3 Garden Party Ln
Barbara Spald	112 Washua Rd
Pauline Richard	17 Cambridge Rd.
Dore Ruppel	11 Beechdale Rd
Bob McLee	203 Woodcroft Rd
Michelle Lam	5 Veronica Drive
Kang Lee	5 Veronica Dr.
155 Back River Rd	17th Rd
L. Roy	78 Rundlet Hill
Frank Card	5 Woodbury Ln.
Joseph R. CTE	15 Beale Rd.
Dorothy Clark	584 Wallace Rd
The Jones	11 Hanoy Rd
John C. Wallace	15 Trellis Way
Dona Dube	84 Forest Drive
Kimberly Adams	72 Joppe Hill Dr.
M.H. D...	214 Back River Rd
Mark ...	20 Federation Rd.
Ry ...	22 Stowell Rd.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Scott Klose	4 Servant St.
DAVID HUNTER	279 ROUTE 101
Christine Hunter	279 Route 101
MAYBETH SOTERION	24 Mulberry Lane
Kevin Soterion	24 Mulberry Ln.
Jacqueline Klose	75 S. Hills
Tomie Hill	75 S. HILLS
DENNIS ROUX	3 GARDENTARY LN
Jeff Ritz	32 Green Meadow LN
Jean Chagnon	12 Carriage Lane Bedford
Cindy Chagnon	12 Carriage Ln.
Peter McKee	58 Stowell Rd.
James Hughes	10 Millstone
James V. Carl	19 ROOSEVELT Dr.
Dwight Wilson	120 Park River Rd.
[Signature]	8 OLD SAWMILL
[Signature]	12 Cambridge Rd
[Signature]	23 Palomino Lane
Michael Lee Gault	30 Bunker St
Tom Bowler	24 Boxwood Rd.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
John M. Mc	7 Roblin Road
Loretta Sugme	15 Barrington Dr.
Raye Francisca	417 Jappa Hill
Nephele Russell	67 WENSWORTH Dr.
Frank Moore	32 Sonoma Dr.
Dawna Cote	434 Donald St.
ROBERTO MUNOZ	14 GALLOWAY LANE
Kathy Antz	57 Stannel Rd.
<del>_____</del>	30 childfield Ave.
<del>_____</del>	4 Parker Hill
Ruthy MacLagan	80 Bull Mill Rd.
Kurt Lanta	123 ministerial Road
Cornell E Borriet	21 KENNEDY DR
<del>_____</del>	38 Madrasmet Dr.
Shiley Fowler	34 Malberry Lane
Fayla Doolan	24 CHRISTMAS TREE CR
Mary Danton	11 OLDE ENGLISH RD.
Jan Joo	22 WELLESLEY DR.
Christ Siskin	23 RANDOM RD.
Bill	11 WINCHESTER Lw.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
John McBride	39 Westview Road
Mary Glavens	21 Holly Herbody Rd.
Brenda Soghikian	12 Champagne Terr.
Robin Davis	189 Campbell Rd.
William DeLorenzo	15 Pilgrim Dr Bedford.
Ann Mulvey	53 Patten Rd Bedford
Robert Flynn	23 Harvard Lane
Jacquie Sivi	50 SANDY POND PKWY.
Ed Sullivan	30 Westview Rd.
Lyni Sullivan	30 Westview Rd
Rick Weber	17 woodlawn Ave
Gudrun Steiner	77 Hawk Dr.
Lynn Dennis	8 Brick Mill Rd.
Brenda Brown	62 Sebbens Pond Dr.
James R	" "
Robt. F.	87 Fay Lane
Kevin Cole	33 Dunlap Drive
Diana Maitte	80 Powder Mill Rd Bedford
Ken C	50 Pembroke Way Bedford NH
Matthew Lee	105 Northly Rd Bedford NH

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

Donald Cate	434 Donald St.
Gigi Munoz	14 Balloway Lane
Bill Gantz	57 Stowell Rd
Rachel W. Adcox	20 Winding Rd.
Ram J. Fox	29 Lancaster Ln
Joel Finner	1 DANFORTH DR.
Tim O. Bennett	18 METES LN.
Tom Anderson	63 Constance St.
Steph Dr	59 Eagle Dr.
Fred Smith	78 WENDOVER WAY
Sharon L Smith	78 Wendover Way
Nancy Natar	40 Randon Rd
K & J	3 Church Road
Marshall Kaya	3 Church Rd
Robert E Fawc	34 Mulberry Lane
Marilyn Beatty	24 Christmas Trl.
Kurt Oppen	22 Wellesley Drive
Mike Goggin	22 Wellesley Dr.
Kathleen Foreman	46 Liberty Hill Rd
JMM	211 Ingers Hill

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Kenneth M Flynn	27 Crofton Dr.
Mary Beyer	30 Pimlico Ct.
Cheryl M. Mear	180 Campbell Rd
John Costes	54 Federation Rd
Walter J. J. J.	20 Fairlane Dr.
D. J. M.	32 Ardoyne way
Pat Pallutz	38 Wendover Way
Josephine	3 NATHAN cattle & Dr.
Lisa Buzich	32 Avon Dr.
Ronald	327 Joppa Hill
Sean MacDagall	82 Brick Mill Road
P. J.	123 Ministerial Rd
Valerie Young	18 Metea Lane
A. J. S.	40 Quincy Drive
James W. K. K.	25 Kennedy Dr
Jim Mahoney	43 Rundlett Hill Rd.
Phil Mahoney	43 Rundlett Hill Rd.
Clayton L. Hagy Jr.	7 Jackson Square
Paul Bevilacqua	100 KING RD
DAVE RATTIGAN	5 PLAINS RD.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Ann Maggi Bellitto	292 BACK RIVER RD.
Dany Kozeluh	16 Grey Rock Rd.
Kathleen Johnson	22 Darby Ln
Lauree Fontaine	39 Brick Mill
Gymes M	55 Camelot Drive
A. Fay	16 Orchard Hill Circle
W. J. Kim	89 Powder Hill Rd
Beverly Barry	59 Liberty Hill Rd.
Susan Krolkowski	43 Ministerial Branch
Cheryl Schumb	27 Blackbird Cr.
Scott Plumer	42 Winding Rd
Alf A. L.	82 GRAFTON DR
Bert A. D. L.	82 GRAFTON DR.
Shana Rousseau	514 Wallace Rd
Richard DeJohn	53 Kensington Lane
The [Signature]	266 N. Amherst Rd
M. [Signature]	57 Sebbers Pond Dr.
Danielle [Signature]	353 N Amherst Rd.
Monique [Signature]	38 Pondfield Rd
K. [Signature]	38 Pondfield Rd

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

Milard Guregg	30 ROSEWELL RD.
Judge Gould	2 Elder William Rd
Lynck Rys	33 Boxwood Rd
See Dr	39 HEMMINGSIDE CIRCLE
Conrad Rongal	379 New Boston Rd.
	16 Caron Rd
James W. Mori	17 Fairlane Dr.
Jamie Burnett	4 Stephen Dr. Bed NH03110
Ferry Boivert	4 STEPHEN DR. BED. 03110
Johanna	52 Palomina Lane
Michele McCask	5 Mill Stone Terr.
J. A. Vela	40 Random Rd
Coleen M Bickardom	16 Birkdale Rd.
Rae's Marks	1 Oak Dr
Thomas E. Vlog	20 Winding Road
Frances Prosser	24 GAULT ROAD
Douglas Kearns	20 Mack St.
Andrew J. Breder MD	3 Newsum Rd
Bugia Zadei	31 Tumble Rd
Birne Pastard	18 Gleneagle Dr.



BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Howard Suls	71 Powder Mill Rd
Stephen Blais	483 Joppa Hill Rd
Kathy Mandeville	40 Heartside Circle
Larry Coe's	23 Rolling Woods Dr.
Chris Fisher	19 Heritage Dr.
Ann Belair	234 County Rd
Diane Belair	234 County Rd
Kathryn Chapman	36 SUMMIT RD
Michael Street	22 Tirrell Rd
Richard Reed	23 Weymouth Dr.
Colman	26 Maple Lane Rd
G Hamner	26 McMillan Farm Rd
Bill Reed	39 Pilgrim Drive
Steph Thomas	276 Pulpit Rd.
Paula TALMANSON	256 Pulpit Rd.
Karl D Schmitt	18 Beaver Ln
Miroslav Jirka	33 TUMBLE RD
Susan Smilars	67 Cortland Dr.
Mike Williams	31 Brookview Terr
Jan Williams	31 Brookview Ter

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

<u>Name</u>	<u>Address</u>
Robert P. Gosselin	8 Sandstone Dr.
Jim Jedon	41 Rice Ln
Nicole Tilton	5 Pinecroft Cir.
MARA RICH	100 BACK RIVER RD
CRAIG E RICH	100 BACK RIVER RD
MICHAEL G. BERRY	35 BARNSIDE Dr.
Mr Richard Morgan	25 Tirrell Rd.
Liz Morgan	11
Eileen Keefe	19 Trellis Wy
Kristin Blais	453 Joppa hill rd
Stephen Blais	453 Joppa hill Rd
Susan Clumby	54 Oak Drive
David Lehoff	306 Joppa Hill Rd
Bob Rheault	233 So. River Rd
KURT DAVIS	189 Campbell Road.
Sonene Graham	23 Hickory Ln
Barry Sternbers	77 Hawk Drive
Marjorie Yin	39 Glen Rd.
Mary. Christina	39 Glen Rd.
John Hughes	16 Millstone Ter.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Phyllis Hickey	50 John Goffe Dr Bed.
Ed Hickey	50 John Goffe Dr Bed.
John M. Ryan	80 PLUMMER RD BEDFORD
Theresa O'Leary	20 Woodlawn Ave Bedford
<del>John</del>	19 Carriage Ln Bedford, NH 05110
John Agui	15 Burgundy Ln. Bedford 05110
Richard Jetter	151 LIBERTY HILL ROAD
Robert P. Foley	167 Rock River Rd Bedford
Brian Sealander	97 St. well Rd
Lynn Carter	56 Greenmeadow Ln Bedford
Mae Villain	146 COUNTRY RD
Anore A. Villanueva	" " "
Ritanaio Murolo	7 Colby Court
Lorraine Marnette	409 S RIVER RD
MAYNARD CONTOS	106 N. ANNEST RD.
Richard J. [unclear]	5 Lincoln Ave Bedford NH
John [unclear]	140 Brick Mill
Charles J. Cantley	47 PONDFIELD ROAD
Michael Carter	47 Pondfield Rd
Wilbur L. Simpson, Jr.	1 Summers Snow Lane



BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

Maye Hanfetter	19 County Rd. Bedf.
George Cook	19 County Rd Bedf.
Jennifer D'Amico	31 Old Sawmill Road, Bedford
Ernie Smith	20 Woodman Ave. Bedford
Christi Mann	60 NORMAN CIR. BEDFORD
John Wolosky	15 Mayflower Dr.
Jurani Zimowski	43 Palomino Ln Bedford
Wm Zimowski	43 Palomino Ln Bedford
Wade Sauter	97 Stowell Rd, Bedford
Nancy Cole	30 Darby Ln. Bedford NH
Janis Johnson	9 Regency Dr, Bedford, NH
Beth Johnson	24 Butterfield Ln, Bedford,
Keith Hill	24 BUTTERFIELD LN, BEDFORD
Phil S. McLaughlin	15 Aspen Lane, Bedford NH
David James	26 Old Sawmill Rd, Bedford
Marilyn Simpson	1 Summer Snow Lane
Bob [unclear]	7 Cotton Cir
Gregg Mann	60 Currier Lane
David [unclear]	16 Butcher Dr.
James R. Johnson	15 Hitching Post Lane

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH



Name	Address
	10 WESTWORTH DRIVE
Stephen A. Fay	113 COUNTY RD.
David Nettart	247 Pulpit Rd
Marti Perazza	4 Boech.
Brad Bauer	5 Summer Sun
Vickie Bauer	5 Summer Sun
	68 Maple Falls Rd
Eddie Schmittchen	954 Joppa Hill Rd.
Carolyn Mandonicy	19 Carriage Ln
Kue Greenwood	7 Laurelwood Ct
Linda Hanch	5 Sandy Pond Pkwy
Greg Morgan	6 Steeple View Ln
Laurette Thurb	17 Boxwood Rd
W. Young	19 Horizon Dr.
R. M. Curran	11 Hitching Post Lane
John D. Ghone	9 Bess Farm Rd
Barbara Larson	54 Grafton Drive
Kip Schappell	97 Smith Rd
Frank Nugent	12 Butterfield Lane
Edna Bell	21 BARRETT RD.



BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
<i>[Signature]</i>	
ERNIE PASQUINO	12 S. HILLS DR.
JACKIE KRAMER	11 Beech St
Paul Krum	11 BEECH ST.
Cary Buxton	33 TWIN BROOK LANE
Patti Metayer	67 Cambridge Rd.
Don Doby	4 Wentworth Dr
Bill VanAntoon	30 CHURCH ROAD.
Ralph Dieter	78 Olde Lantern Rd.
My Myers <sup>MARK MYERS</sup>	58 CATSBY LANE
Tom Farrelly	15 Hawk Dr, Bedford NH
Janice J. Farrelly	11 McAtee Farm Rd Bedford NH
Ray J. Kern	9 Jacoby Lane, Bedford NH 03110
Cathie Fields	17 Old Saml. II Rd. Bedford NH 03110
<i>[Signature]</i>	26 Genevieve Dr Bedford NH
Kelen G. Wilson	35 Newstead Rd Bedford NH
<i>[Signature]</i>	284 Fulpat Rd Bedford NH
<i>[Signature]</i>	18 Powder Hill Rd.
<i>[Signature]</i>	21 Normand Circle Bedford
<i>[Signature]</i>	10 Fenbooke Way

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Tony Grande	23 Olde English Rd.
Thomas Hollis	73 Cambridge Rd.
Paul Smith	19 North Amherst Rd
Ray Soley	235 WALKERS Rd.
a Donahoe	42 Polly Peabody Rd
Jonathan Huh	29 Hitching Post Ln
Carol G. Trace	4 CABOT Ln.
Joseph A. Konisauk	424 RT 101
Louise N. Komaruk	" "
F. E. Quill	29 COUNTY RD
Beverly Thomas	51 Ministerial Rd.
Muel Fuller	1 STAGECOACH LAWR
Jeffrey Silliker	50 Greenfield Pkwy
Ray Pygoda	65 HAWTHORNE DR.
Linda Pygoda	65 Hawthorne Dr.
Maurice Romy	66 Hitching Post Lane
Oliver E. Rulka	90 McAfee Farm Road
Rita Plouffe	25 Stephanie Dr.
	24 STAFFORD CV
	47 Hendrye Dr.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Lanette C. Dileo	47 Rumlott Hill Rd. Bedford, N.H.
Kathy Effenberger	8 Circle Dr.
John Boyden @	50 Federation
Chris Ruchyja	19 Greeley Hill Rd.
[Signature]	4 York Road
Pete & Wilkins	24 Woburn ASBY DR
Ann Asd	14 Whitney Court
Michele Mast	21 Tiffany Lane
Paul Hys	66 Glavel Daniels Dr.
Chit James	7 First St.
Colleen R. Harnsey	28 Seblinia Pond Dr
Alan Peterson	64 N. Amherst Rd
Bob Young	343 N AMHERST RD
Ken Hawkins	1 Barrington Dr
Michael G	62 South Hills Dr
Elin Bauer	62 South Hills Dr
Paula Williams	49 BEIRAC RD
Debra Gotman	11 Bayberry Ct.
Curt [Signature]	36 ORIOLE DR
Janet Belvin	250 Wilbur St



BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

Marion Coble	9 Rockingham Ct Bed.
Roy Gustafson	17 Glen Rd Bed
David Gutierrez	9 Harrod Lane Bedford
Huamantla	20 Normand Cir Bedford
Melvin Bell	21 Eagle Drive Bedford
Joe Long	23 Birchwood Cir, Bedford
Felix & Idell	10 Old Sowmill Rd Bedford
Kurt Skye	254 Mill Rd. Bedford, NH
John J. Bal	37 Olde Lantern Bedford
Geroldine Galus	31 Olde Lantern Rd. Bedford
Sudhakar Tadepalli	7 Danforth Dr, Bedford
Carol B. Hunt	14 Rose Lane, Bedford
Al Texer	16 Smith Field Lane, Bed.
Charles Lyons	51 Pembroke Way
Jeffrey Fyfe	2 Jackson St
Paul D. Doherty	65 Liberty Hill Rd.
William Yang	343 N. Amherst Rd.
Glenn	40 New Boston Rd.
Nancy	51 Wentworth Drive
Linda Busch	9 Dorothy's Way

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Hung Vellers	20 Brookly Hill Rd.
May Anderson	19 Greeley Hill Rd.
Brusky Short	502 Walker Rd
Dennis Aube	7 Bayberry Ct
Steve Aube	7 Bayberry Ct
Jean Levesque	460 Wallace Rd.
Donna Gyles	460 Wallace Rd.
Dorothy White	5 Pebble Beach Dr.
Dan Wilson	3 PEBBLE BEACH DR
Evelyn Buren	8 Neighborhood Ct.
Frank Turner	24 Weymouth DR.
Du Burns	213 Liberty Hill Rd
Peter Scadeo	99 Liberty Hill Rd
Jerry Greer	24 LEDGWOOD RD
Michael Schmidt	14 Buttonwood RD
Joe Correia	100 Hawk Or
Dorin Finnelly	11 Maple Farm Rd.
David White	12 Newbury Lane
Dini Olson	103 Hitching Post Lane
Donald Cable	9 Pockington Ct

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Kimberly Allsop	32 old stone way
David Allsop	32 old stone way
Amy Nay	4 whittemore St.
POLAND WAY	4 WHITE MORE
William Deemom	39 Birchwood Circle
Franklin Szymura	10 Gally Court apt 207
Ann Granek	42 Old Sawmill Rd
Joan O'Neil	12 Appledor Rd.
John J. Dudy, Jr.	49 Old Farm Rd.
Stephen Wick	16 Canterbury Ln
Pat Pitt	15 Scott Rd
Mark Tetlow	15 Scott Rd.
Susan Fantei	17 Winchester Lane
Jim Sh	17 Winchester Lane.
Norman Tr Lene	17 Wentworth Drive
Ann Sage	6 Pondfield Rd.
Don Kieffe	200 County Rd.
In G. Country	40 Maple Drive
R. Brown	11 Newbury Ln.
Betty Jean Clemore	39 Pebble Beach Dr.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Charles H. Fony	3 Old Coventry Ln.
Moses H. Hony	2000 County Dr
Nancy Packul	18 Gleneagle Dr.
KAYE	27 Hymichin
Charlotta C. Daley	10 Dam Ln
E. J. Viner	14 Canterbury Ln
Vaira J. Edwards	5 Ministerial Bk.
Gail Ann	58 Tirrel rd.
Jen. Jewell	1 Tirrel Rd
All J. H.	20 Stephanie
Claire Poyll	4 Gleneagle
Dana Powell	4 Gleneagle Dr.
Pauline Bernard	444 Bognon St #2
Cathy McPhee	44 McQuade Brook Rd
Genny Deady	49 Old Farm Rd Bed
June Scott	21 Nancy Lane
Patricia N. Rogan	2 Stepping Stone Rd.
Bernell Beebe	10 Colby Court #107
Chaire Dunham	5 Shaw Dr
Jo Ann Carswell	8 Steppingstone Rd

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

Name	Address
Vivian Glocchia	9 Hazen Rd
Theresa L. Wolfe	21 Waltham Rd
Jill Fleming	65 Forest Dr.
D. M. Hill	11 Suzanne Dr
Raymond Bourne	18 Savoir St.
Cindy Douds	8 Devonshire
Ben Boyan	111 Meadowcroft Rd
Rob. Roques	" " " "
Kathleen L. Casanova	41 Elk Dr. Bed.
Carri Garra	71 Barr Farm Rd.
Dave Christman	6 First St Bed
Jess Curcio	2 Sandy Pond Pkwy
Darryl Ahn	138 Liberty Hill Rd
Jim Kearney	52 " " "
Spencer	67 Constance St. Bedford
Janet Morrison	15 Stoneyard Rd Bedford
Bonnie L. Greiner	12 Aspen Ln
Susan Fahay	30 Harvard Ln.
Heleen DePrime	19 Garrison Dr.
Kristi Opelle	36 Gault Rd

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address <sup>BEDFORD</sup>
Alice Danden	32 Lyndall Rd 03110
Stuart B. Danden	32 LINDALE RD 03110
<del>_____</del>	86 BEDFORD CENTER RD
Elizabeth Danden	3 Newfane Field 03110
Linn Reed	23 Weymouth Dr. Bedford NH 03110
Aussie Tarras	21 BRICK MILL RD.
Harry Bennetts	63 Plumming Rd.
Dave Monemo	26 GRAFTON DR.
Paul Beau and Helen	37 Brocken Cir
Maurice Danden	334 ST RR Road
H. Beauvois	334 S. A. Rd.
CJ Barley	3 Middleton Dr.
Donald R. Barley	3 MIDDLETON DRIVE
Ira Campbell	13 Tatton Rd.
Carm Keiffred	20 Wendover Way
Donald Keiffred	20 Wendover way
Elaine C. Priestley	14 Roosevelt Drive
Daphne Tokoc	39 McIntosh Lane
<del>_____</del>	14 Rowlett Drive
Russell	67 McIntosh Ln

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
<del>Raymond</del>	58 Birkdale Rd Bedford
<del>[Signature]</del>	330 Gibney Hill Rd, Bedford
Laura Condon	12 Brook Mill Rd
<del>[Signature]</del>	105 HUNTERIAL RD.
Richard Magie	44 BIRKDALE ROAD
Kathy Chaszczek	101 POWELL HILL RD
Dr Dmuchala	33 Vignio Rd.
Ray Chaszczek	101 Powdermill Rd, Bedford
B. J. Murphy	8 Constant St Bedford
Annamaria Johnson	3 Palomino Ln Bedford
Bill Thornton	17 Boxwood Rd. Bedford.
Chia Wu	44 Essex Rd Bedford
Suzanne Kennedy	39 Birdwood G. Bedford
Cynthia UShannon	12 Dublin Ct
Anita	7 Pinewood Tam
Cheryl Tracy	28 Wellesley Dr
Cathy Laskota	20 Jefferson Rd
Jeff Smith	18 Holbrook Rd.
Ziv Fine	142 CAMPBELL RD
Vance Hoke	142 CAMPBELL RD

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Luise Netto	65 Hawthorne Dr.
John Wood	44 Briston Ct.
Helen & Christy	57 Meadowcrest Dr.
Louis Christy	57 Meadowcrest Dr.
Carolyn A. Akers	55 Pebble Beach Dr.
Mary Jean Byer	14 Old Evergreen Rd
Angela V. Fisher	58 Meadowcrest Dr.
Helga Franston	97 Blanford Pl.
Maurice H. Zwick	114 Bath River Rd.
Scott H. [unclear]	6 Tirrell Rd
Bryan Cronin	97 Blanford Pl.
[unclear]	3 Old Evergreen Rd
Ciji Smalley	66 Hawthorne Dr.
[unclear]	49 CHURCH
Robert E. [unclear]	19 Hunter Rd
Maurice V. Poehlman	19 Hunters Rd.
Nehalida	52 Nathan Cutler Dr
Karen A. Coyle	52 Nathan Cutler Dr
Claire Penard	71 Sebbens Pond Dr.
B Enayji	130 Cambridge Rd



BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Ellen Blank	10 CHICKADEE CT
Bruce Harwood	20 Maiden Lane
Luis Pifer	32 BIRKDALE RD
Marilyn Bryson	12 Walsch rd
Johnnie Burr	45 Kanawha bl.
Gail Gandy	23 Rockwood Ct.
Stephen	18 Winchester Ln.
Raylene	75 ORIOLE DR
Burr Romayni	93 Cambridge Rd.
ROGER COTE	53 BIRKDALE Rd.
Douglas Stevens	5 Cajun Court
Michelle Burt	16 Cabot Lane
Wendell Burr	16 Cabot Lane
Gary Eder	52 Grey Rock
Lyle Ashen	460 Small St
Susan Clark	26 EDINBURGH Dr.
Martha Burr	174 Liberty Hill Rd
W. M. - Blevins	" " "
Bob Cole	10 Britton Ct.
Don Ashoon	69 Pasture Ln.

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

Clarence L. McFarley	30 Forest Drive
Will R. Mungley	30 FOREST DRIVE
James O. Anagnosto	64 Plumman Rd
Roder Tucker	54 McAfee Farm Rd.
Catherine T. Larimer	11 Strawberry Hill
Vatt Stahl	26 Twin Brook Lane
Buster M. Beals	30 Federation Rd.
Kathryn Priestley	19 Jackson Sq
Laurel Johnston	230 Beale Road
Andres Dolan	74 Blanford Place
Lois Carter	8 Winding Rd
Richard S. Vachon	1 Camelot Dr.
Robert A. Raymond	214 Palp. 't Rd.
Philip C. Bruno	18 BEECH ST.
never seen	175 Hitching Post Ln
Solomon F. Worden	7 Birchwood Cir.
John F. M. Hoff	17 Summer Swan Ln
Richard S. Vachon	40 Heartland Cir.
Margaret Thacker	126 Blanford Pl.
N. Haylor	259 New Boston Rd

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Richard Gendreau	8 Rose Lane
Ellen Bostwick	37 N Amherst Rd
J. Bostwick	37 N. Amherst Rd.
Rosalia J. Dyer	38 Hawthorne Dr
John M. Dyer	38 Hawthorne Dr
David G. Pulew	29 Fox Run Rd
William Beaulieu	21 Proctor Rd.
Robert Beaulieu	29 Proctor Rd.
Rosemary A. Clark	11 Pauline St.
W. P. O'Neil	370 Boynton St.
Vernice M. Hindie	22 Meadow Rd.
H. Lynde	26 Maple St
Linda F. Lynde	26 Maple Drive
John C. Szwedki	54 BURNWOOD
Marie J. Szwedki	77 Sebbins Pond Dr.
Donald Szwedki	" " " "
J. Burns	112 Birkdale Rd
David H. Whitehead	30 MAPLE DR.
Heather E. Michaels	30 Maple Drive
Janice E. Desrosiers	12 Letour Ave

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
Miles	71 Sandypond Pkwy
J. Cooper	289 BACK RIVER RD.
L. Cooper	289 Back River Rd
STAN POPIELARZ	70 CAMELOT DR.
Joe King	76 GRAY DR
Stephanie	30 Federation Road
Connie Perkins	7 Privet Hedge
James Anderson	" "
Donald Anderson	39 Shaw Drive
Carl Anderson	39 Shaw Drive
James G. Newman	11 Seabee St.
Bob King	48 MAPLE DR.
KEN PETERSON	43 BRICKMILL RD
Kathleen Page	4 Hunters Rd.
Jan Wood	44 Briston Ct
Pamela Whitney	39 Lider Mill Rd.
A. WILLIAM SORGE	14 MEADOWCREST DRIVE
Alex A. Bahdazian	19 Greater Hill Rd
B. Thompson	Liberty Hill Rd
Janie Leauth	Rosehill

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name	Address
David C. Messier	38 Christmas Tree Circle
Anne Southwell	14 Dalton Rd
Debbie Day	7 Curtis Ct
Eric Stepno	3 Stagecoach Ln
Melissa Stepno	3 Stagecoach Ln
Susan Boyder	56 N. Amherst Rd
Claudette Gier	198 Palpit Rd
Celia Silvera	46 Cambridge Rd
Bronia Becoral	49 Peabottle Lane
Ann Lind	178 Nashua Rd
Mayera <del>De</del>	22 TRAVISTOCK Dr.
Paul Stamas	37 County Rd
Aron Hannan	37 County Rd.
Diane Donahue	67 Federation Rd.
John	180 Campbell Rd.
Bethany Morgan	180 Campbell Road
John Ely	18 McQuade St RD
Ag. M. Donald	12 Banning Way
John	32 West Dr.
Allen Dupuis	15 Waverley Way

BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

Penny J. Demas 27 Clifton Rd.

Sarah Demas 27 Clifton Rd

May O'Myghion 28 Riddle Dr

Bonnie B Wiggin 44 Stowell Rd

Dee Melvin 12 Leonard Way

Robert J. 11 Berwick

Joe 22 Federation Rd.

Sp. A. Mend 41 Stratford Lane

Wilbur R. Hall 69 Hatching St Ln

James J. O'Leary 10 Dam Ln.

Arthur Osgood 31 Westview Rd.

Steve A. Manti 46 Dunlap Dr

Rich Mearns 126 Linton Rd

Bob Burtel 11 Montyhouse Ln  
6 CONNIE CT BEDFORD

Tony Gamache 3 Rockbund Rd.

Robert Gendron 95 McAllister Rd.

Jo Lupo 76 Eagle Dr.

Joccey Gendron 8 Ponder Hill Rd.

Robert J. Kelly 30 Hubbard St.



BEDFORD PETITION TO LEGISLATURE and GOV. LYNCH

Name

Address

Michael Collier

7 APPLELEAF DR.

TT BLAZAK

10 ESSEX RD

Tom Johnson

14 Presidential Rd.

Ken Bylotta

39 CANTON LN

Ej Gauran

214 No. Amherst Rd



05737

HOUSE COMMITTEE ON WAYS AND MEANS

FULL COMMITTEE WORK SESSION ON

~~HB 638~~ Amendment # 0827 replaced 05736

BILL TITLE: Amending the POT Overweight & Overweight permit fee schedule

DATE: 3/17/09

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Banta
Seconded by Rep. Uley
Vote: 13 Y 0 N

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote:

Respectfully submitted,
Rep.
Subcommittee Chairman/Clerk

WAYS AND MEANS

Bill #: HB 638 Title: Amending the DOT average + overweight permit fee schedule

PH Date: 1/12/09 <sup>with</sup> ~~Exec~~ Session Date: 3/17/09

Motion: DTL by BOUTIN IT2 0573 (C) HB 638 Amendment #: 0827 (C) ~~HB 638~~

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P <i>ABSENT</i>		
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L	✓	
Griffin, Mary E <i>ABSENT</i>		
Lockwood, Priscilla P <i>ABSENT</i>		
Boutin, David R	✓	
Bettencourt, David J <i>ABSENT</i>		
Ober, Russell T <i>ABSENT</i>		
Sapareto, Frank V <i>ABSENT</i>		
Ulery, Jordan G	✓	
Osgood, Joe <i>ABSENT</i>		
	(93)	(0)
TOTAL VOTE:		

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund and amending the department of transportation's  
5 oversize and overweight permit fee schedule.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 Equipment of Vehicles; Permit Fees. Amend RSA 266:22 to read as follows:

10 266:22 Permit Fees. Before any special permit authorized by RSA 266:24 is issued, the  
11 commissioner of transportation shall collect fees as follows:

12 I. Each permit for either over-length, over-width or over-height or any combination thereof,  
13 [~~\$6~~] **\$7**;

14 II. Each permit for vehicle and load over-weight, fee based on the following schedule:  
15 vehicle and load over registered weight but not exceeding 50,000 pounds, [~~\$5.50~~] **\$7.50**; 50,001  
16 pounds to 60,000 pounds, [~~\$6.50~~] **\$8**; 60,001 pounds to 70,000 pounds, [~~\$7.50~~] **\$9.50**; 70,001 pounds  
17 to 80,000 pounds, [~~\$8.50~~] **\$11.50**; 80,001 pounds to 90,000 pounds, [~~\$9.50~~] **\$12.50**; 90,001 pounds to  
18 100,000 pounds, [~~\$10.50~~] **\$14**; and for each additional 10,000 pounds [~~\$2~~] **\$2.50** shall be added to the  
19 above rate;

20 III. Provided a special *annual oversize* permit may be issued to a person to cover all types  
21 of *oversize* moves made within a radius of 100 miles from the person's home location for a fee of  
22 [~~\$60~~] **\$75** for each unit. Permits issued under the provisions of this paragraph may be issued for  
23 such time as the commissioner of transportation may determine.

24 IV. Provided further that a special annual *oversize* permit may be issued to a person to  
25 cover all types of *oversize* moves for a fee of [~~\$115~~] **\$140** for each unit. Each permit issued under  
26 the provisions of this paragraph shall be issued for one year;

27 *IV-a. Provided further that a book of 25 "in-transit" permits may be issued for a fee*  
28 *of \$75. Applicants may request authorization of an in-transit permit from the permit office*  
29 *for annual permits, supplemental permits, or single trip permits. Permit fees for single*  
30 *trip permits shall be collected pursuant to paragraphs I and II for each authorized in-*  
31 *transit permit;*

32 *IV-b. Provided further that the department may provide specialized engineering*

Amendment to HB 638-FN-A

- Page 2 -

1 *review of proposed travel over weight-limited posted bridges or for supermoves for a fee of*  
2 *\$65 per hour. All fees collected shall be deposited in the highway fund.*

3 V. The provisions of this section shall not apply to any special permit authorized by  
4 RSA 266:24 issued for farm equipment.

5 6 Effective Date. This act shall take effect July 1, 2009.

Amendment to HB 638-FN-A

- Page 3 -

2009-0827h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. The bill also amends the department of transportation's oversize and overweight permit fee schedule.

*Straw Vote*

HOUSE COMMITTEE ON WAYS AND MEANS

~~EXECUTIVE~~ <sup>WORK</sup> SESSION on HB 638 ~~Amendment~~  
BILL TITLE: ~~HB 638~~ *increasing the tobacco tax, increasing motor vehicle inspection fee, & transferring certain motor vehicle inspection fee revenue to a fund in the Department of Environmental Services*  
DATE: 3/19/09  
LOB ROOM: 202

Amendments:

Sponsor: Rep. *Hatch* OLS Document #: *0854 (w) (substituted by 0563 (w))*  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

*to have Amendment #*  
Motions:  OTP,  OTP/A,  ITL,  Interim Study (Please circle one.)

Moved by Rep. *Hatch*  
Seconded by Rep. *Vachon*

*STRAW HOPE* Vote: *105 to 8* (Please attach record of roll call vote.) *STRAW*

Motions:  OTP,  OTP/A,  ITL,  Interim Study (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,  
Rep. William Butynski, Clerk

WAYS AND MEANS

STRAW VOTE

Bill #: HB 638 Title: increasing the tobacco tax 11.11 cents per pack to include impact fee revenue to a fund in the department of environmental services

PH Date: 1/1/09 Exec Session Date: 3/19/09

Motion: OTP Amendment #: 0854(b)

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P	✓	
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G		✓
Price, Susan G		✓
Walsh, Robert M	✓	
Major, Norman L		✓
Griffin, Mary E		✓
Lockwood, Priscilla P	✓	
Boutin, David R	<del>_____</del>	<del>_____</del>
Bettencourt, David J	<del>_____</del>	<del>_____</del>
Ober, Russell T		✓
Sapareto, Frank V		✓
Ulery, Jordan G		✓
Osgood, Joe		✓
	<u>10</u>	<u>8</u>

*sub. for 563 (k)*

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund, increasing motor vehicle inspection fees, and  
5 transferring certain motor vehicle inspection fee revenue to a fund in the  
6 department of environmental services.  
7

8 Amend the bill by replacing all after section 4 with the following:

9

10 5 New Subparagraph; General Revenue Exemptions; Motor Vehicle Air Pollution Abatement  
11 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:  
12 (277) Funds deposited in the motor vehicle air pollution abatement fund established  
13 in RSA 125-S:3.

14 6 New Chapter; Motor Vehicle Air Pollution Abatement Fund. Amend RSA by inserting after  
15 chapter 125-R the following new chapter:

16

CHAPTER 125-S

17

MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

18 125-S:1 Purpose. The general court finds that emissions of air contaminants from motor  
19 vehicles represent a potential serious health problem to the citizens of New Hampshire and a threat  
20 to the air quality of the state. The purpose of this chapter is to establish a fund to be used for costs  
21 incurred by the department of environmental services in the prevention and abatement of emissions  
22 of air contaminants from motor vehicles registered for on-road use in the state of New Hampshire.

23 125-S:2 Definitions. In this chapter:

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

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

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

29 125-S:3 Fund Established. There is established a motor vehicle air pollution abatement fund,  
30 which shall be administered by the department of environmental services. This fund shall be used  
31 for costs incurred by the department in the course of carrying out activities that are designed to  
32 reduce air pollution in the state from the mobile source sector. All fees and monetary grants, gifts,  
33 donations, or interest generated by these funds shall be deposited with the state treasurer in a

Amendment to HB 638-FN-A

- Page 2 -

1 special nonlapsing fund to be known as the motor vehicle air pollution abatement fund and shall be  
2 continually appropriated to the department for the administration of this chapter.

3 125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement  
4 fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2.

5 7 Inspection Sticker Fees. Amend RSA 266:2 to read as follows:

6 266:2 Fees. The fee for inspection stickers shall be [~~\$2.50~~] **\$2.90** for each sticker furnished an  
7 approved inspection station. *The division shall transfer \$.25 of each fee collected under this*  
8 *section to the motor vehicle air pollution abatement fund established by RSA 125-S:3.* All  
9 unused stickers returned by the approved inspection station to the division shall be refundable at the  
10 rate of [~~\$2.50~~] **\$2.90** each, except that unused stickers purchased from the division for a fee of \$2.50  
11 shall be refundable at the rate of \$2.50 each.

12 8 Effective Date. This act shall take effect July 1, 2009.

Amendment to HB 638-FN-A

- Page 3 -

2009-0854h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

II. 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.



Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund, increasing motor vehicle inspection fees, and  
5 transferring certain motor vehicle inspection fee revenue to a fund in the  
6 department of environmental services.  
7

8 Amend the bill by replacing all after section 4 with the following:

9

10 5 New Subparagraph; General Revenue Exemptions; Motor Vehicle Air Pollution Abatement  
11 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:  
12 (277) Funds deposited in the motor vehicle air pollution abatement fund established  
13 in RSA 125-S:3.

14 6 New Chapter; Motor Vehicle Air Pollution Abatement Fund. Amend RSA by inserting after  
15 chapter 125-R the following new chapter:

16

CHAPTER 125-S

17

MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

18 125-S:1 Purpose. The general court finds that emissions of air contaminants from motor  
19 vehicles represent a potential serious health problem to the citizens of New Hampshire and a threat  
20 to the air quality of the state. The purpose of this chapter is to establish a fund to be used for costs  
21 incurred by the department of environmental services in the prevention and abatement of emissions  
22 of air contaminants from motor vehicles registered for on-road use in the state of New Hampshire.

23 125-S:2 Definitions. In this chapter:

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

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

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

29 125-S:3 Fund Established. There is established a motor vehicle air pollution abatement fund,  
30 which shall be administered by the department of environmental services. This fund shall be used  
31 for costs incurred by the department in the course of carrying out activities that are designed to  
32 reduce air pollution in the state from the mobile source sector. All fees and monetary grants, gifts,  
33 donations, or interest generated by these funds shall be deposited with the state treasurer in a

Amendment to HB 638-FN-A

- Page 2 -

1 special nonlapsing fund to be known as the motor vehicle air pollution abatement fund and shall be  
2 continually appropriated to the department for the administration of this chapter.

3 125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement  
4 fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2.

5 7 Inspection Sticker Fees. Amend RSA 266:2 to read as follows:

6 266:2 Fees. The fee for inspection stickers shall be [~~\$2.50~~] **\$2.90** for each sticker furnished an  
7 approved inspection station. *The division shall transfer \$.25 of each fee collected under this*  
8 *section to the motor vehicle air pollution abatement fund established by RSA 125-S:3.* All  
9 unused stickers returned by the approved inspection station to the division shall be refundable at the  
10 rate of [~~\$2.50~~] **\$2.90** each, except that unused stickers purchased from the division for a fee of \$2.50  
11 shall be refundable at the rate of \$2.50 each.

12 8 Effective Date. This act shall take effect July 1, 2009.

Amendment to HB 638-FN-A

- Page 3 -

2009-0854h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

II. 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.

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0563h  
05/09

Amendment to HB 638-FN-A

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

2

3 AN ACT            increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4                            comprehensive cancer plan fund, and establishing the motor vehicle air pollution  
5                            abatement fund.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9        5 New Subparagraph; General Revenue Exemptions; Motor Vehicle Air Pollution Abatement  
10 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:  
11                            (277) Funds deposited in the motor vehicle air pollution abatement fund established  
12 in RSA 125-S:3.

13        6 New Chapter; Motor Vehicle Air Pollution Abatement Fund. Amend RSA by inserting after  
14 chapter 125-R the following new chapter:

15

CHAPTER 125-S

16

MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

17        125-S:1 Purpose. The general court finds that emissions of air contaminants from motor  
18 vehicles represent a potential serious health problem to the citizens of New Hampshire and a threat  
19 to the air quality of the state. The purpose of this chapter is to establish a fund to be used for costs  
20 incurred by the department of environmental services in the prevention and abatement of emissions  
21 of air contaminants from motor vehicles registered for on-road use in the state of New Hampshire.

22        125-S:2 Definitions. In this chapter:

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

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

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

28        125-S:3 Fund Established. There is established a motor vehicle air pollution abatement fund,  
29 which shall be administered by the department of environmental services. This fund shall be used  
30 for costs incurred by the department in the course of carrying out activities that are designed to  
31 reduce air pollution in the state from the mobile source sector. All fees and monetary grants, gifts,  
32 donations, or interest generated by these funds shall be deposited with the state treasurer in a

Amendment to HB 638-FN-A

- Page 2 -

1 special nonlapsing fund to be known as the motor vehicle air pollution abatement fund and shall be  
2 continually appropriated to the department for the administration of this chapter.

3 125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement  
4 fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2.

5 7 Inspection Sticker Fees. Amend RSA 266:2 to read as follows:

6 266:2 Fees. The fee for inspection stickers shall be [~~\$2.50~~] **\$3.00** for each sticker furnished an  
7 approved inspection station. *The division shall transfer \$.25 of each fee collected under this*  
8 *section to the motor vehicle air pollution abatement fund established by RSA 125-S:3.* All  
9 unused stickers returned by the approved inspection station to the division shall be refundable at the  
10 rate of [~~\$2.50~~] **\$3.00** each, except that unused stickers purchased from the division for a fee of \$2.50  
11 shall be refundable at the rate of \$2.50 each.

12 8 Effective Date. This act shall take effect July 1, 2009.

2009-0563h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

II. 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.

*Straw Vote*

HOUSE COMMITTEE ON WAYS AND MEANS

~~EXECUTIVE SESSION~~ <sup>WORK</sup> on ~~HB 638~~ <sup>Amendment 0572 (to HB 2)</sup>

BILL TITLE: *establishing a fee for memory ... driveway permits*

DATE: *3/19/09*

LOB ROOM: *202*

Amendments: *0572 h*

Sponsor: Rep.

OLS Document #: *0572(h)*

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Hatch*

Seconded by Rep. *Vachon*

*STRAW VOTE*

Vote: *ITAB* (Please attach record of roll call vote.)  
*Yes No*

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

WAYS AND MEANS

STRAW VOTE

Bill #: HB 2

Title: establishing a fee for engineers in driveway permits

PH Date:      /      /     

Exec Session Date:      /      /     

Motion: ITL

Amendment #: ~~0572~~ 0572 (w)

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P	✓	
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L		✓
Griffin, Mary E		✓
Lockwood, Priscilla P		✓
Boutin, David R		
Bettencourt, David J		
Ober, Russell T		
Sapareto, Frank V		✓
Ulery, Jordan G		✓
Osgood, Joe		✓
	<del>11</del> / 11	6
TOTAL VOTE:		

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0572h  
04/09

Amendment to HB 638-FN-A

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

2

3 AN ACT            increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4                    comprehensive cancer plan fund, and establishing a fee for the costs of performing  
5                    engineering reviews and construction inspections associated with the issuance of  
6                    driveway permits.  
7

8 Amend the bill by replacing all after section 4 with the following:

9

10        5 New Subparagraph; Driveways and Other Accesses to the Public Way. Amend RSA 236:13, III  
11 by inserting after subparagraph (c) the following new subparagraph:

12            (d) The department of transportation may charge a fee to cover costs expended to  
13 perform engineering reviews and construction inspections associated with the issuance of driveway  
14 permits required under this section. The fee for work performed by department technical and  
15 engineering personnel shall be \$65 per hour, and in no case shall the total fee exceed \$6,500. The fee  
16 for work performed by consultants engaged by the department to assist with this work shall be the  
17 actual costs charged by the consultant. The actual fee for department of transportation hours and  
18 consultant work for any single permit application shall not exceed \$25,000. All fees collected under  
19 this subparagraph shall be deposited in the highway fund.

20        6 New Paragraph; Department of Transportation; Required Rulemaking. Amend RSA 21-L:12  
21 by inserting after paragraph X the following new paragraph:

22            X-a. Fees for driveway construction permits pursuant to RSA 236:13, III(d).

23        7 Effective Date. This act shall take effect July 1, 2009.





2009-0572h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

II. Establishes a fee for the costs of performing engineering reviews and construction inspections associated with the issuance of driveway permits, and requires such fees to be deposited into the highway fund.

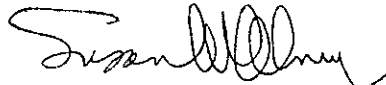
**HOUSE COMMITTEE ON WAYS AND MEANS**

**BILL NUMBER:** HB 638-FN-A

**BILL TITLE:** increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

**DATE:** 4/1/09

**THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.**



---

**Susan W. Almy, Chairman**

# Speakers





















# Hearing Minutes

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 638-FN-A

**BILL TITLE:** increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

**DATE:** 2/19

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 1:47 p.m.

**Time Adjourned:** 3:10 p.m.

(please circle if present)

**Committee Members:** Reps. ~~Almy~~, ~~Hatch~~, ~~Davis~~, ~~Butynski~~, ~~Vachon~~, ~~Shattuck~~, ~~J. Kelley~~, Mack, W. Johnson, ~~S. Price~~, ~~Wals~~, ~~Major~~, Griffin, ~~Lockwood~~, ~~Boutin~~, Bettencourt, ~~R. Ober~~, Sapareto, ~~Uley~~ and Osgood

**Bill Sponsors:** Reps. Butynski, Hatch, Bridgham, Pilliod, Emerton

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**\*Rep. Butynski**, prime sponsor, supporting

- raise tobacco tax by \$1.00 – help for cancer fund and general fund
- has written testimony
- the federal tax will make our profit less, but still large enough to be helpful
- as the tax increases, you keep more young people from smoking
- it's a regressive tax, as are most of N.H's taxes

**Rep. Bob Bridgham**, sponsor, supporting

- concerned with funds for the cancer fund
- we need a dedicated fund for this

**\*Mark Archambault**, owner of Hatch Convenience store, opposing

- submitted written testimony
- concerned with this tax increase
- this eliminates the tax advantage that New Hampshire has
- had concerns about the increase last fall – that came about when the money raised over the summer wasn't great enough to prevent the tax increase
- higher prices do not keep kids from smoking
- this tax increase will have a big effect on his convenience store

**Rachel Chretien**, from Manchester, supporting

- cancer survivor
- supports this bill for health reasons
- also supports the cancer plan fund

**\*Derek Durbin**, representing Tobacco Free New Hampshire  
-supports bill, submitted written testimony

**\*Diana O'Donoghue**, representing Organization of Convenience Stores  
-opposes bill  
-New Hampshire has increased the tax in the last 3 out of 4 years  
-this would reduce sales  
-she has presented written testimony

**\*Paige Niler**, representing Dover Youth to Youth, supports bill  
-has written testimony  
-Paige is an 8<sup>th</sup> grader who is giving testimony from the teenager's point of view

**Ashlee Iber**, Breathe N.H., supporting bill  
-tax increase will make it harder for people to begin smoking  
-also need money for the presentation of tobacco usage

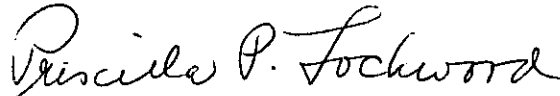
**Richard Rigazio**, store owners – Portsmouth, opposing bill  
-New Hampshire is getting sales from out of state and a tax increase will severely cut down on sales  
-move age limit on tobacco to 21 to get it out of high schools

**\*Nancy Pederzini**, representing American Heart Association  
-supports bill  
-has written testimony

**Robert Windmill**, opposes the bill

**\*Peter Ames** – representing American Cancer Society  
-supports the bill, submitted written testimony  
-feels that a \$1.00 increase in the tax will increase the revenue to the state  
-there is support from the general public for a \$1.00 increase in the cigarette tax according to the American Cancer Society

Respectfully submitted,



Rep. Priscilla P. Lockwood  
Acting Clerk of the Committee

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 638-FN-A

**BILL TITLE:** increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

**DATE:** 2/19

**LOB ROOM:** 202

**Time Public Hearing Called to Order:** 1:47

**Time Adjourned:** 3:10

(please circle if present)

**Committee Members:** Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Ulery and Osgood.

**Bill Sponsors:** Reps. Butynski, Hatch, Bridgham, Pilliod, Emerton

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Butynski - Ches. 4  
Raise tax by \$1.00. Help for cancer fund  
and general fund. Has written testimony.  
The federal tax will make our profit less, but  
still enough to be helpful. As the tax  
increases, you ~~lose~~ <sup>keep</sup> more young people <sup>from</sup> smoking.  
It is a regressive tax, as ~~are~~ <sup>are</sup> most of  
N.H.'s taxes.

Rep. Bob Bridgham - Carr. 2  
Supports the bill. Concerned with funds  
for the cancer plan fund. We need a dedicated  
fund for this.

Mark Archambault - Owner of Hatch Convenience Store  
Concerned with this tax increase.  
This eliminates the tax advantage N.H. has. →



Has concerns about the increase last fall that came about when the money raised over the summer wasn't great enough to prevent the tax increase. Higher prices do not keep kids from smoking. This tax increase will have a big effect on his convenience store.

Rachel Chretien - from Manchester

Cancer survivor. Supports the bill for health reasons. Also will support the cancer plan fund.

Wendy Durbin - Tobacco Free NH  
Supports the bill. Has written testimony

Miana O'Donoghue - Organization of Convenience Stores  
Opposes the bill. NH has increased the tax in the last 3 ~~years~~ out of 4 years. This would reduce sales. She has presented written testimony.

Paige Nilu - Dover Youth to Youth  
Supports the bill. Has written testimony. Paige is an 8<sup>th</sup> grader who is giving testimony from the teenager's point of view.

Abby Ashlee Iker - Bread & H.

Supports the bill. Tax increase will make it harder for people to begin smoking. Also need money for the prevention of tobacco use.

CON'T.

Richard Rizazio - Store Owner - Portsmouth  
Opposes The bill

NH is getting sales from out of state  
and a tax increase will severely  
cut down on sales. More age limits  
on tobacco to 21 to get it out of high  
schools.

Nancy Pedergini - Am. Heart Assoc.  
Supports The bill. Has written  
testimony.

Robert Whitwell  
Opposes The bill

Peter Ames - Am. Cancer Society  
Supports The bill. Has written  
testimony. Feels that a \$1.00 increase  
in the tax will increase the revenue to  
the state. There is support from the  
general public for a \$1.00 increase in the  
cigarette tax according to the Cancer Society.

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 638 (PROPOSED AMENDMENTS)

**BILL TITLE:** PROPOSED AMENDMENTS TO HB 638

**DATE:** March 12, 2009

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 9:06 a.m.

**Time Adjourned:** 10:22 a.m.

(please circle if present)

**Committee Members:** Reps. ~~Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mach, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, South, Bettencourt, R. Ober, Sapareto, Uley~~ and Osgood.

**Bill Sponsors:** Reps. M. Smith, Almy

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**0565h** amend. to HB 638, Liquor Commission representative was not present at beginning of the public hearing on the amendment "relative to the funding and operation of liquor stores by the liquor commission".

**Chief Edwards**, Chief of Enforcement, NH State Liquor Commission on amendment 0565h – working with Senate on new language on SB 181.

**Liquor Commissioner Simard** – amendment to create efficiencies in liquor revenues. Chairman Almy invited Local and Regulated Revenue Chairman Mary Beth Walz, and Commerce Committee member, John Hunt, to the hearing and table.

**Chief Edwards**, 0565h, Chief of Enforcement, NH Liquor Commission changes will allow us to operate more efficiently as a business, e.g. not having to bid out to replace a broken window

**George Tsiopras**, Chief Financial Officer, Liquor Commission, issues arise because we are General Funded and subject to executive order hiring freezes, etc. as differentiated from quick action to fill positions, purchase shelving for a new store, fix a broken lift truck, etc. in order to efficiently generate revenues. No determinations have been made as to number of agency stores licenses to be issued. This year expect 9% greater net profits; next couple years expect net profit increase of 13% in one year and 21% in second year.

Subcommittee meeting: Monday at 11:00 will be chaired by Rep. Butynski.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William Butynski".

Rep. Wm. Butynski  
Clerk of the Committee

HOUSE COMMITTEE ON WAYS AND MEANS  
PUBLIC HEARING ON HB 638 (PROPOSED AMENDMENTS)

BILL TITLE: PROPOSED AMENDMENTS TO HB 638

DATE: March 12, 2009

LOB ROOM: 202

Time Public Hearing Called to Order: 9:06 AM & 9:12 AM  
& recessed to 9:30 AM when [unclear]

Time Adjourned:

(please circle if present)

Committee Members: Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Ulery and Osgood.

Bill Sponsors: Reps. M. Smith, Almy

Amendment to HB 638-FN-A  
TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted

→ 0565 (lv) ~~of the Liquor Commission~~ Rep was not present at the beginning of the Public Hearing on this Amendment "relating to the funding and operation of liquor stores by the liquor commission"; ~~the committee began with Amendment # 0565 (lv) established a list of guidelines~~  
3 liquor Commission representatives spoke in support of the bill.  
Chief E. Edwards, Chief of Enforcement, NH State Liquor Commission, on Amendment # 0565 (lv) & HB 638 - working with Senate on new language, on SB 181  
+ Liquor Commissioner Simard - Amendment to create efficiencies & increase liquor revenue. Chair Almy invites local & regulates revenue (Chair Almy, Beth Walsh, table, and communication, and operations)  
Chief Edwards on Amendment 0565 (lv) - changes will allow us to operate more efficiently as a business, e.g., not having to bid out replacing windows;  
George Tupper, Chief Financial Officer of Liquor Commission - issued wine license from General Funded + subject to Executive Order on living frozen, etc. as differentials a broken left truck, etc. in order to efficiently generate revenue; No determination as to number of Agency Store licenses ~~to~~ be issued, the year ended 9% growth in net profits; nets couple years ahead not perfect increase of 1390 and 1 year, + 2 #02 had been made as to number of Agency Store licenses at 11 AM ~~will~~ be chaired by Rep. Butynski + to 10:22 PM

10:23 AM > Started an Amendment # 0568 (w) on "establishing a tax on gambling winnings" - Mike Delaney, Governor's Office + John Ighita, D.R. Governor estimates \$8M/year in new revenues based on this new tax on in-state and out-of-state gambling winners <sup>\$600 or more</sup> plus NH residents. DRA has data base on out of state gambling winners' payoffs (by casino in CT, NV, NJ, etc) + NH Lottery Commission. Federal reporting requirements are different for different types of gambling. ~~was~~ was a request for State off-set language related to gambling winners in other states, + winners in other countries, in federal law ~~can~~ can deduct gambling losses from gambling winnings, but some states do + some states do not allow such deductions, would be required to report gross winnings

Rep. John Brakeman - speaking for Republican leadership in opposition to this amendment: is the gambling tax one time or cumulative, are small gamblers tax collectors for the state? are a # of flaws in the proposal, there is a tax on income

\* Ed Callahan, President + General Manager of Rockingham Park - Oppose the bill. no deductibility of price of wager. nothing in place anywhere in country to do tax on \$500. revenue estimate of \$8M is exaggerated because will lose majority of gambling business in NH. if there were 10% tax on federal gambling winnings could be workable but would oppose such a tax - federal requirement applied to winnings at \$500 + and odds of 300 to 1

\* Mike McLoughlin, BEACH Chair + Daniel Villagally of National Education + Aunts Care - help non-profit gambling. Oppose the bill. with economic slowdown, donations to charities are down, if state wants more revenue, raise the bet alone \$4/bet; giving income is important to charities.

will not raise revenue projected with the tax & will lose gaming players

Alan & Chair of Addison - oppose the bill as an individual but not interested in not-for-profit, bill does not follow federal requirements & do not allow losses against winnings, oppose the measure

Jon Di Marzio of Community Kings Center - oppose the bill  
Rick Newman, The Lodge at Belmont - oppose the bill

Steve Scott, Seacoast Reporter - oppose the bill  
Amendment #0566 - increasing the Meals & Rooms Tax

11:30 AM  
11:40 AM

Mike Delaney, Gov's Office - Support the bill which would raise ~~\$20M~~ \$20M per year by increasing the Meals & Rooms Tax. ~~not~~ &

~~John D. ...~~ not consider any diminution of sales, by Monday will provide \$ by meals & \$ by rooms, & \$ by county

Rep. Chandler & Rep. Paulson - Oppose the bill personally & as part of Republican leadership, also oppose all of the other proposed amendment tax increases being considered today, could not be a worse time to increase the meals and rooms tax increase, & their tax will hurt businesses during an economically tough time

\* ~~Rep. Mike Somers~~ <sup>President,</sup> NH Lodging & Restaurant Association - Oppose the bill & have written testimony

\* Ray Moss, Regional VP for Enterprise Rent-A-Car - Oppose the bill & I have written testimony

John Dumaine Pres. NH Grocers Assoc. - Oppose the bill, our members pay about 10% of the Meals & Rooms Tax, increase will hurt related sales

Paul Ronty, Sec. of Red Jacket Reports - ~~should try to~~ Oppose the bill. should try to do more with less and not increase their Market Room Trf, about 55% increase from NHT, 150 to NHT 10% ME & next to 150 on locally RI, CT, ~~to~~ Canada, etc. much ~~of~~ business is weather driven <sup>each</sup> & last minute. discounting of prices means fewer trf \$, do not kill the golden goose

11:48 AM  
11:49 AM

- Amendment # 0570 Rg - increase the filing fee for complaints

about unfair labor practices

Donald Mitchell, Ex. Dir. State of NH Public Employees' Labor Relations Board - asked to come here by Gov's Office. Inquire if it is a reasonable fee increase <sup>but do not suggest the opposite</sup> states no \$5 & complaints cost \$60 in 1994. Agency of 45 complaints/year & project 75 <sup>per year</sup> currently moving from paper to electronic processing. fee to support the Agency to have searchable case history index of complaints & decisions. project \$4,800 of revenue if move from \$60 to \$100 filing fee. when in trouble in med place there is more ~~of~~ complaining, but if circumstances more & done then complaints go down

Sara Ruston - rep for low income single parents -

Oppose this bill

12:06 PM - Adjourned until after lunch



HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON PROPOSED Amendments to HB 638

BILL TITLE: 0568h

DATE: March 12, 2009

LOB ROOM: 202 Time Public Hearing Called to Order: 10:23 a.m.

Time Adjourned: 11:13 a.m.

(please circle if present)

Committee Members: Reps. Almy, Hatch, Davis, Butynski, Yachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Clery and Osgood.

Bill Sponsors: Reps. M. Smith, Almy

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**0568h amendment on establishing a tax on gambling winnings.**

**Mike Delaney**, representing Governor's Office and John Lighthall, DRA

-Governor estimates \$8M per year in new revenues based on this new tax on in-state and out-of-state gambling winnings by 600 or more New Hampshire residents.

-DRA has data based on out of state gambling winnings (by casinos in CT, NV, NJ, etc.) and New Hampshire Lottery Commission gambling winnings

-federal reporting requirements are different for different types of gambling

-was a request for state credit off-set language related to gambling winners in other states, winners in other countries

-in federal law can deduct gambling losses from gambling winnings but some states do and some states do not allow such deductions; would be required to do report on gross winnings.

**Rep. John Graham**, speaking for Republic Leadership in opposition to this amendment

-is gambling tax one time or cumulative?

-are small groups would be tax collectors for the state

-are a number of flaws in the proposal

-this is a tax on income

\***Ed Callahan**, President and General Manager of Rockingham Park, opposing bill

-submitted written testimony

-no deductibility of price of wager

-nothing in place anywhere in country to do tax of \$600

-revenue estimate of \$8M is exaggerated because will lose majority of gambling licenses in New Hampshire

-if there were 10% tax on federal gambling winnings could be workable but would oppose such a tax – federal requirement applies to winning at \$5,000 and odds of 300 to 1

**\*Mike McLaughlin, BETCH and David Villzotzz** of Nashua Children's Home-oppose bill and Avril Cate, helps non profit organization oppose the bill

- with economic slowdown, donations to charities are down
- if state wants more revenue, raise the bet above \$4/bet
- gaming income is important to charities
- will not raise revenue projected with this tax and will lose gaming players

**Alan Phair**, Atkinson, opposes bill as an individual but volunteer with not-for-profit

- bill does not follow federal requirements and do not allow losses against winnings
- oppose this income tax

**Jan DiMarzio**, Community Bingo Center, Auburn, oppose the bill

**Rick Newman**, The Lodge at Belmont, oppose the bill

**Steve Scott**, Seacoast Repertory, Portsmouth, oppose the bill

Respectfully submitted,



Rep. Wm. Butynski,  
Clerk of the Committee

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON Amendments to HB 638

BILL TITLE: 0568h

DATE: March 12, 2009

LOB ROOM: 202 Time Public Hearing Called to Order: 10:23 a.m

Time Adjourned:

(please circle if present)

Committee Members: Reps. Almy, Hatch, Davis, Butynski, Vachos, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, O'Leary and Osgood.

Bill Sponsors: Reps. M. Smith, Almy

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

0568h amendment on establishing a tax on gambling winnings.

Mike Delaney, representing Governor's Office and John Lighthall, DRA

-Governor estimates \$8M per year in new revenues based on this new tax on in-state and out-of-state gambling winnings by 600 or more New Hampshire residents.

-DRA has data based on out of state gambling winnings (by casinos in CT, NV, NJ, etc.) and New Hampshire Lottery Commission *gambling winnings*

-federal reporting requirements are different for different types of gambling

-was a request for state credit *off-set* language related to gambling winners in other states, winners in other countries

-in federal law can deduct gambling losses from gambling winnings but some states do and some states do not allow *such* deductions, would be required to do report on gross winnings.

Rep. John Graham, speaking for Republic Leadership in opposition to this amendment

-is gambling tax one time or cumulative ?

-are small group *should be* tax collectors for the state

-are a number of *flaw* in the proposal

-this is a tax on income

\*Ed Callahan, President and General Manager of Rockingham Park, opposing bill

-submitted written testimony

-no deductibility of price of wager

-nothing in place anywhere in country to do tax of \$600

-revenue estimate of \$8M is exaggerated because will lose majority of gambling licenses in New Hampshire

-if there were 10% tax on federal gambling winnings could be workable but would oppose such a tax - federal requirement applies to winning at \$5,000 and odds of 300 *to 1*

\*Mike McLaughlin, BETCH and David Villotzz of Nashua Children's Home-oppose bill and  
Ayrl Cate, helps non profit organizations, oppose the bill

- with economic slowdown, donations to charities are down
- if state wants more revenue, raise the bet above \$4/bet
- gaming income is important to charities
- will not raise revenue projected with this tax and will lose gaming players

✓✓

Alan Phair, Atkinson, opposes bill as an individual but volunteer with not-for-profit

- bill does not follow federal requirements and do not allow losses against winnings
- oppose this income tax

✓

Jan DiMarzio, Community Bingo Center, Auburn, <sup>the</sup> opposes bill

✓

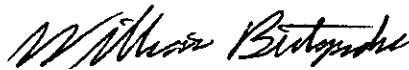
Rick Newman, The Lodge at Belmont, opposes the bill

✓

Steve Scott, Seacoast Repertory, Portsmouth, opposes the bill

✓✓✓

Respectfully submitted,



Rep. Wm. Butynski,  
Clerk of the Committee

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON Amend. 0570

**BILL TITLE:** Amendment to HB 638  
**DATE:** March 12, 2009  
**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 11:49 a.m.  
**Time Adjourned:** 12:06 P.M.

(please circle if present)

**Committee Members:** Reps. ~~Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Uery and Osgood.~~

**Bill Sponsors:** Rep. Almy, Rep. M. Smith

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Donald Mitchell**, Executive Director, State of NH Public Employee Labor Relations Board

- asked to come here by the Governor's office
- it is a reasonable fee increase but do not support or oppose the bill
- in '95 complaints cost \$60 in 1994
- average of 45 complaints a year and project 75 per year
- currently moving from paper to electronic processing
- fee is to support the agency to have reasonable case history index of complaints and decisions
- project \$4,800 of revenue if move from \$60 to \$100 filing fee
- when there is trouble in workplace, then there is more complaining, but if circumstances change, complaints go down

**Sara Dustin**, Hopkinton

-opposes the bill

Respectfully submitted,



Rep. Wm. Butynski,  
CLERK OF THE COMMITTEE

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON Amend. 0570

**BILL TITLE:** Amendment to HB 638  
**DATE:** March 12, 2009  
**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 11:49 a.m.  
**Time Adjourned:** 12:06 P.M.

(please circle if present)

**Committee Members:** Reps. ~~Almy, Hatch, Davis, Butynski, Vachon, Shattuck, Keller, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Olery and Osgood.~~ *Now not listed*

**Bill Sponsors:** Rep. Almy, Rep. M. Smith

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Donald Mitchell**, Executive Director, State of NH Public Employee Labor Relations Board

- asked to come here by the Governor's office
- it is a reasonable fee increase but do not support or oppose the bill
- in '95 complaints cost \$60 in 1994 ~~1994~~
- average of 45 complaints a year and project 75 per year
- currently moving from paper to electronic processing
- fee is to support the agency to ~~have~~ *have* reasonable case history index of complaints and decisions
- project \$4,800 of revenue if move from \$60 to \$100 filing fee
- when there is trouble in workplace, then there is more complaining, but if circumstances ~~move~~ *change* ~~to drive them~~, complaints go down

**Sara Dustin**, Hopkinton  
-opposes the bill

Respectfully submitted,

*William Butynski*

Rep. Wm. Butynski,  
CLERK OF THE COMMITTEE

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON Amendment to HB 638, amend,0577

**BILL TITLE:** relative to fees for certain food and beverage licences  
**DATE:** 3/12/09  
**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 1:03 p.m.  
**Time Adjourned:** 1:38 p.m.

(please circle if present)

**Committee Members:** Reps. ~~Almy, Hatch, Davis, Butynski, Vachon, Shattuck~~ J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Uley and Osgood

**Bill Sponsors:** Reps. M. Smith, S. Almy

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Joyce Welch, DPSS, Food Protection Section Administrator**

- asking that they be given rulemaking authority to set fee for licenses
- food protection funds reduced by \$555,000 by governor in budget and directed to raise fees to make up for the directive
- estimate \$1.3M budget next year
- \$550,000 decreased to get back \$1.8M

**Mary Castelli, DHHS**

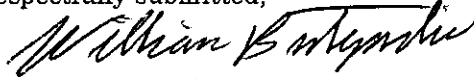
- DHHS submitted budget to Governor with reductions, and Governor directed part of budget to come in through fees
- \$30,296 in Bureau licenses last year and \$5,000 in homestead licenses last year
- expect to raise other food fees that can be raised through rules such as licenses and inspections from restaurants to shellfish process
- future budget is \$1.3M, will provide information by Monday morning

**Joyce Welch, DPSS**

- Governor told them that needed to become self funded as a licensing agency of the state
- homestead food license makes food at home and sells at retail as jams and jellies and candies etc.
- the \$25 fee does not cover agency costs for inspection and administrative processing costs
- annual beverage fees include out of state manufacturers required to register with DHHS

food fees not increased for 10 years  
-last year fees generated \$824,000 in revenues and costs were \$1.2M  
-about 4,500 food licenses and adding water, shellfish, etc., numbers go up to about 5,000  
licenses.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William Butynski".

Rep. Wm. Butynski,  
Clerk of the Committee



3/12/09 Continuation of Non-Governance Amendments to HB 638  
in the afternoon

Page 1  
of 4  
pages  
in PMU 3/12/09

1:03 PM - Public Hearing on Amendment #0577(h) to HB 638 that is  
"relative to fees for certain food & beverage licenses"  
Joyce Welch, DPHS Food Protection Section Administrator -  
asking that he given rule making authority to set fee  
for this license. Food Protection funds reduced by \$555,000 by Gov.  
in budget & directed to raise fees to make up for the direction,  
estimated \$1.3M budget next year, \$555,000 decrease to get back to \$1.8M  
Mary Castellino, DHAS - DHAS submitted budget to Gov with  
reductions, Gov directed part of budget to come in through  
fees

\$30,296 in Home licenses last year & \$5000 in homebased licenses  
last year. expect to raise ~~fees~~ other food fees that  
can raise through rules such as licenses & inspection of many  
different groups from restaurants to shellfish processors.  
future budget is \$1.3M, & will provide information by  
Monday morning.

Joyce Welch - Gov. told them ~~that~~ needed to become self funded  
as a licensing agency of the state.  
Homebased food licenses makes part at home & sell at retail  
car fairs & jellies & candies etc & the \$25 fee does  
not cover agency costs for inspection & administrative processing.  
Annual Beverage fees include out of state manufactured required to register with  
DHAS. Food fees not increased for 10 years. last year  
~~fees~~ fees <sup>revenue</sup> \$24,000 revenue & costs were \$1.2M.  
About 4,500 food licenses, & admin matters, shellfish, etc  
number goes up to about 5,000 licenses

1:30 PM

JLCAH - that Legislative Council are Philip - 10 people not funded

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 638 Amendment 0575h

**BILL TITLE:** increase the fees for health facilities and community living facilities

**DATE:** 3/12/09

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 1:39 p.m.

**Time Adjourned:** 2:17 p.m.

(please circle if present)

**Committee Members:** Reps. ~~Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boudin, Bettencourt, R. Ober, Sapareto, Ulery and Osgood~~

**Bill Sponsors:** Reps. Almy, M. Smith

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Mary Castelli, DHHS, regulates health facilities and Grant Beckman, grant manager**  
-Governor asked for budget at 97% and one answer of the Dept. was to change and make the program self-funded  
-fees are in statute and not changed since 1977  
-Governor removed General Fund budget for personnel (= \$1.6M) and instead will raise that by fees  
-federal funds were left intact  
-PAU health facilities 05-95 & 952010 + 5146 pg. 619 of Gov's Budget  
-PAU Current Residency – Gov. Budget for 1622. Governor changed source of monies from "General Fund" to "Other" that indicates fees to become self-funding  
-fee costs are to cover inspection and regulation of health facilities  
-currently collect \$68,000 in fees from all sources and wish to collect \$1.6M in fees annually through this bill  
-can provide figure on county nursing homes beds by Monday due to county nursing homes being exempt from these fees that are charged to private facilities  
-Governor's budget has \$1.6M federal and remaining are other \$'s and another \$219,000 federal and together + 1.6M in other funds

**Bob Dunn, Devine Millimette, representing NH Health Care Association**

This association represents the private nursing homes in NH – is an in patient funding disparity, due to Medicaid not reimbursing the full cost of care

-Dept. applies budget neutrality factor of 22% or 28% and this reduces reimbursements to nursing homes even further

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William Butynski", with a long horizontal flourish extending to the right.

Rep. Wm. Butynski  
CLERK OF THE COMMITTEE

**HOUSE COMMITTEE ON WAYS AND MEANS**  
**PUBLIC HEARING ON HB 638 Amendment 0575h**

**BILL TITLE:** increase the fees for health facilities and community living facilities

**DATE:** 3/12/09

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 1:39 p.m.

**Time Adjourned:** 2:17 p.m.

(please circle if present)

**Committee Members:** Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Ulery and Osgood.

**Bill Sponsors:** Reps. Almy, M. Smith

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

Mary Castelli, DHHS, regulates health facilities and Grant Beckman, grant manager

-Governor asked for budget at 97% and one answer of the Dept. was to change and make the program self-funded

-fees are in statute and not changed since 1977

~~governor removed~~

-Governor removed General Fund budget for personnel (= \$1.6M) and instead will raise that by fees

-federal funds were left intact ~~and required to replace~~

-PAU health facilities 05-95 & 952010 + 5146 pg. 619 of Gov. Budget

-PAU Current Residency – Gov. Budget for 1622. Governor changed source of monies from "General Fund" to "Other" that indicates fees to become self-funding

-fee costs are to cover inspection and regulation of health facilities

-currently collect \$68,000 in fees from all sources and wish to collect \$1.6M in fees annually through this bill

-can provide figure on county nursing homes beds by Monday due to county nursing homes being exempt from these fees that are charged to private facilities

-Governor's budget has \$1.6M federal and remaining are other \$'s and another \$219,000 federal and together + 1.6M in other funds

Bob Dunn, Devine Millimet ~~3~~, representing NH Health Care Association

This association represents the private nursing homes in NH, <sup>no am</sup> ~~not to mention~~ in patient funding disparity, due to Medicaid not reimbursing the full cost of care <sup>that reduced</sup>

-Dept. applies budget neutrality factor of 22% or 28% and ~~there are~~ reimbursements to nursing homes even further ✓

Respectfully submitted,

Rep. Wm. Butynski  
CLERK OF THE COMMITTEE

1:39 PM - Amendment # 0574<sup>th</sup> increases the fees for health facilities  
& community living facilities

Mary Castelli, DPHS - regulates health facilities

& Grant Beckerman, grant manager - Gov asked for budget  
at 97% & one answer of Dept was to change  
to make program self funded, fees are in statute  
& not changed since 1977. Gov removed General Fund budget  
for personnel (= \$1.6M) & instead will raise that by  
fee, federal funds were left intact, & required to  
replace

PAU Health Facilities 05-95 +952010 +5748

ps 6 of Gov Bill

PAU Community Services - Gov Budget # 1622, Governor changed  
Source of money ~~from~~ from "General Fund" to "Other"  
that includes fees to become self-funding.

fee costs are to cover inspections & regulation of  
health facilities

Currently collect \$68,000 in fees from all sources,  
& wish to collect \$1.6M in fees annually in fees through this bill

Can provide figure on county nursing home beds by Mon  
due to County Nursing Homes being spent from these fees  
that are charged to private facilities

Gov budget has \$1.6M federal & remainder state \$,  
& another \$219,000 federal & together = 1.6M in Other Funds

Bob Dunn, Dennis Millimet - NH Health Care Association - Oppose the  
bill, this association represents the private nursing homes in NH,  
about 70% of people in nursing homes in NH are on Medicaid; NH = not in nation

Page 3  
d 4 pm  
in afternoon  
of 3/2/09

no patient funding disparity, due to Medicaid not reimbursing the  
full cost of care. Dept. applied budget neutrality factor of 72%  
or 28% + then into reimbursement to nursing home members further

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 638, 0573h

**BILL TITLE:** amending the Dept. of Transportation oversize and overweight permit fee schedule

**DATE:** 3/12/09

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 2:17 p.m.

**Time Adjourned:** 2:38 p.m.

(please circle if present)

**Committee Members:** Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Uery and Osgood.

**Bill Sponsors:** Reps. Almy, Smith

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

\***Jeff Brillhart and Caleb Dobbins**, representing DOT, neither supporting nor opposing  
-submitted 2 handouts  
-was a small change in 2006 and fees increased by about 50cents for a number of categories  
-handout of Amendment to HB 2 on Oversize and Overweight Permits reduced some of the proposed fee increases after consultation with an ~~industry~~ trade group

Respectfully submitted,



Rep. Wm. Butynski  
CLERK OF THE COMMITTEE



HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 638, 0573h

**BILL TITLE:** amending the Dept. of Transportation oversize and overweight permit fee schedule

**DATE:** 3/12/09

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 2:17 p.m.

**Time Adjourned:** 2:38 p.m.

(please circle if present)

**Committee Members:** Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Ulery and Osgood.

**Bill Sponsors:** Reps. Almy, Smith

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

\*Jeff Brillhart and Caleb Dobbins, representing DO T, neither supporting nor opposing  
-submitted 2 handouts  
-was a small change in 2006 and fees increased by about 50cents for a number of categories  
-handout of Amendment to HB 2 on Oversize and Overweight Permits reduced some of the proposed fee increases after consultation with an ~~an~~ ~~inducing~~ trade group

Respectfully submitted,

Rep. Wm. Butynski  
CLERK OF THE COMMITTEE

2/16/14  
2/17/14 - Amendment # 0573 (h) - "amending the department of transportation  
overage & overweight permit fee schedule"

\* Jeff Brillhart & Caleb Rehkens, DOT - ~~See~~ <sup>See</sup> 2 handouts -  
(BRILLHART) CAEB

was a small change ~~to the permit fee~~ in 2006 & fees  
increased by ~~the~~ about 50¢ for a number of categories  
Attendant of <sup>DOT</sup> Amendment # 0573 on Overage & Overweight Permits  
reduced some of the proposed fee increases after  
... attention with an industry trade group

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON 0563h

**BILL TITLE:** AMEND TO HB 638, "the motor vehicle air pollution abatement fund"

**DATE:** 3/12/09

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 3:40 p.m.

**Time Adjourned:** 3:50 p.m.

(please circle if present)

**Committee Members:** Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Clery and Osgood.

**Bill Sponsors:** Reps. Almy, M. Smith

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

\***Tom Burack, DES Commissioner, and Bob Scott and Susan Carlson**, all supporting the amendment

- new air problems to address, but funding based on stationery sources
- need new funds for education on air pollution
- submitted two handouts, Tom Burack letter on amendment 0563h and "Attachment to March 17, 2009 HB 638, amendment 0563h letter"
- fee list increased in 2003
- a handout was provided from Joel Harrington, Will Abbot and Jim O'Brien

Respectfully submitted,



Rep. Wm. Butynski  
Clerk of the Committee

3/12/09

Closed at 4:05

Page 4  
of 4  
pages in  
afternoon  
of 3/12/09

340817 - Amendment #0563(h), "the motor vehicle air pollution abatement fund"

\* Tom Burack DFS Commissioner, + Bob Scott, + Susan Carlson  
- ~~support the bill amendment~~  
- new air problem to address just funding based on stationary sources; need new funds to educate on air pollution

✓ - submitted two handouts: Tom Burack letter on Amendment # 0563(h), + an "Attachment to March 17, 2009 H 3638 ... Amendment 0563(h) Testimony Letter"

- fee list increased in 2003

- A Handout provided by Tom Burack, Harold, Will, + Peter + Jim O'Brien

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON 0566h

**BILL TITLE:** 0566h amend to HB 638

**DATE:** March 13, 2009

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 11:14 a.m.

**Time Adjourned:** 11:48 a.m

(please circle if present)

**Committee Members:** Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Prime, Walsh, Major, Griffin, Lockwood, Boutin, Pettencourt, K. Ober, Sapareto, Uery and Osgood.

**Bill Sponsors:** Reps. M. Smith, Rep. Almy

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**0566h increasing the meals and rooms tax:**

**Mike Delaney**, representing the Governor's Office, support the bill  
-would raise \$20M per year by increasing the means and rooms tax

**John Lighthall**, DRA, speaking for information only  
-does not consider any diminution of sales  
-by Monday will provide \$'s by meals and by rooms and \$'s by county.

**Rep. Chandler and Rep. Packard**, oppose the bill personally and as part of Republican leadership  
-also oppose all of the other proposed amendment tax increases being considered today  
-could not be a worse time to increase the room and meals tax  
-this tax will hurt businesses during an economically tough time

\***Mike Somerset**, President, NH Lodging and Rest. Asso. oppose bill  
-will submit written testimony

\***Ray Moss**, Regional VP for Enterprise Rent-A-Car opposes the bill  
- has written testimony

**John Dumais**, Pres. NH Grocers' Assn. opposes bill  
-our members pay about 10% of the rooms and meals tax  
-increase would hurt related sales

**Paul Ronto, Jr.** of Red Jacket Resorts, oppose the bill

-should try to do more with less and not increase the rooms and meals tax

-about 55% of visitors come from MA, 15% from NH and 10% from ME and rest is 15% between RI, CT, Canada, etc.

-much of business is weather-driven and last minute

-discounting of prices means fewer tax dollars

-do not kill the golden goose

  
Rep. Wm. Butynski  
Clerk of the Committee

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON 0566h

BILL TITLE: 0566h amend to HB 638

DATE: March 12, 2009

LOB ROOM: 202

Time Public Hearing Called to Order: 11:13 a.m.

Time Adjourned: 11:14 a.m.

(please circle if present)

Committee Members: Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Sapareto, Ulery and Osgood.

Bill Sponsors: Reps. M. Smith, Rep. Almy

*Note: Review all of the testimony below unless those items are not correct OR this session was continued in additional times should be shown*

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

0566h increasing the meals and rooms tax:

Mike Delaney, representing the Governor's Office <sup>also</sup> supports bill  
-would raise \$20M per year by increasing the means and rooms tax

John Lighthall, DRA, speaking for information only  
-does not consider any diminution of sales  
-by Monday will provide \$'s by meals and by rooms and \$'s by county.

Rep. Chandler and Rep. Packard <sup>also</sup> oppose bill personally and as part of Republican leadership  
-also oppose all of the other proposed amendment tax increases being considered today  
-could not be a worse time to increase the room and meals tax  
-this tax will hurt businesses during an economically tough time

\*Mike Somerset, President, NH Lodging and Rest. Asso. oppose bill  
-will submit written testimony

\*Ray Moss, Regional VP for Enterprise Rent-A-Car opposes the bill  
- has written testimony

John Dumais, Pres. NH Grocers' Assn. opposes bill  
-our members pay about 10% of the rooms and meals tax  
-increase would hurt related sales

**Paul Ronto, Jr.** of Red Jacket Resorts ~~opposes~~ the bill

-should try to do more with less and not increase the ~~rooms~~ rooms and meals tax

-about 55% of visitors come from MA, 15% from NH and 10% ~~from~~ from ME and rest is 15% between RI, CT, Canada, etc.

-much of business is weather-driven and last minute

-discounting of prices means fewer tax dollars

-do not ~~kill~~ kill the golden goose

Rep. Wm. Butynski  
Clerk of the Committee



# Sub-Committee Actions

*Sub Committee*

*Straw  
Vote*

HOUSE COMMITTEE ON WAYS AND MEANS

*Work*  
~~EXECUTIVE SESSION~~ on HB *635*

BILL TITLE: *Food & Beverage Tax Amendment # 579*

DATE: *8/17/08*

LOB ROOM: 202

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Butynski*

Seconded by Rep. *Pauc*

Vote: *17/0* (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

~~*17/0*~~

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

- STRAW VOTE -

WAYS AND MEANS

Account # 577 (A) Bill # 635  
Bill #: 577 (A) Title: Food & Beverage Fee

PH Date: / /

ITL

made  
Base Session Date: 3, 18, 09

Motion: ITL

Amendment #: 0577 (2)

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P	_____	_____
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L	✓	
Griffin, Mary E	✓	
Lockwood, Priscilla P	✓	
Boutin, David R	_____	_____
Bettencourt, David J	✓	
Ober, Russell T	✓	
Sapareto, Frank V	✓	
Ulery, Jordan G	_____	_____
Osgood, Joe	✓	
	17	0

HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON 0570h amend. to HB 639

**BILL TITLE:** Public Employee Labor Relations Board - Fee Increases

**DATE:** 3/16/09

**Subcommittee Members:** Reps.

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Walsh

Seconded by Rep. Boutin

Vote: 4-0

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Ober  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE WORK SESSION ON *Amend 05704*

BILL TITLE:

DATE: *3/16/09*

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Walsh*

Seconded by Rep. *Bonkin*

Vote: *4-0*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Type NAME}  
Subcommittee Chairman/Clerk

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0570h  
04/09

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund and relative to the filing fee for complaints about  
5 unfair labor practices.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 Public Employee Labor Relations Board; Fee Increase. Amend RSA 273-A:6, II to read as  
10 follows:

11 II. Complaints shall be filed by affidavit and shall be accompanied by a [~~\$60~~] **\$100** filing fee.  
12 Such fees shall be continually appropriated to the board. A copy of the complaint shall be given to  
13 the party complained against at the time the complaint is filed. The board or its designee shall hold  
14 a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give  
15 5 working days' notice of the hearing by certified mail to all persons required to appear and to the  
16 representative of any party against whom a complaint has been filed.

17 6 Effective Date. This act shall take effect July 1, 2009.



2009-0570h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. This bill also increases the filing fee for complaints about unfair labor practices to the public employee labor relations board.

HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON Amend. 0565 to HB 638

**BILL TITLE:** rel. to the funding and operating of liquor stores by the liquor commission

**DATE:** 3/17/09

**Subcommittee Members:** Reps. Butynski, Major, Ober, Price, Johnson

**Comments and Recommendations:** Presentation by Researcher, Nancy Levinus and Liquor Commission

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Major

Seconded by Rep. Johnson

Vote: 5-0

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Russell T. Ober  
Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON {Type BILL NO.}

BILL TITLE: HB 638-FN-A Amend 2009-0525h Liquor Commission Funds  
DATE: 3/17/09

Subcommittee Members: Reps: Butnyski, Major, Ober, Johnson, Price

Comments and Recommendations: Presentations by Nancy LeVenus, commission presentation

Amendments:

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Mayer  
Seconded by Rep. Johnson  
Vote: S-D

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Respectfully submitted,  
Russell T. Ober  
Rep.  
Subcommittee Chairman/Clerk

Straw Vote

Sub Committee

HOUSE COMMITTEE ON WAYS AND MEANS

<sup>Work</sup> EXECUTIVE SESSION on ~~HB~~ <sup>Amendment #</sup> 0565 to 638 <sup>HB</sup>

BILL TITLE: Liquor Commission

DATE: 3/18/09

LOB ROOM: 202

Amendments:

Sponsor: Rep. <i>Morgan</i>	OLS Document #:
Sponsor: Rep. <i>Schwarz</i>	OLS Document #:
Sponsor: Rep.	OLS Document #:

*to Retain*

Motions: ~~OTP, OTP/A, ITL, Interim Study (Please circle one.)~~

Moved by Rep. *Morgan*

Seconded by Rep. *Schwarz*

Vote: *16 Yes*  
*1 No* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

*— STRAW VOTE —*

WAYS AND MEANS

Bill #: *Amended 0565 HB630* Title: \_\_\_\_\_

PH Date: \_\_\_\_\_ *MOTION TO RETAIN* Exec Session Date: \_\_\_\_\_

Motion: *RETAIN* Amendment #: *0565*

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P		
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M		
Major, Norman L	✓	
Griffin, Mary E	✓	
Lockwood, Priscilla P	<del>✓</del>	✓
Boutin, David R	✓	
Bettencourt, David J	✓	
Ober, Russell T	✓	
Sapareto, Frank V	✓	
Ulery, Jordan G		
Osgood, Joe	✓	
	16	1

Rep. M. Smith, Straf 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0565h  
10/09

Amendment to HB 638-FN-A

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

2

3 AN ACT                    increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund, and relative to the funding and operation of  
5 liquor stores by the liquor commission.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9        5 Liquor Commission; Liquor Commission Funds. RSA 176:16, I is repealed and reenacted to  
10 read as follows:

11            I. There is established the liquor commission fund which shall be nonlapsing and continually  
12 appropriated to the liquor commission for the purposes of this title. The state treasurer may invest  
13 moneys in the fund as provided by law and all interest received on such investment shall be credited  
14 to the fund. Except as provided in paragraph II, all gross revenue derived by the commission from  
15 the sale of liquor and related products, or from license fees, shall be deposited into the liquor  
16 commission fund from which the state treasurer shall pay all expenses of the liquor commission  
17 incident to the administration of this title and all administration and enforcement expenses of the  
18 liquor commission. Any balance left in the fund after such expenses are paid shall be deposited in  
19 the general fund.

20        6 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph  
21 (276) the following new subparagraph:

22            (277) Moneys deposited in the liquor commission fund established in RSA 176:16, I.

23        7 Reference Changed. Amend RSA 176:10 to read as follows:

24            176:10 Preference Given. Any person who served for not less than 90 days in the armed forces of  
25 the United States during "any war in which the United States was engaged, and received an  
26 honorable discharge from such service," shall be given preference in appointment under the  
27 provisions of RSA 176:7, RSA 176:9, RSA [~~177:4~~] **177:1**, and RSA 179:59, if qualified for such  
28 positions.

29        8 Liquor Commission; State Stores. RSA 177:1 is repealed and reenacted to read as follows:

30            177:1 State Stores.

31            I. The commission may lease and purchase and equip, in the name of the state, such stores,  
32 warehouses, supplies, materials, products, and other merchandising requirements for the sale or



1 promotion of liquor and related products as are necessary to carry out the provisions of this chapter.  
2 The commission may lease, in the name of the state, space in state stores to banks for the purpose of  
3 installing automated teller machines. No newly established state store shall be operated within 200  
4 feet of any public or private school, church, chapel, or parish house.

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

11 III. The commission may in its discretion operate stores for the sale of liquor and related  
12 products in such cities and towns as shall have accepted the provisions hereof as hereinafter  
13 provided and may employ salespersons to sell liquor and related products in said stores. The  
14 commission's enforcement bureau shall complete background checks on all full-time employees. No  
15 salesperson employed to sell liquor and related products under the provisions of this chapter shall  
16 sell liquor and related products except such as may be legally obtained under the provisions of this  
17 title. If a state liquor store closes, the commission shall make reasonable efforts to provide state  
18 employees other positions, if other positions are available and the state employees are qualified for  
19 the other positions.

20 9 New Paragraph; Liquor Commission; Agency Liquor Stores; Rulemaking. Amend RSA 177:10  
21 by inserting after paragraph I the following new paragraph:

22 I-a. Application and qualifications.

23 10 Liquor Commission; Location of Agency Liquor Stores. RSA 177:11 is repealed and reenacted  
24 to read as follows:

25 177:11 Location of Agency Liquor Stores.

26 I. The commission shall have the authority to license an agency liquor store at its discretion.  
27 An agency liquor store shall only be located in a municipality which has voted in favor of the  
28 operation of state liquor stores under RSA 175:7. The commission shall not license any new agency  
29 liquor stores after June 30, 2014.

30 II. The commission shall only issue an agency liquor store license, in accordance with  
31 RSA 541-A:39. The commission shall hold a public hearing before issuing an agency liquor store  
32 license in any municipality. The license application shall be processed by the director of the division  
33 of enforcement and licensing. The director of the division of enforcement and licensing shall  
34 recommend in writing approval or denial of any agency liquor store.

35 III. The commission shall notify any applicant denied a license of the reasons for the denial  
36 by certified mail to the mailing address given by the applicant in the application for an agency liquor  
37 store license.



1 IV. Any applicant aggrieved by a decision made by the commission may appeal the decision  
2 in accordance with RSA 541.

3 V. Any retail licensee, whether proprietorship, partnership, limited liability company, or  
4 corporation shall only be approved to establish one agency liquor store.

5 VI. Any applicant selected for an agency liquor store license shall pay a one-time  
6 background check processing fee of \$500. The annual fee for agency liquor stores licensed after  
7 December 31, 2008 shall be \$1,000 per cash register.

8 VII. The commission shall collect data on new revenue, alcohol-related violations, social  
9 disorder, population growth, alcohol availability, and emergency services relative to use or abuse of  
10 alcohol in each municipality where an agency liquor store license has been issued. The commission  
11 shall publish its findings in an annual report submitted to the governor and council, the fiscal  
12 committee of the general court, the president of the senate, and the speaker of the house of  
13 representatives.

14 11 Repeal. The following are repealed:

15 I. RSA 177:2, relative to closing of state stores.

16 II. RSA 177:4, relative to operation of state stores and salespersons.

17 12 Liquor Commission; Pricing and Discounts. Notwithstanding any other provision of law, for  
18 the biennium ending June 30, 2011, the liquor commission shall have the authority to set the pricing  
19 of liquor and related products, establish product discounts, and employ promotional investments in a  
20 manner that it believes will most effectively optimize the value and profitability of New Hampshire's  
21 liquor stores.

22 13 Liquor Commission; Concord Warehouse. Notwithstanding any provision of law, the liquor  
23 commission shall have the authority to develop and issue a request for proposals to include but not  
24 be limited to a sale, lease, concession agreement, or other management contract for its Concord  
25 warehouse. Any agreement or contract issued pursuant to this section shall be submitted for  
26 approval in accordance with RSA 4:40.

27 14 Effective Date. This act shall take effect July 1, 2009.

2009-0565h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

The bill also:

I. Establishes the liquor commission fund and requires the state treasurer to deposit all liquor revenues and licensing fees into the fund, except where otherwise provided by law.

II. Changes various restrictions on the liquor commission relating to the operation of liquor stores.

III. Authorizes the liquor commission for the biennium ending June 30, 2011 to set the pricing of liquor and related products, establish product discounts, and employ promotional investments in a manner that optimizes the value and profitability of state liquor stores.

IV. Authorizes the liquor commission to issue a request for proposals for the sale, lease, or concession of the commission's Concord warehouse.

**HOUSE COMMITTEE ON WAYS AND MEANS**  
**SUBCOMMITTEE WORK SESSION ON HB 638-FN-A**

**BILL TITLE:** increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

**DATE:** 3/18/09

**Subcommittee Members:** Reps. Boutin, Major, Price, Johnson, Shattuck

**Comments and Recommendations:** Changed bill to 35 cents/pack cigarette tax increase

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Price

Seconded by Rep. Johnson

Vote: 4-2

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Susan Price  
Clerk of Subcommittee



HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON HB 638

**BILL TITLE:** increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

**DATE:** 3/18/09

**Subcommittee Members:** Reps. *Butyshko, Mayo, Price, Johnson, Shuttles*

**Comments and Recommendations:**

**Amendments:** *Changed bill to 35¢/pack cigarette tax increase*

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:


**Motions:** OTP OTP/A ITL, Retained (Please circle one.)

Moved by Rep. *Price*  
Seconded by Rep. *Johnson*  
Vote: *4 Yes & 2 No*

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Respectfully submitted,  
Rep.  
Subcommittee Chairman/Clerk

*REP. SUSAN PRICE*  
  
*18 MAR 09*

**Moynihan, Barbara**

---

**From:** Almy, Susan  
**Sent:** Sunday, May 10, 2009 6:10 PM  
**To:** Hatch, William; Butynski, William; Davis, Frank; Kelley, John; Mack, Ron; Shattuck, Gilman; Vachon, Dennis; Johnson, William; Price, Susan; Walsh, Bob; Major, Norman; Lockwood, Priscilla; Boutin, David; Sapareto, Frank; Ulery, Jordan; joejfcc@myfairpoint.net; Ober, Russell; Bettencourt, David  
**Cc:** Moynihan, Barbara  
**Subject:** FW: Revenues

**Attachments:** business refunds FY 2006-2009.xls

**FILE COPY**



business refunds FY  
2006-2009....

-----Original Message-----

**From:** Margaret Fulton [mailto:MFulton@rev.state.nh.us]  
**Sent:** Fri 5/8/2009 11:39 AM  
**To:** Almy, Susan  
**Cc:** Kevin A. Clougherty  
**Subject:** RE: Revenues

Good afternoon Representative Almy, I thought it might be helpful for you to have several pieces of information, fyi. Also, attached is an updated refund chart showing refunds from FY '06 forward, just up to the end of April, so that the numbers align with our FY '09 numbers to date. Should you or any committee members want further breakdowns, please let me or Kevin know.

1. We have just reached our \$40 million goal for audit revenue for FY '09; now, anything above that is added revenue to the State.
2. Refunds paid out for the month of May so far total \$980,457.
3. Below is some updated information we've received on the 1.7 billion pack loss/tobacco increases nationwide.

Friday, April 17, 2009 | Modified: Monday, April 20, 2009, 8:48am MST Tobacco tax increase scorching sales, shops Phoenix Business Journal - by Mike Sunnucks  
<BLOCKED::http://www.bizjournals.com/search/results.html?Ntt="Mike Sunnucks"&Ntk=All&Ntx=mode matchallpartial>

Everyone knows smoking can kill. But it remains to be seen just how much damage recent federal tobacco tax increases will wreak on cigar and cigarette shops already strained by the recession.

On April 1, federal cigarette taxes went from 39 cents to \$1.01 per pack - and that does not include the Arizona tax of \$2 a pack. The federal tax on cigars went from 5 cents to 40 cents per cigar.

The increases will help pay for a \$32 billion expansion of the State Children's Health Insurance Program. Called Kids Care in Arizona, it offers government coverage to uninsured children.

Cigar shops and cigarette outlets in Phoenix and other U.S. markets already are seeing a drop in sales as more people head for American Indian reservations and online outlets to buy their smokes tax-free.

"There is no business," said Mohammed Alsaie, who owns the Cigarette Savings Center <BLOCKED::http://phoenix.bizjournals.com/phoenix/related\_content.html?topic=Cigarette Savings Center> s at 35th and Peoria avenues in Phoenix and at 51st and Olive avenues in Glendale.

Alsaie said business is off more than 40 percent since the April 1 increase. If business

doesn't pick up soon, he could be out of business in four or five months.

"It's too high," he said of the tax.

Phyllis Amro, co-owner of Best Cigarettes

<BLOCKED::http://phoenix.bizjournals.com/phoenix/related\_content.html?topic=Best Cigarettes> , a retail store near Greenway Road and 35th Avenue in Phoenix, said she has not seen as steep a decline, but expects one. More of her customers are buying loose-leaf tobacco and rolling papers to make their own cigarettes.

Loose tobacco and rolling papers also are part of the tax increase under the SCHIP expansion approved by President Barack Obama. Federal taxes on loose-leaf tobacco went from \$1.10 to \$24.78 per pound.

Even so, Amro said it remains less expensive to roll your own than to buy prepackaged brands.

Analyses conducted by Congress and the Tax Foundation

<BLOCKED::http://phoenix.bizjournals.com/phoenix/gen/Tax\_Foundation\_5FD9A7C6C0114FA28E6F57328028B0E3.html> estimate the federal tobacco tax increase will cut retail cigarette sales by 17 million packs in Arizona and 1.7 billion nationwide in 2010. Some smokers will be priced out of the habit, while others will turn to online and untaxed products.

The tax-averse Heritage Foundation

<BLOCKED::http://phoenix.bizjournals.com/phoenix/gen/Heritage\_Foundation\_40D9CFDE66A94F31AC27C525AC79AD15.html> think tank in Washington is concerned that the increased taxes will create a disproportion burden on the young and less advantaged who make up a significant number of smokers.

Cigar shops also are feeling the pinch. The SCHIP expansion raises cigar taxes by 700 percent. That will price out a lot of cigar smokers, said Joshua Yano, manager of Cigar King <BLOCKED::http://phoenix.bizjournals.com/phoenix/gen/Cigar\_King\_0B9B2197F83641C0A205545CFB8E1FF0.html> , a store near the Scottsdale Airpark.

Yano said a \$40 bundle of cigars now is \$55 or \$60 with the increase, and that will price out some value-oriented cigar buyers. He said those paying for more expensive cigars will pay the same tax because it's per cigar, not according to price. His store is absorbing some of the tax cost for consumers in its retail prices now, but that will last only about a month.

"It's going to have a huge impact," Yano said.

He said the poor economy already has hurt cigar sales and put some shops out of business, and the tax increases will make matters worse.

Antismoking advocates favor the increases. The American Cancer Society

<BLOCKED::http://phoenix.bizjournals.com/phoenix/gen/American\_Cancer\_Society\_80C4936FDD094C12BF1D3C5F924167C3.html> and Campaign for Tobacco Free Kids <BLOCKED::http://phoenix.bizjournals.com/phoenix/gen/Campaign\_for\_Tobacco\_Free\_Kids\_BAB45313441246A68206B4354C81DBCB.html> also favor higher cigarette taxes, saying they help reduce teenage smoking.

The Washington-based Campaign for Tobacco Free Kids says for every 10 percent increase in the price of cigarettes, youth smoking drops 7 percent and overall demand dips about 4 percent.

Some cigarette smokers are turning to the Internet, where they might be able to avoid some taxes. Others in the Phoenix area are going to American Indian reservations, where they can avoid the tax burdens.

Managers at the On Auk Mor Trade Center

<BLOCKED::http://phoenix.bizjournals.com/phoenix/related\_content.html?topic=On Auk Mor Trade Center> store and JR's Convenience Store

<BLOCKED::http://phoenix.bizjournals.com/phoenix/related\_content.html?topic=JR's Convenience Store> in the Salt River Pima-Maricopa Indian Community say they have seen more cigarette sales since the April 1 tax changes went into effect.

Off the reservation, QuikTrip spokesman Mike Thornbrugh said the service station chain is starting to see demand fall off.

"It is really too early to tell," he said. "But sales are a little softer."

Online cigarette seller Cheap-Cigarettes-Sale.com offers discounts when consumers buy in bulk. Five cartons of Marlboro Lights cost \$127.50, including a \$30 shipping fee.

Amor said the problem with Web sites is they often still charge taxes, shipping and handling fees, which reduce savings. Also, consumers have to wait for deliveries and there sometimes are questions of quality with online purchases, he said.

Get Connected

Cigar King: [www.cigarking.com](http://www.cigarking.com) <BLOCKED::http://www.cigarking.com/>

Comparison Shopping  
comparison shopping

The price of a carton or single pack of Marlboro Lights varies depending on where it's purchased. Here are a few examples:

Store Carton Pack

JR's Convenience Store \$48.20 \$5.15

(Salt River Pima-Maricopa Indian Community) On Auk Mor Trade Center \$47.80 \$5.15 (Salt River Pima-Maricopa Indian Community) QuikTrip (Phoenix) \$60.64 \$7.29 Walgreens (Phoenix) \$63.98 \$6.48

Source: Phoenix Business Journal research

*Sub Committee*

HOUSE COMMITTEE ON WAYS AND MEANS

*Works*  
~~EXECUTIVE~~ SESSION on HB 638 *with Amendment # 562 (b)*

BILL TITLE:

*Fee in Subsurface system program*

DATE:

*3/18/09*

LOB ROOM:

202

①

Amendments:

*Agency Amendment attached hereto dated 3/16/09 with out 562 (b)*

Sponsor: Rep. *Mack*

OLS Document #:

Sponsor: Rep. *Vachon*

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions:

*OTPA, OTPA, ITL, Interim Study (Please circle one.)*  
*OTPA or 562 (b) recommended by*  
*Hatch - Motion*  
*Vachon second*  
*11 opposed*  
*9 in favor*

Moved by Rep. *Mack*

Seconded by Rep. *Vachon*

Vote: (Please attach record of roll call vote.)

~~Motions:~~

OTPA, OTPA, ITL, Interim Study (Please circle one.)

Moved by Rep. *Leckrone*

Seconded by Rep. *Bruce*

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

- STRAW VOTE -

WAYS AND MEANS

Bill #: 638

Title: DES for - subsurface water program

PH Date:      /      /     

<sup>Vote</sup> Session Date: 3, 18, 09 <sup>IV</sup>

Motion: Amend Amendment #: 2505 <sup>Agree to Amend</sup> of 3/16/0

MEMBER	YEAS	Y/N	NAYS	
Almy, Susan W, Chairman	✓			✓
Hatch, William A, V Chairman	✓			✓
Davis, Frank W	✓			✓
Butynski, William, Clerk	✓			✓
Vachon, Dennis P	✓			✓
Shattuck, Gilman	✓			✓
Kelley, John D	✓			✓
Mack, Ron J	✓			✓
Johnson, William G		✓	✓	
Price, Susan G		✓	✓	
Walsh, Robert M	✓			✓
Major, Norman L		✓	✓	
Griffin, Mary E		✓	✓	
Lockwood, Priscilla P		✓	✓	
Boutin, David R		✓	✓	
Bettencourt, David J		✓	✓	
Ober, Russell T		✓	✓	
Sapareto, Frank V		✓	✓	
Ulery, Jordan G		✓	✓	
Osgood, Joe		✓	✓	
	⑨ Yes	⑩ N	⑪ No	⑨ No

to 0562 (b2)

\$650,000/yr.

**AMENDMENT TO PARAGRAPH 69 ESTABLISHMENT OF SUBSURFACE SYSTEMS PROGRAM FUND AND RELATED FEE INCREASE (REVISED MARCH 16, 2009)**

*RES appropriated flat, but revenue decreased*

1. Amend RSA 485-A: 30 to read as follows:

**485-A:30 Fees. -**

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~~ \$300 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 1-a.* 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.

~~I-a. In addition to fees required under paragraph I, any person submitting plans and specifications for sewage or waste disposal systems shall pay to the department a fee of \$10 for each system. Said fee shall be for supporting a general funded position at the department to advocate for and implement long term septage disposal solutions in partnership with New Hampshire municipalities. In the event and to the extent the department is able to use funds from sources other than the general fund to support the position, it shall receive from the general fund an amount equivalent to the fees collected under this paragraph, in addition to any other appropriations, for use in the septage handling and treatment facilities grant program to municipalities under RSA 486:3, III. The fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited with the state treasurer as unrestricted revenue.~~

*I-a. There is hereby established the subsurface systems fund into which the fees collected under paragraph I of this section, paragraphs I(a) and II of RSA 485-A:35, paragraph I(a) of RSA 485-A:36, 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-b. 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 economic development committee, and the senate energy, environment, and economic development committee relative to administration of the subsurface systems program.*

**2. Amend RSA 485-A:35 to read as follows:**

I. (a) All applications, plans, and specifications submitted in accordance with this chapter for subsurface sewage or waste disposal systems shall be prepared and signed by the person who is directly responsible for them and who has a permit issued by the department to perform the work. The department shall issue a permit to any person who applies to the department, and pays a fee of \$80 and who has demonstrated a sound working knowledge of the procedures and practices required in the site evaluation, design, and operation of subsurface sewage or waste disposal systems. The department shall require an oral or written examination or both to determine who may qualify for a permit. Permits shall be issued from January 1 and shall expire December 31 of every other year. Permits shall be renewable upon proper application, payment of a biennial fee of \$80, and documentation of compliance with the continuing education requirement of subparagraph (b). A permit issued to any person may be suspended, revoked or not renewed only for just cause and after the permit holder has had a full opportunity to be heard by the department. An appeal from a decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 541. *All fees shall be deposited in the subsurface systems fund established in RSA 485-A:30, I-a*

II. Any person who desires to submit plans and specifications for a sewage or waste disposal system for the person's own domicile shall not be required to obtain a permit under this paragraph provided that the person attests to eligibility for this exemption in the application for construction approval. The commissioner shall adopt rules, prepared under the supervision of a professional engineer licensed to practice engineering in the state of New Hampshire, pursuant to RSA 541-A, relative to requiring a permit holder to be a licensed professional engineer with a civil or sanitary designation in order to submit applications for construction approval in certain complex situations. *All fees collected pursuant to this paragraph shall be deposited ~~with the state treasurer as unrestricted revenue~~ in the subsurface systems fund established in RSA 485-A:30, I-a*

**3. Amend RSA 485-A: 36, I (a) to read as follows:**

**485-A:36 System Installer Permit. –**

I. (a) No person shall engage in the business of installing subsurface sewage or waste disposal systems under this subdivision without first obtaining an installer's permit from the department. The permit holder shall be responsible for installing the subsurface sewage or waste disposal system in accordance with the intent of the approved plan. The department shall issue an installer's permit to any person who submits an application provided by the department, pays a fee of \$80 and demonstrates a sound working knowledge of RSA 485-A:29-35 and the ability to read approved waste disposal plans. The department shall require an oral or written examination or both to determine who may qualify for an installer's permit. Individuals who have been actively engaged in the business of installing systems for at least 12 months prior to January 1, 1980, shall not be required to submit to such examination, but shall be issued a permit upon filing an application and paying the initial



fee, if application is made before June 30, 1980. Permits shall be issued from January 1 and shall expire December 31 of every other year. Permits shall be renewable upon proper application, payment of a biennial fee of \$80, and documentation of compliance with the continuing education requirement of subparagraph (b). The installer's permit may be suspended, revoked or not renewed for just cause, including, but not limited to, the installation of waste disposal systems in violation of this subdivision or the refusal by a permit holder to correct defective work. The department shall not suspend, revoke or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the department. An appeal from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 21-O:14. *All fees shall be deposited with the state treasurer as unrestricted revenue in the subsurface systems fund established in RSA 485-A:30, I-a*

**4. New Subparagraph; Dedicated Fund; Subsurface Systems Fund Added.**

*Amend RSA 6:12, 1(b) by inserting after subparagraph (276) the following new subparagraph:*

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

Straw Vote - 133  
25  
168

Sub Committee

HOUSE COMMITTEE ON WAYS AND MEANS

~~EXECUTIVE SESSION~~ on HB 638

BILL TITLE: Cigarette Tax Increase

DATE: 3/18/09

LOB ROOM: 202

line 2 - Amount to be 2.33 x 1.68 cut/g

Amendments: Amend line 2 to change #2.33 to 1.68

Sponsor: Rep. Price OLS Document #:

Sponsor: Rep. Johnson OLS Document #:

Sponsor: Rep. OLS Document #:

Vote 10 Yes + 7 No

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Price

Seconded by Rep. Johnson

Vote: 9 Yes + 8 No (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

*- STRAW VOTE -*

WAYS AND MEANS

Bill #: 638 Title: Cigarette Tax Increase

PH Date:    /   /   

Exec Session Date: 3, 18, 09

Motion: OTP/A

Amendment #:           

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P <i>Absent</i>	<hr/>	<hr/>
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M <i>Absent</i>	<hr/>	<hr/>
Major, Norman L		✓
Griffin, Mary E		✓
Lockwood, Priscilla P		✓
Boutin, David R		✓
Bettencourt, David J		✓
Ober, Russell T		✓
Sapareto, Frank V		✓
Ulery, Jordan G <i>Absent</i>	<hr/>	<hr/>
Osgood, Joe		✓
	<i>9 Ye</i>	<i>8 No</i>
TOTAL VOTE:		
Printed: 1/12/2009		

*Sub-Committee Straw Vote*

HOUSE COMMITTEE ON WAYS AND MEANS

*Works*  
~~EXECUTIVE SESSION~~ on HB 638 Amendment #0571 (L)

BILL TITLE: *Fees for Health Facilities* ~~Fees~~

DATE: *3/16/09*

LOB ROOM: 202

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Johnson*

Seconded by Rep. *Mayer*

Vote: *17X* 0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

STRAW VOTE

WAYS AND MEANS

Bill #: HB 638 Amendment 50575 Title: Fee for Health Facilities Fee

PH Date:      /      /      <sup>Vote</sup> ~~Fee~~ Session Date: 3, 18, 09

Motion: JTL Amendment #:     

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P		
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L	✓	
Griffin, Mary E	✓	
Lockwood, Priscilla P	✓	
Boutin, David R		
Bettencourt, David J	✓	
Ober, Russell T	✓	
Sapareto, Frank V	✓	
Ulery, Jordan G		
Osgood, Joe	✓	
	(17)	(0)
TOTAL VOTE:		

*Sub Committee*

*Straw Vote*

HOUSE COMMITTEE ON WAYS AND MEANS

*Adopted*  
EXECUTIVE SESSION on HB

*0564 (Ref) HB638*

*state water pollution " drinking water handling laws funds"*

BILL TITLE:

DATE: *3/19/09*

LOB ROOM: 202

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: *OTP*, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Hatch*

Seconded by Rep. *B. S. Luttrell*

Vote: *13 to 7* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

STRAW  
VOTE

WAYS AND MEANS

Bill #: ~~630~~ <sup>HB 630</sup> <sup>with amended Rep 05/14/09</sup> Title: "state water pollution... drinking water revolving loan fund"

PH Date: 1/1/09

<sup>vote</sup> Exec Session Date: 3, 18, 09

Motion: OTP on 0564 (Re) & H1362 F  
by Hatch & Shattuck

Amendment #: 0564 (Re)

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P	✓	
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L		✓
Griffin, Mary E		✓
Lockwood, Priscilla P	✓	
Boutin, David R	✓	
Bettencourt, David J		✓
Ober, Russell T		✓
Sapareto, Frank V		✓
Ulery, Jordan G		✓
Osgood, Joe		✓
	<u>13 Yes</u>	<u>7 No</u>

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0564h  
05/09

FILE COPY

Amendment to HB 638-FN-A

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

2

3 AN ACT relative to increasing the tobacco tax and dedicating certain tobacco tax revenues  
4 to the comprehensive cancer plan fund, and relative to administrative costs of the  
5 state water pollution control and drinking water revolving loan funds.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 Department of Environmental Services; State Revolving Loan Fund; Administrative Fee  
10 Increase. Amend RSA 486:14(b) to read as follows:

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

21 6 Effective Date. This act shall take effect July 1, 2009.



2009-0564h

AMENDED ANALYSIS

This bill:

- I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.
- II. 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.

# Sub-Committee Minutes

HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON Amend. 0565 to HB 638

**BILL TITLE:** rel. to the funding and operating of liquor stores by the liquor commission

**DATE:** 3/16/09

**Subcommittee Members:** Reps. Butynski, Major, Ober, Price, Johnson, Sapareto and Shattuck

**Comments and Recommendations:** Discussion of amendment proposed by liquor commission.  
Request for side-by-side comparison of Senate bill/amend/HB 2

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Russell T. Ober  
Subcommittee Chairman/Clerk

638

HOUSE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE WORK SESSION ON *Amend. #0565 to HB 638*

BILL TITLE: *Relative to the financing & operating of liquor stores by the liquor commission*

DATE: *3/16/09*

Subcommittee Members: Reps. *Birtynski, Meyer, Ohio, Pence, Johnson, Sapavets, & Skotttuck*

Comments and Recommendations:

*Discussion of amendment passed by liquor commission*  
Amendments: *Request for side-by-side comparison of Senate Bill/amend / HB-2*

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Respectfully submitted, *Russell T. Oberm*

Rep. {Type NAME}  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE WORK SESSION ON *564h*

BILL TITLE: *Rooms and meals tax, rate increased*

DATE: *3/16/09*

Subcommittee Members: Reps. *Bucynski, Meja, Ober, Price, Johnson, Sapawto, Shattuck*  
*Comments made on both sides about pro/con of tax.*

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

Rep. M. Smith, Straf 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0566h  
10/09

Amendment to HB 638-FN-A

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

2

3 AN ACT            increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4                    comprehensive cancer plan fund, and increasing the rate of the meals and rooms  
5                    tax.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9        5 Meals and Rooms Tax; Rate Increased. Amend RSA 78-A:6 to read as follows  
10        78-A:6 Imposition of Tax.

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

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

13                    (a) Three cents for a charge between \$.36 and \$.37 inclusive;

14                    (b) Four cents for a charge between \$.38 and \$.50 inclusive;

15                    (c) Five cents for a charge between \$.51 and \$.62 inclusive;

16                    (d) Six cents for a charge between \$.63 and \$.75 inclusive;

17                    (e) Seven cents for a charge between \$.76 and \$.87 inclusive;

18                    (f) Eight cents for a charge between \$.88 and \$1.00 inclusive;

19                    (g) Eight *and 3/4* percent of the charge for taxable meals over \$1.00, provided that  
20 fractions of cents shall be rounded up to the next whole cent.

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

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

24        6 Effective Date. This act shall take effect July 1, 2009.



2009-0566h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. The bill also increases the rate of the meals and rooms tax.

HOUSE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE WORK SESSION ON 0568H

BILL TITLE:

DATE: 3/16/09

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Bentley*

Seconded by Rep. *Walsh*

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Type NAME}  
Subcommittee Chairman/Clerk



Rep. M. Smith, Straf 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0568h  
10/09

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund, and establishing a tax on gambling winnings.  
5

6 Amend the bill by replacing all after section 4 with the following:

7

8 5 New Subdivision; Gambling Tax. Amend RSA 77 by inserting after section 37 the following  
9 new subdivision:

10

Gambling Tax

11

77:38 Definitions.

12

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

15

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

16

77:39 Registration.

17

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

20

21 II. Each payor shall apply for registration on a form designated by the commissioner.

21

22 Applicants shall furnish the following:

22

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

24

25 (b) Social security number, or federal employment identification number, as applicable.

25

26 The number furnished shall be the same number used to file any applicable business tax returns.

26

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

28

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

30

31 (e) Signatures. The application shall be signed under the pains and penalties of perjury  
32 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



1 RSA 77:40. If the applicant is a business entity, every partner, member, or corporate officer shall  
2 sign the application.

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

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

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

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

15 V. No payor shall be issued an original registration if the issuance of such registration  
16 permits any person to circumvent or evade the payment of tax, interest, or penalties. The  
17 commissioner shall have the authority to request any additional information or documentation from  
18 an applicant to aid in his or her determination.

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

22 77:40 Tax Imposed. A tax is hereby imposed at a rate of 10 percent upon:

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

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

27 77:41 Withholding. Each payor operating in-state shall withhold the tax from the distribution of  
28 taxable gambling winnings to the winner. Within 10 days after the end of each month, the payor  
29 shall pay over such tax to the department accompanied by such form or return as determined by the  
30 commissioner. The payor shall keep books and records in a form acceptable to the department  
31 showing the amount of all taxes collected.

32 77:42 Returns and Payment of Tax by Individuals. Every resident who receives taxable  
33 gambling winnings from an out-of-state payor shall pay the tax imposed under this subdivision and  
34 file a return on or before the fifteenth day of the fourth month following the expiration of the tax  
35 year.

36 77:43 Nature of Tax; Penalties and Violations.

37 I. The tax imposed by this subdivision shall become state funds at the moment a payor



1 distributes gambling winnings to the winner.

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

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

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

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

9 77:44 Enforcement. An action may be brought by the commissioner in the name of the state to  
10 recover the amount of taxes, penalties, and interest due from the operator, if the action is brought  
11 within 3 years after the taxes, penalties, and interest are due. The action is returnable in the county  
12 where the operator resides if he or she is a resident of the state; and if a nonresident, the action is  
13 returnable to the county of Merrimack. The limitation of 3 years in this section does not apply to a  
14 suit to collect taxes, penalties, interest, and costs when the operator filed a fraudulent return or  
15 failed to file a return when the return was due.

16 77:45 Bonds; State Agency Cooperation.

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

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

21 6 New Paragraph; Rulemaking. Amend RSA 21-J:13 by inserting after paragraph XII the  
22 following new paragraph:

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

25 7 Repeal. RSA 284:21-r, relative to the exemption of sweepstakes prizes from taxation, is  
26 repealed.

27 8 Effective Date. This act shall take effect July 1, 2009.



2009-0568h

AMENDED ANALYSIS

This bill increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund. The bill also establishes a tax on gambling winnings.

HOUSE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE WORK SESSION ON *0575h*

BILL TITLE: *DHHS Health Facilities Licensing*

DATE: *3/16/09*

Subcommittee Members: Reps. *Butyrski, Major, Ober, Johnson, Shattuck*  
*Commentary pro/con about fees for Health Facilities Licensing*

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE WORK SESSION ON {Type BILL NO.}

H3638

BILL TITLE: *increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer fund.*  
DATE: *3/16/09*

Subcommittee Members: Reps. *Butynski, Major, Price, Johnson, Oben, Shattuck*

Comments and Recommendations: *Comments on both sides - continued to 3/16/09 1:15 pm*  
*resumed @ 1:50 pm*

Amendments:

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

*amend charge <sup>amount</sup> from 51 to 500*  
*3-3*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

*recess until 8:30am*

Respectfully submitted,  
Rep. *Russell T. O'Connell*  
Subcommittee Chairman/Clerk

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0575h  
03/09

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund and relative to fees for health facilities and  
5 community living facilities.  
6

7 Amend the bill by inserting after section 4 the following and renumbering the original section 5 to  
8 read as 7:

9

10 5 Department of Health and Human Services; Health Facility Licensing; Fees for Licenses. RSA  
11 151:5 is repealed and reenacted to read as follows:

12 151:5 Licenses. Licenses issued hereunder shall expire one year after the date of issuance, or  
13 upon such uniform dates annually, as the department of health and human services shall prescribe  
14 by rule. Licenses shall be issued only for the premises and persons named in the application, and  
15 shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the  
16 licensed premises. Fees for an annual license shall be as follows:

17 I. Hospitals; \$52 per licensed bed.

18 II. Specialty hospital-psychiatric; \$52 per licensed bed.

19 III. Specialty hospital-rehabilitation; \$52 per licensed bed.

20 IV. Nursing homes; \$52 per licensed bed.

21 V. Acute psychiatric residential treatment programs; \$52 per licensed bed.

22 VI. Residential treatment and rehabilitation facilities; \$52 per licensed bed.

23 VII. Hospice houses; \$52 per licensed bed.

24 VIII. Licensed community residences; \$52 per licensed bed.

25 IX. Adult family care homes; \$52 per licensed bed.

26 X. Residential and supported residential care; \$31 per licensed bed.

27 XI. Home health hospice providers; \$517.

28 XII. Home health care providers; \$517.

29 XIII. Personal care providers; \$75.

30 XIV. Outpatient clinics; \$1,034.

31 XV. End stage renal dialysis centers; \$1,034.

32 XVI. Ambulatory surgical centers; \$1,034.

Amendment to HB 638-FN-A

- Page 2 -



- 1 XVII. Educational health centers; \$1,034.
- 2 XVIII. Freestanding emergency rooms; \$1,034.
- 3 XIX. Health promotion clinics; \$1,034.
- 4 XX. Collecting stations; \$517.
- 5 XXI. Adult day care centers; \$414.
- 6 XXII. Birthing centers; \$310.
- 7 XXIII. Case management agencies; \$310.
- 8 XXIV. Laboratories; \$310 per year for each category of testing licensed.
- 9 6 New Paragraph; Department of Health and Human Services; Certification for Community
- 10 Living Facilities; Fee Established. Amend RSA 126-A:20 by inserting after paragraph II the
- 11 following new paragraph:
- 12 II-a. The fee for an initial or annual renewal certification for a certified community residence
- 13 shall be \$78 per certified bed. The fee for an initial or annual renewal certification for a certified day
- 14 program shall be \$78 per individual served by the day program.





2009-0575h

AMENDED ANALYSIS

This bill:

- I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.
- II. Establishes and changes license fees under the health facility licensure law.
- III. Establishes a fee for initial or renewal certification for a certified community residence and day program.

HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON HB 638

**BILL TITLE:** AMEND. 0577, Homestead Food/Beverage License

**DATE:** 3/16/09

**Subcommittee Members:** Reps. Butynski, Major, Ober, Johnson, Shattuck

**Comments and Recommendations:** Discussion pertaining to pros and cons of rules settings.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Priscilla Lockwood  
Subcommittee Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE WORK SESSION ON 5/7/09

BILL TITLE: D/H/S Homestead Food License

DATE: 3/16/09

Subcommittee Members: Reps. Butynski, Meyer, Peter Johnson, Shattuck  
Discussion pertaining to pros and cons of rule settings

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

# Testimony

**FILE COPY**

**Testimony on House Bill (HB) 638-FN-A  
Presented to the House Ways & Means Committee  
On February 19, 2009  
By State Representative Bill Butynski**

Chair Almy and other distinguished members of the House Ways & Means Committee, thank you for the opportunity to introduce and present testimony on behalf of HB 638-FN-A, increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund. For the record, my name is Bill Butynski, and I am honored to serve as one of four Members of the New Hampshire House who represent and serve the residents in the communities of Chesterfield, Hinsdale, and Winchester.

The bill that I introduce for your consideration today is clear and simple. It would raise New Hampshire's tax on a pack of cigarettes by \$1. The first 5 cents of that tax increase would go to support a new dedicated fund to support our Comprehensive Cancer Plan, while the remaining 95 cents of the tax increase would go into the General Fund to meet New Hampshire's most urgent revenue needs. Assuming that the full \$1 per pack tax increase is passed, New Hampshire will gain approximately \$49M annually in additional state revenue.

As State Representatives, many of us are resistant to voting for increases in taxes for our constituents. However, it is important to be aware of the fact that this particular tax increase is supported by the general public. In fact, a recent University of New Hampshire Survey Center poll demonstrated that 72% of voters support increasing the cigarette tax by one dollar and dedicating a portion of the increase to tobacco prevention programming. I repeat, 72% of New Hampshire voters support this particular tax increase.

I believe that the good health of our citizens should be our priority, and we need to focus our efforts where they can have the greatest impact. Tobacco is the single largest cause of preventable disease and death, and costs New Hampshire over half a billion dollars annually. HB 638 dedicates just 5% of the proposed cigarette tax increase to the Comprehensive Cancer Plan, including tobacco prevention and cessation programs. Such programs are a

wise investment and can provide both short and long term health gains, along with cost savings. In addition, tobacco tax increases alone are proven to deter kids from smoking, and combined with tobacco prevention programming, our youth will be better protected from tobacco industry marketing. We must defend our children from a lifetime of addiction, poor health, and dramatic financial costs.

There will be other more knowledgeable speakers who will discuss the many services that will be supported by the Comprehensive Cancer Plan Fund, such as breast and cervical cancer screening for low income women, colorectal cancer screenings for the uninsured, obesity prevention, prostate cancer education, helping cancer survivors, and minority health data collection. The Fund will also support tobacco control, prevention and cessation services, for both youth and adults. Other speakers will address the specifics of the projected increases in revenues that will be raised for the General Fund by the proposed tobacco tax increase.

I would like to briefly address just one of the concerns that will be raised by at least some of the opponents of this bill, namely, the regressive nature of the cigarette tax. In response to that concern, I want to freely admit the fact that the cigarette tax is regressive. However, this is no different than many of New Hampshire's revenue sources, e.g., scratch off tickets. More importantly, by requiring that the first 5 cents of this proposed tax increase go to support the new Comprehensive Cancer Plan Fund, including tobacco control, prevention and cessation programs, this bill for the first time would ensure that New Hampshire State monies will actually be expended to prevent tobacco use and addiction among our youth, and to support those current cigarette smokers who wish to finally confront their addiction to nicotine through a variety of nicotine cessation programs.

Given the fact that our State has long benefitted from the receipt of Master Tobacco Settlement monies, along with substantial revenues from the sale of cheap cigarettes, I believe it is time that we finally addressed our responsibility to assist New Hampshire smokers to beat their addiction to nicotine. This bill will assist our citizens to not only save their limited fiscal resources, but also to improve their health. I hope that is a goal that most of us can and will support.

Thank you for your attention. I would be happy to try to respond to any questions that you may have.

# FILE COPY

My name is BJ Allgaier and I live in Sandown, New Hampshire. I am here today to encourage you to support HB 638, a raise on cigarette tax of \$1.00 and giving one nickel out of that dollar to fully fund the NH Cancer Plan. I am an eight year breast cancer survivor. I am alive today for many reasons, but the primary one is the pre-screening. I am lucky to be well insured, but many NH women are not and they deserve the same opportunity to survive. To help us do that in NH we need the Cancer Plan fully funded.

The NH Cancer Plan is not only about pre-screenings, it is also the fight against tobacco. Fully 1/3<sup>rd</sup> of cancers are tobacco related. 1/3<sup>rd</sup>! Many years ago I watched my dad die from lung cancer. When he started they did not know the harm they were doing to themselves. Some of you might recall that the ads showed 'doctors' telling their patients that smoking was actually good for them! We certainly have made progress since those times, but not nearly enough. Ads with doctors are gone, athletes won't promote smoking and candy cigarettes are no longer available at the candy counter, but what is available is perhaps even more evil. Bubble gum and grape cigars and 'purse' cigarettes are on the shelves. Don't miss the pretty pink packaging on Camel cigarettes. Do you think the tobacco companies are making grape cigars for a CEO to enjoy with an expensive brandy after a long day at the office? Are the 'purse' cigarettes made for the Mom that carries a bag like this with all the child/family stuff within reach? Is the pink package for Granny? No – grape cigars are aimed at the undeveloped taste buds of youth. The 'purse' cigarettes and the pretty pink packages are for the Paris/Brittany wanabees. Big tobacco needs our next generation hooked. And that also is my story today. It is about a fully funded Cancer Plan that will spend the greater amount of its resources on tobacco education, cessation programs and stopping the targeting of our youth by Big Tobacco.

On January 27<sup>th</sup> volunteers from across the state presented a scrapbook to Gov. Lynch, containing nearly 500 personal cancer stories, literally written on scraps of paper. They are asking you not to retreat in the fight against cancer. They all ask that the NH Cancer Plan be fully funded.

This legislative session will undoubtedly be the toughest budget process our good representatives and governor have been up against – in your careers. But I ask you to remember that cancer does not recede in a recession and Big Tobacco is not going to back off our kids. Now is **not** the time to back off the fight.

Please approve the \$1.00 per pack cigarette tax increase and give the Cancer Plan that nickel. We deserve nothing less.

Thank you

Betty Jane Allgaier  
1 Pine Ridge Circle  
Sandown, NH 03983

603-887-2265





HK2630

## BENEFITS FROM A \$1.00 CIGARETTE TAX INCREASE IN NEW HAMPSHIRE

FILE COPY

**Current State Cigarette Tax: \$1.33 Per Pack (22nd among all states)**  
**Smoking-caused costs in New Hampshire: \$5.07 per pack**

**Annual healthcare expenditures in New Hampshire directly caused by tobacco use: \$564 million**  
**Smoking-caused state Medicaid program spending each year: \$115.0 million**

### Projected Benefits from Increasing the State Cigarette Tax Rate by \$1.00 Per Pack

Additional state cigarette tax revenues in first year	\$49 million
Percent decrease in youth smoking	13.5%
Kids in New Hampshire kept from becoming addicted adult smokers	11,600
Current adult smokers in the state who would quit	6,000
Smoking-affected births avoided over next five years	1,300
New Hampshire residents saved from premature smoking-caused death	5,300
5-year health savings from fewer smoking-affected pregnancies & births	\$2.2 million
5-year health savings from fewer smoking-caused heart attacks & strokes	\$3.1 million
Long-term health savings in state from adult & youth smoking declines	\$260.0 million

- The above projections show the amount of new revenue the state would get in the year following the state cigarette tax increase compared to the amount of revenue the state would get without any change to its tax rate.
- Projections incorporate the impact of the 61.66-cent federal cigarette tax rate increase (effective on March 31, 2009) on state smoking levels, pack sales, and pack prices.
- Tax increases of less than roughly 20 cents per pack or 10% of the average state pack price do not produce significant public health benefits or cost savings because the cigarette companies can easily offset the beneficial impact of such small increases with temporary price cuts, coupons, and other promotional discounting. Splitting a tax rate increase into separate, smaller increases in successive years will similarly diminish or eliminate the public health benefits and related cost savings (as well as reduce the amount of new revenues).
- To maximize revenues, public health benefits and cost savings (and promote tax equity), New Hampshire should make sure its tax rates on other tobacco products (OTPs) equal the new cigarette tax rate. Equal tax rates also ensure that the state does not lose tax revenue each time a smoker switches to cigars or smokeless.
- These projections assume that New Hampshire will follow standard practice and apply the cigarette tax increase to all previously tax-stamped or otherwise tax-paid cigarettes held in inventory by wholesalers or retailers on the effective date of the increase. Failing to tax such cigarettes held in inventory would open the door to massive pre-increase stockpiling by retailers and wholesalers to evade the increase, drastically delaying and reducing the amount of new state revenues and related public health benefits.

Projections are based on research findings that each 10% cigarette price increase reduces youth smoking rates by 6.5%, adult rates by 2%, and total consumption by 4% (but adjusted down to account for tax evasion effects). Revenues still increase because the higher tax rate per pack will bring in more new revenue than is lost from the tax-related drop in total pack sales. These projections are fiscally conservative because they include a generous adjustment for lost state pack sales (and lower net new revenues) from new smuggling and tax evasion after the rate increase and from fewer sales to smokers or smugglers from other states. Kids stopped from smoking and dying are from all kids alive today. Long-term savings accrue over the lifetimes of persons who stop smoking or never start because of the rate increase. All cost and savings amounts are in 2004 dollars.

For more on sources and calculations, see <http://www.tobaccofreekids.org/research/factsheets/pdf/0281.pdf>  
More information available at <http://tobaccofreekids.org/research/factsheets/index.php?CategoryID=18>

Campaign for Tobacco-Free Kids 2.0346.09 / Ann Boonn & Eric Lindblom, February 5, 2009

Projections will be updated and improved as updated underlying data becomes available and when new data and research findings prompt refinements to the projection models and formulas.



American Heart Association | American Stroke Association

*Learn and Live.*

2 Wall Street

Manchester, NH 03101

Tel. 603.518.1551 Fax 603.669.6745

[www.americanheart.org](http://www.americanheart.org)

**Founders Affiliate**

Serving:  
Connecticut  
Maine  
Massachusetts  
New Hampshire  
New Jersey  
New York  
Rhode Island  
Vermont

**Bernard P. Dennis**  
Co-Chair

**Karen Murray**  
Co-Chair

**Richard A. Steln, M.D.**  
Co-President

**Jon W. Wahrenberger, M.D.**  
Co-President

**Gayllis R. Ward, Esq., CPA**  
Treasurer

**Michael L. Weamer, CAE**  
Executive Vice President

**Directors**

Robert Attanasio  
Gary J. Balady, M.D., FAHA  
Kathleen Bourque  
Daniel M. Cain  
Christopher Commichau, M.D.  
Michael Doyle  
Glenn I. Fishman, M.D.  
Elizabeth L.B. Greene, Esq.  
Sharon Henry, M.D.  
Richard M. Hodosh, M.D.  
Mary Lynn D. Lenz  
Lucy Liaw, Ph.D.  
Michael Mariani  
Gerard Marx, M.D.  
Rosemarie Nelson, MS  
Cheryl Pegus, M.D., MPH  
Edward F. Philbin, III, M.D., FACC  
Steven J. Picco, Esq.  
Charles N. Pozner, M.D.  
Nick Racanelli  
Michael Schnieders  
Ann L. Swan  
William Tansey, III, M.D.  
Hank Wasiaak

Testimony of the American Heart Association  
House Ways and Means Committee  
Legislative Office Building, Room 202

Re: HB 638

Chairwoman Almy, Vice Chair Hatch and members of the committee. My name is Nancy Pederzini, Director of Advocacy for the American Heart Association. Thank you for the opportunity to provide testimony today in support of HB 638.

The American Heart Association calls for significant increases in cigarette excise taxes to reduce teen smoking, to save lives and to offset the costs of smoking by raising significant new revenue.

The American Heart Association strongly supports an increase of \$1.00 per pack to the excise tax on cigarettes and to allocate a portion of the revenues to fund New Hampshire's Tobacco Prevention and Control Program. Substantial increases on tax on cigarettes will help discourage people of all ages from smoking, but especially children and young adults, and reduce future healthcare costs.

Increasing the excise tax on tobacco products has been one of the most effective ways to discourage youth from starting to smoke. According to "Reducing Tobacco Use," a 2000 report of the Surgeon General, "substantial increases in the excise taxes on cigarettes would have considerable impact on the prevalence of smoking and, in the long-term, reduce the adverse health effects caused by tobacco."

Young people are particularly sensitive to the cost of tobacco products, so when we raise the tax substantially, fewer kids get hooked. For many young people, higher prices could make the difference between addiction and a life free of tobacco-related disease. We need to do everything we can to help young people resist tobacco use, and high prices have a big impact.

Funding a comprehensive tobacco control program is a smart investment for New Hampshire that will save money by reducing smoking-caused health care costs. Currently, NH spends \$564 million in healthcare costs directly caused by smoking-related illnesses. Each household, even those who are non-smokers pay an average of \$630 each year in taxes that goes to pay for treatment for smoking caused illness.

Please remember the American Heart Association in your will.



Seldom are lawmakers faced with a proposal that will save lives, lower health costs, and raise revenue for use on important health programs. But that's exactly what a \$1.00 increase in the cigarette tax will do. Adding \$1.00 to the price of cigarettes is solid health policy that will lead to 7,000 fewer smokers in New Hampshire. It will cut youth smoking by 15.6%. It will save 6,600 lives in NH from tobacco-related deaths. It will bring in about \$50 million in additional revenue that will keep vital programs in place for our most at-risk citizens.

The public overwhelmingly supports increasing cigarette taxes. In a UNH survey conducted in January 2009, 70% of respondents agreed that given the lives and health costs saved, NH's tobacco tax should be increased by \$1.00 per pack.

Policy makers are in a unique position on this issue. We know the problem caused by tobacco. We know that comprehensive prevention and cessation programs are a critical part of the solution. We have a clear revenue source to fund the solution. And the public overwhelmingly supports using tobacco tax revenue for tobacco prevention. By doing so, we will reduce the very diseases putting a strain on our healthcare system and our economy.

Increasing the tobacco tax is a win-win-win solution for NH; a public health win that reduces smoking and saves lives, a financial win that raises much needed revenue and reduces smoking-caused health care costs and a political win because tobacco taxes have the strong support of the public.

Sincerely,

Nancy Pederzini  
Director of Advocacy

603-518-1555  
Nancy.pederzini@heart.org

**Testimony in Support of HB 638**  
**House Ways & Means Committee February 19, 2009**

Good morning House Committee Members. My name is Ashlee Iber, and I am the Youth Program Manager at Breathe New Hampshire. Breathe New Hampshire is a statewide organization focused on eliminating lung disease and improving the quality of life for those living with lung disease in New Hampshire. In the interest of our mission, I am here this morning to confirm that on behalf of our Board of Directors, volunteers, stakeholders and constituents, we support House Bill 638.

We are in support of an increase in the cigarette tobacco tax for the following reasons:

- 1,800 children under 18 become new regular, daily smokers each year in New Hampshire.<sup>1</sup>
- Evidence shows that increasing state tobacco product excise taxes is an effective public health strategy. It reduces the initiation of tobacco use among youth, as well as promotes tobacco use cessation.<sup>2</sup>

We are in support of funding tobacco prevention for the following reasons:

- The State of New Hampshire receives approximately \$1.144 million annually from the Centers for Disease Control and Prevention (CDC) for tobacco use prevention and invests no state revenues on prevention<sup>3</sup>, while the CDC recommends New Hampshire invest \$19.2 million annually for this purpose.<sup>4</sup>
- Funding tobacco prevention works. According to the Campaign for Tobacco Free Kids, "The best way for a state to substantially reduce tobacco use and its attendant harms and costs is to establish an adequately funded comprehensive tobacco prevention program that employs a variety of effective approaches, including smoke-free laws and periodic tobacco tax increases."<sup>5</sup>

Therefore, this proposed piece of legislation is an opportunity to prevent youth from starting to smoke and fund needed tobacco prevention programs.

---

<sup>1</sup> Campaign for Tobacco Free Kids. *The Toll of Tobacco in New Hampshire*.

<sup>2</sup> Best Practices for Comprehensive Tobacco Control Programs. Office on Smoking and Health, Centers for Disease Control and Prevention, October 2007.

<sup>3</sup> Centers for Disease Control and Prevention, Office on Smoking or Health.

<sup>4</sup> Campaign for Tobacco Free Kids. New Hampshire.

<http://www.tobaccofreekids.org/reports/settlements/state.php?StateID=NH>

<sup>5</sup> Campaign for Tobacco Free Kids. *Tobacco Tax Increases are not enough. States must also invest in tobacco prevention programs.*

Thank you for the opportunity to be here today and offer comment on this proposed piece of legislation. If our organization can be any further assistance to this Committee, please contact me at 669.2411 or [aiber@breathenh.org](mailto:aiber@breathenh.org).

HB 638

Testimony of Paige Niler  
8<sup>th</sup> Grader Dover Middle School  
Dover Youth to Youth

Hi, my name is Paige Niler and I'm an 8<sup>th</sup> grader at the Dover Middle School. I am a member of Dover Youth to Youth which was described to you earlier. I am also a member of the New Hampshire Youth Network which is a new group to unite youth across the state interested in tobacco prevention and related issues. I currently serve as a member of their Youth Advisory Board.

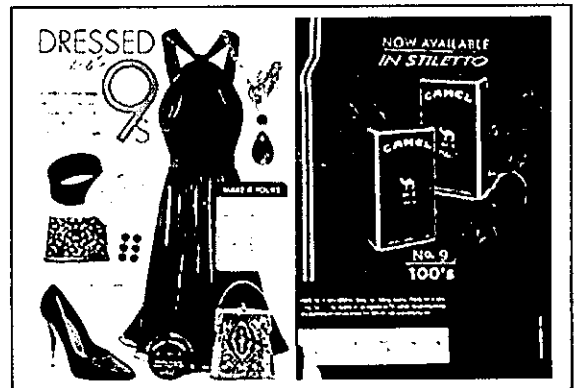
I'm here to speak in favor of HB638. I support this legislation for many reasons.

We all know that tobacco use is a leading cause of cancer. The comprehensive cancer plan understands that preventing youth from starting to smoke and helping people quit are major ways to reduce cancer rates in our state.

We are fighting a billion dollar industry that is selling and marketing a harmful product in our state. Each year the tobacco companies spend an average of \$128 million marketing their deadly product in NH. Not only are they spending a lot of money marketing tobacco but they are coming up with new products that are highly attractive to me and my peers.

This is what we are up against...

One of the newest marketing campaigns is Camel No. 9. The cigarettes are packaged in black boxes with pink and teal. When you open it you can even see that there is pink foil and little pink camels on each cigarette. Here is an advertisement that was found in Glamour magazine, which I know a lot of kids my age read. The ad has the tobacco products on one side and this image of being dressed to the 9 on the other side. They are trying to connect the product with fashion and being glamorous which appeals to young women.



So like I said earlier the industry is spending \$128 million a year advertising in NH. That is a lot of money. It is even worse when you look at the fact that the state currently does not spend any money on tobacco prevention. We are trying to fight this billion dollar industry without any money.

How are we going to prevent youth from starting to use tobacco if the only messages they get about tobacco are from the industry. Yes, the industry says that they are responsible and trying to prevent teens from using tobacco but look at their prevention campaigns. Like the Right Decision Right Now campaign. (Show example) I guarantee you that this ad is not going to prevent me or my peers from using tobacco. Not only is it lame and unattractive it has an underlying message telling kids that they should smoke now but it's okay to smoke later in life. We all know that smoking is never the healthy choice.

My point is that we can not rely on the tobacco industry to protect the youth of New Hampshire from the harms of their product. We need to invest in our own prevention programs that are proven to work.

In closing I ask you to support HB 638. Please help protect the youth of New Hampshire by funding the Comprehensive Cancer Plan. Thank you for your time and I would be happy to answer any questions you may have.

**n e c s a**

New England Convenience Store  
A s s o c i a t i o n

**NEW HAMPSHIRE  
CHAPTER**

**Testimony Submitted By:**

**Diana O'Donoghue, Executive Director**

**Relative to Tobacco Tax Increase Proposal – HB 638**

**House Ways and Means**

**February 19, 2008**

Chairwoman Almy and Committee Members, thank you for allowing me to appear before you today to testify in opposition to HB 638. HB 638 is the legislation that would increase the cigarette excise tax by \$1.00 per pack. My name is Diana O'Donoghue and I am the Executive Director for the New Hampshire Chapter of the New England Convenience Store Association. We represent convenience stores and petroleum operators throughout New Hampshire.

Our members wish to be recorded in opposition to this significant cigarette tax increase and ask you to vote against this bill for many reasons. This bill would increase the current cigarette tax from \$1.33 per pack to \$2.33 per pack.

New Hampshire has raised the cigarette tax in three of the last <sup>four</sup> ~~five~~ years with the most recent 25-cent increase effective in October of 2008. Another tax increase on cigarettes will undoubtedly impact sales negatively in New Hampshire. It's a serious concern for our membership because increasing New Hampshire's cigarette excise tax will drive away cigarette sales as it collapses and reverses the current competitive edge that New Hampshire retailers have over neighboring states.

Customers who now travel from the Massachusetts, Maine, and Vermont borders because of the cost savings would no longer have an incentive to purchase cigarettes in New Hampshire. In fact, New Hampshire would be driving customers to Maine and Vermont to make purchases because their cigarette tax rates would be 33-cents to 34-cents lower than the proposed cigarette tax.

How important are cigarette sales to your local convenience store's business? According to a National Association of Convenience Store's (NACS) recent industry reports, there are approximately 828 convenience stores in New Hampshire. Tobacco products constitute the top in-store sale



category and cigarettes sales account for 33% of all in-store sales at convenience stores nationwide. In New Hampshire, cigarette sales in convenience stores are higher than the national average with some estimates at 50 to 60 percent of in-store sales. A New Hampshire cigarette tax hike would simply imperil your local convenience store's competitive edge and viability.

Cigarette sales volume is very sensitive to state tax hikes. In FY 2002, Massachusetts raised its tax to \$1.51. The result? New Hampshire's sales volume increased 16% from 2002 to 2004 while Massachusetts has lost 21% of its sales on an annualized basis for those years. And when NH raised the tax in July 2007 by 28-cents to \$1.08 per pack in taxes, cigarette sales dropped by approximately 14 percent. This shows how sensitive New Hampshire's retail edge is to tax increases. Even in the short time since the most recent tax increase our members report double digit declines in sales.

Our members realize that increasing the tobacco tax has become quite popular with many legislators and the public. However, what most people do not understand is that the tax increase places an onerous burden on hardworking men and women who are our customers as well as on our members' businesses.

These tobacco customers also purchase gasoline, beverages, and food. Therefore, if the tobacco tax is increased, then overall related sales will suffer along with our tobacco sales and ultimately the state's tax revenue from these other sources will suffer too.

Additionally, the Cigarette revenues are a declining revenue source. According to the Center For Disease Control, the annual rate of decline in actual smokers is now 4 percent a year. Funding any state program with a declining revenue source like a tobacco tax guarantees that more taxes will be needed later.

**Another consideration is that the federal government recently passed a law to raise the federal cigarette tax by .62 cents per pack or approximately \$6.20 per carton by April 1, 2009, to fund expansion of the SCHIP program. That increase will negatively impact cigarette sales. Smoking will become unaffordable for some current smokers. Fewer cigarette sales will lead to less state revenues for cigarettes and other products.**

**The proposed cigarette tax increase in NH if passed will cause jobs to be lost.** Retailers' and wholesalers' jobs will likely be displaced due

to the tax increase based upon profit loss estimates for their businesses.  
This statement is not made lightly.

And cigarette tax hikes cause customers to turn to lower cost alternatives including purchasing cigarettes at Native American Reservations or through the Internet to avoid a state's tobacco tax.

Many convenience storeowners are managing their stores and could not be here today. However, some NECSA members are here to testify before you about the direct negative impact that this proposed cigarette tax increase would have on their stores. Based upon the negative impacts I've described and the supplemental materials provided with my testimony, NECSA members respectfully ask you to oppose passing the cigarette tax increase.

Thank you for your consideration of our concerns.

# NATO E-News

An E-News Update of the National Association of Tobacco Outlets

February 4, 2009

## House Passes Senate SCHIP Bill; President to Sign Bill Today

This afternoon, the U.S. House passed by a margin of 290 to 135 the U.S. Senate version of the bill to expand the State Children's Health Insurance Program (SCHIP). The U.S. House had the option of either accepting the Senate bill language or proceeding to a joint House-Senate Conference Committee to work out the differences between the two bills. By accepting the Senate version of the bill, the House was able to more quickly pass the legislation and send it to the president for his signature. A copy of the final roll call vote in the U.S. House today is attached.

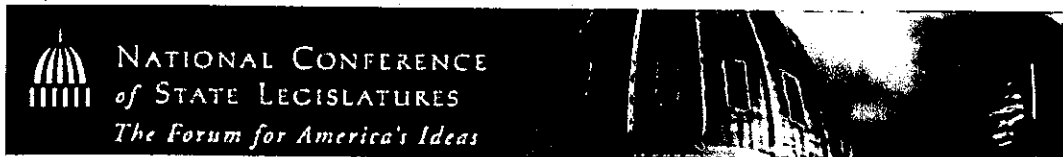
President Obama has scheduled a signing ceremony later today to sign the SCHIP expansion bill into law. Below are the final tax rates on cigarettes and tobacco products that will go into effect on April 1, 2009:

### SCHIP Cigarette and Tobacco Tax Rates

Product	Current Rates Through March 31, 2009	Cigarette and Tobacco Tax Rates on April 1, 2009
Cigarettes	39¢ per pack	\$1.0066 per pack
Large Cigars	20.719% of manufacturer's price; cap of 4.875¢/cigar	52.75% of manufacturer's price; cap of 40.26 cents per cigar
Little Cigars	4¢ per pack	\$1.0066 per pack
Pipe Tobacco	\$1.0969 per pound	\$2.8311 per pound
Chewing Tobacco	19.5¢ per pound	50.33¢ per pound
Snuff	58.5¢ per pound	\$1.51 per pound
RYO; Cigar Wrappers	\$1.0969 per pound	\$24.78 per pound
Cigarette Paper	1.22¢ per 50 papers	3.15¢ per 50 papers
Cigarette Tubes	2.44¢ per 50 tubes	6.30¢ per 50 tubes

With these new federal tax rates going into effect on April 1, 2009, the SCHIP law also requires that retailers, wholesalers and manufacturers pay a floor stocks tax on cigarettes and all other tobacco products (except large cigars) held in inventory at 12:01 A.M. on April 1, 2009. The floor stock tax equals the difference between the new 2009 tax rates listed in the chart above and the current tax rates on each different category of tobacco product, except for large cigars. Forms and instructions for calculating and paying the floor stocks tax are to be compiled by the Treasury Department.

Each retailer, wholesaler and manufacturer will receive a \$500 credit toward the floor stocks tax. However, this is a \$500 credit per retail company or wholesale company and *not* a \$500 credit per store or warehouse. The floor stocks tax is due and payable to the U.S. Treasury on or before August 1, 2009. When NATO obtains additional information about the floor stocks tax, that information will be sent to members.



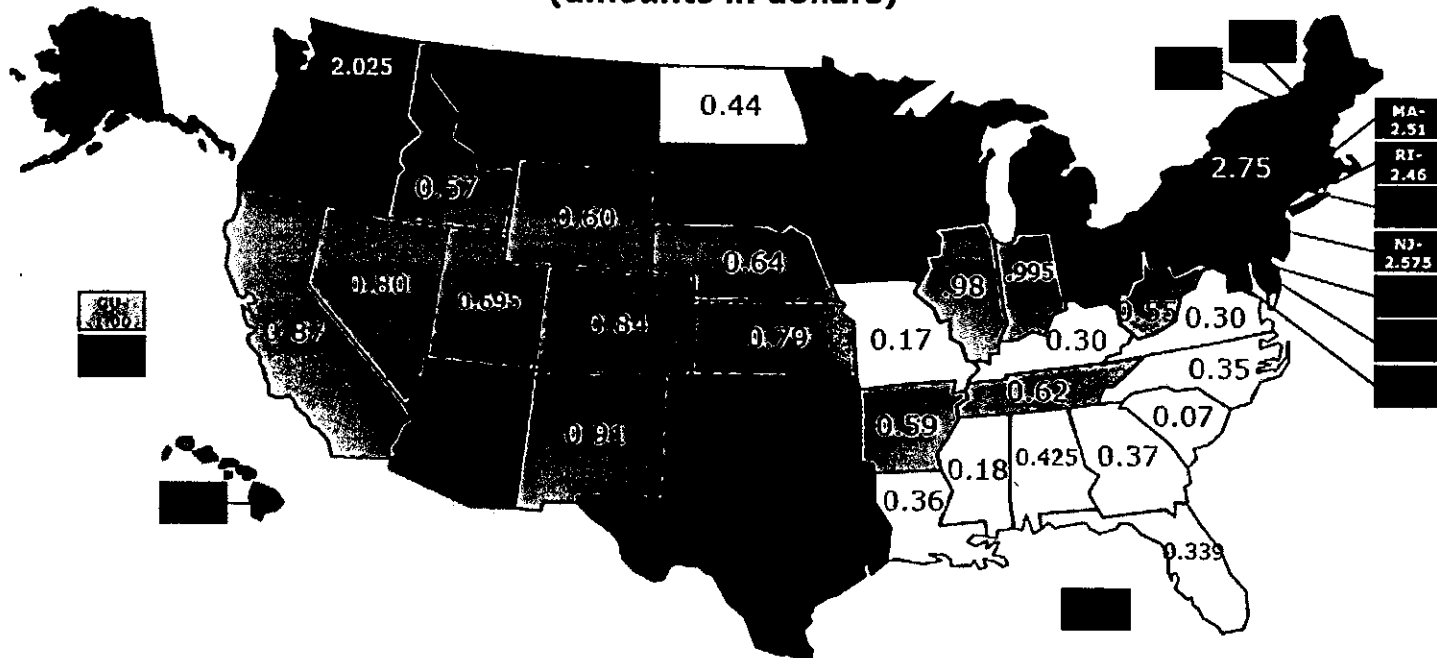
**State Cigarette Excise Taxes: 2009** NEW

Updated January 2009

<a href="#">Cigarette Excise Tax Rates (in \$) by Tax Rate</a>	<a href="#">Cigarette Excise Tax Rates (in \$) by State Name</a>
<a href="#">Cigarette Excise Tax Facts</a>	<a href="#">State Tax Legislation &amp; Rate Changes, 2007-08</a>
<a href="#">2009 Proposed State Tobacco Tax Increase Legislation</a> <small>NEW</small>	
<a href="#">2007 State Cigarette Excise Tax Rates</a>	<a href="#">2006 State Cigarette Excise Tax Rates</a>

NEW The federal cigarette excise tax will increase to \$1.00 on April 1, 2009 as part of the State Children's Health Insurance Plan (SCHIP) bill that was signed into law by President Obama on February 4, 2009.

**State Cigarette Excise Tax Rates**  
**January 2009**  
 (amounts in dollars)



- Greater than \$2.00
- \$1.501-\$2.00
- \$1.001-\$1.50
- \$.501-\$1.00
- Less than \$0.50

**Sources:** American Lung Association and Federation of Tax Administrators

February 19, 2009

**Subject: House Bill 638 - An Act increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund**

Dear Chairman Almy and Members of the House Ways and Means Committee:

The New Hampshire Public Health Association asks that you **support** HB 638 – an act increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.


Tobacco is the leading preventable cause of death in the United States, causing more than 400,000 premature deaths annually. <sup>1</sup> Research has demonstrated that by implementing policy initiatives, such as increasing the unit price of tobacco products, smoking use among teenagers and adults goes down. <sup>2</sup>

Thousands of illnesses and deaths from tobacco use can be prevented and billions of dollars in medical expenses can be saved through long-term investments in a sustained campaign to prevent and control tobacco use. For this reason, the New Hampshire Public Health Association emphasizes the need to commit dedicated funds to be used for tobacco prevention and cessation programs.

The New Hampshire Public Health Association bases its opinions and recommendations on scientific evidence and fact-based strategies that promote health and reduce disease and injury. The Association has more than 200 members of individuals and organizations committed to the public health and safety of all New Hampshire residents.

I am happy to address any questions you might have regarding my testimony. Please feel free to contact me anytime at (603) 545-1389. Thank you for your attention.

Sincerely,



Kristina Diamond  
Policy Director  
New Hampshire Public Health Association

---

<sup>1</sup> American Public Health Association. *FDA Regulation of Tobacco: Seeing through the Smoke.*

<sup>2</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *Best Practices for Comprehensive Tobacco Control Programs*, October 2007.

HB 638

March of Dimes Foundation

New Hampshire Chapter  
22 Bridge Street #3  
Concord, NH 03301  
Telephone (603) 228-0317  
Fax (603) 228-0318  
NH634@marchofdimes.com

The March of Dimes New Hampshire Chapter is in support of a House Bill 638 and a \$1.00 per pack tax on cigarettes with 5 cents going to the Comprehensive Cancer Collaboration and a portion of those funds being dedicated to tobacco prevention and control.

In New Hampshire, it is estimated that 21.7 %, or 1 in 5 women of childbearing age smoke. (March of Dimes Peristats)

Smoking is a major public health problem. All smokers face an increased risk of lung cancer, other lung diseases, and cardiovascular and other disorders. Smoking during pregnancy can harm the health of both a woman and her unborn baby.

According to the U.S. Public Health Service, if all pregnant women in this country stopped smoking, there would be an estimated:

- 11 percent reduction in stillbirths
- 5 percent reduction in newborn deaths

Cigarette smoke contains more than 2,500 chemicals. It is not known for certain which of these chemicals are harmful to the developing baby, but both nicotine and carbon monoxide play a role in causing adverse pregnancy outcomes such as preterm birth and infant mortality.

In New Hampshire, the preterm birth rate is 10.5%. Preterm birth is the leading cause of death among infants. Because smoking is a modifiable risk factor linked to preterm birth, it is imperative that we address smoking among childbearing women through tobacco prevention and control measures. Through education and prevention we may reduce the infant mortality rate in New Hampshire and improve birth outcomes. Such prevention programs are currently minimally funded by various public and private sources including the March of Dimes community grants program in New Hampshire.

The mission of the March of Dimes is to improve the health of babies by preventing birth defects, premature birth and infant mortality. The March of Dimes is the leading non profit organization for pregnancy and baby health.

Thank you for your consideration of such an important public health problem.

Sincerely,

Carlene Ferrier, RN, MPH

march  of dimes<sup>®</sup>

February 19, 2009

HB 638

House Ways & Means Committee  
Madam Chair Almy  
LOB Room 202  
Concord, NH 03301

Dear Madam Chair Almy,

My name is Derek Durbin and I am the Director of Tobacco-Free NH. Tobacco-Free NH is a coalition of organizations dedicated to reducing mortality and morbidity in New Hampshire caused by use of, or exposure to, tobacco products. Thank you for the opportunity to present testimony in strong support of House Bill 638, which will have a dramatic impact on reducing youth smoking and will fully fund the state tobacco prevention and cessation program.

The coalition supports HB 638 for several reasons. First and foremost, it has been proven that a \$1 increase in the state cigarette tax will cut youth smoking in the state of New Hampshire by 15.6% because it will have the effect of "pricing out" many potential or existing smokers. Additionally, it will result in 7,000 adult smokers quitting. There will be tremendous health benefits as a result of the \$1 increase.

Why else is it important? The \$1 increase and its resulting public health benefits will translate into a significant reduction in state health care costs. Consider that the state of New Hampshire currently spends \$564 million to cover health care costs directly related to smoking (\$115 along in Medicaid). Each household in New Hampshire shoulders a significant tax burden of \$630 in state and federal taxes as a result of smoking-related health care costs.

Any concern regarding state revenue lost as a result of smokers who quit because of the tax increase will easily be offset by the revenue that will be garnered from the \$1 added on to each pack. Therefore, it is a "win" – "win" situation for the state and its citizens.

For the aforementioned reasons, the coalition hopes that you will vote "OTP" on HB 638. Thank you for your time and consideration.

Respectfully,



Derek Durbin, Director  
Tobacco-Free NH Coalition  
(603)-770-3315  
[ddurbin@lungnh.org](mailto:ddurbin@lungnh.org)



# Commonwealth

B R A N D S, I N C.

Representative Susan Almy  
266 Poverty Lane Unit 4B  
Lebanon  
New Hampshire 03766-2730

AB 638

4 February 2009

Dear Representative Almy,

As the fourth largest US tobacco manufacturer, Commonwealth Brands, Inc. urges you to reconsider the proposed bill H.5019, for a \$1 per-pack excise tax increase on cigarettes.

Recent history demonstrates tobacco tax increases to be both highly regressive and unpredictable in terms of the funding actually generated. In fact, on forty nine occasions between 2002 and 2006 upon which various States have increased tobacco excise levels, a revenue shortfall has been generated equaling over \$1 billion.

This has, almost certainly, contributed to State deficit levels and the curtailment of planned State expenditure, which, when forecast, often includes projected increases in available funds as a result of higher tobacco taxation. A commitment to fund healthcare programs or to overcome a State deficit with potential revenue from additional taxation levied on a consumer product with sales already in decline does not amount to good policy.

A state excise increase, over and above the proposed increase in the Federal Excise Tax through SCHIP could prove disastrous. State budget projections based on historical tobacco sales volumes will lead to significant shortfalls, especially given that the proposed increase in FET is predicted to cause a volume decline of at least 7%. A state excise increase will only serve to fuel this rate of decline and jeopardize existing state revenue from tobacco.

It is the belief of Commonwealth Brands, Inc. that increases in cigarette taxation unduly burden low-income taxpayers and consumers and punish local businesses, many of which rely heavily on tobacco products to generate their sales.

Commonwealth Brands, Inc. is also concerned that ever increasing excise levels will promote the growth of illicit trade, cigarette counterfeiting and the level of cross-State shopping and tax avoidance. As a result, sales from Native American reservations, the internet and criminal organizations are increasing. Consequentially, the resources and expenditure now required to combat and restrict these practices have also increased dramatically.

Most importantly, our consumers are against these excise tax increases. It is for their rights that we oppose the tax increases. I would be happy to discuss these concerns in further detail.

Yours sincerely,

Anthony Hemsley  
Vice President of Corporate and Government Affairs

Cc House Committee on Ways and Means

Commonwealth Brands, Inc. is the fourth largest cigarette manufacturer in the United States. It manufactures a range of cigarettes including Davidoff, Fortuna, Sonoma, Montclair, Riviera, Malibu and USA Gold the number eight brand in the USA. In addition to cigarettes, Commonwealth Brands manufactures Premier, McCintock, and Bali Shag fine cut tobacco. The Company's cigarette tube brands include Premier, Rizla, and El Rey in addition to E-Z Wider and Joker cigarette papers.

Commonwealth Brands, Inc is based in Bowling Green, Kentucky, and employs over 700 people. The company is committed to its employees, brands and its consumers.

P.O. Box 51587, Bowling Green, KY 42102 Ph. (270) 781-9100 Fax (270) 781-7651

www.commonwealthbrands.com  
An IMPERIAL TOBACCO GROUP company



H/3638

AB 638

My name is Mark Archambault. I own the Hatch Convenience Store in Hollis New Hampshire and have owned it since 1996. The store has been in my family since 1978. I am very concerned about the proposed \$10.00 per carton tax increase on cigarettes. If the decision to implement this tax follows through then the New Hampshire economy will take a severe hit. Eliminating the price advantage on cigarette between N.H and M.A., and among other bordering states, will not only destroy the tax revenue earned on cigarettes but will all but eliminate sales in other areas of my business including lottery.

Two years ago New Hampshire increased the cigarette tax by \$3.00 per carton. Massachusetts did not go up. This tax increase together with the high cost of fuel that summer, my overall sales dropped at my store by 20 % for the year. Six months later Massachusetts went up on their cigarette tax \$10.00 per carton. New Hampshire held off a \$2.50 per carton tax increase at the request of the Convenience Store industry. A program was signed that stated if \$50 million dollars of cigarette tax revenue was earned over last year's cigarette sales revenue in a three month period, then the \$2.50 tax would not be implemented. At the end of the period the added tax revenue was approx. \$49.7 million over last year but the \$2.50 per carton tax still went through. **I have never heard of a government program that had a 99 % success rate and was stopped!!!** Not only was the tax put through but the full \$2.50 was implemented. The \$50 million dollar goal could have been met by increasing the tax by \$0.25 or \$0.50 per carton. Just the floor tax required by the state would have covered the revenue shortage.

Adding to the frustration of the Convenience Store owners was the fact that there was no beginning inventory taken which is a clear indication of a lack of accuracy on the carton counts. The original goal for the three month time period was \$46 million. That number was changed to \$50 million behind closed doors. Within a week of the tax increase, a rumor circulated that an order for tax stamps that tallied over three million dollars was refused by the state. Apparently the state demanded a money order for the tax stamps. By the time the money order was received the tax stamps order did not count for the necessary time period that would have surpassed the \$50 million dollar goal. If this is true <sup>then</sup> it indicates to me that the state government intended the \$2.50 increase all along. I find this not only dishonest but disheartening.

Several times I have sent letters to state representatives attempting to emphasize the failure of this administration to understand that **any N.H. cigarette tax increase at which Massachusetts stays put slows volume no matter how small. Holding off on the cigarettes tax last summer clearly increased volume.** I only received two responses from the state representatives. One response was that "they understand but they don't care." The other is that "It is a health issue." **When someone is sick and they need medicine you don't see the price of the pills increase in order to make the disease go away.** The health issue comment is also inconsistent due to the fact that the state has no problem selling liquor which can be just as big of a health issue if abused. A drunk driver can kill themselves or even other people instantly in a crash. Cigarettes never kill instantly. When quick short term revenue is needed cigarettes are the first product targeted and the price increases the most. Just in the last fifteen years a cartons cost has gone up \$25.00 dollars much of which is State taxes. Not once has a bottle of booze been taxed to solve a budget problem. Why? **Because it would hurt sales!!!!** Not a coincidence since in New Hampshire the State owns a near monopoly on liquor!

The New Hampshire State Government still receives money from the MSA settlement. According to the agreement each state that signed the document promised that 25% of the money was earmarked for educating kids to prevent smoking. New Hampshire only uses an estimated 6 to 8 % of the revenue towards educating kids in the dangers of smoking. The rest of the revenue is spent elsewhere. How about creating a program that uses that money to reward kids that don't smoke? If the State Government is so intent on stopping cigarette smoking wouldn't it set a better example to eliminate the cigarette tax revenue from the budget instead of increasing to near 20% of the budget?

I am no advocate of smoking. I can't stand having to deal with cigarette companies, trust me it's a horrible experience. Unfortunately, cigarettes sell and are over 50% of my business. 75% of my customers come from Massachusetts. It is clear that the State needs money to function and so do I. I am convinced that lowering the taxes on cigarettes will create traffic from all of the surrounding states. The proof is in the very recent history. I therefore urge the state to work with the convenience stores instead of targeting them. Higher prices will not deter kids from smoking. **Kids start smoking because they make a poor decision.** At least they have a choice. Every price increase takes my ability to make choices away. I will without a doubt have to let employees go if this trend continues. If my business fails <sup>then</sup> the government will be responsible for taking choices away that involve my own child. My child is ten and she and I both do not smoke. Her quality of life depends on the profits my store makes just like the government does. Please consider this message carefully. There is an incredible amount at stake. The Federal government is increasing the cigarette tax by \$6.20 per carton. With this and all of the other economy problems my family and I have enough problems to worry about. Please don't make them worse by targeting cigarettes!

Mark Archambault

The Hatch Convenience Store

Hollis NH 03049

Work: (603) 882-0100

Email: archambault4444@hotmail.com

MARY Wana will be cheaper

Testimony of New Hampshire Voices for Health  
before the  
House Ways and Means Committee  
February 19, 2009

**NEW HAMPSHIRE  
VOICES FOR  
HEALTH**

Representing over  
200,000  
New Hampshire Voices

American Cancer Society

American Heart  
Association

Early Learning, NH

Georgetown Center for  
Children and Families

Granite State Organizing  
Project

National Alliance on  
Mental Illness, NH

New Futures

New Hampshire AFL-CIO  
EAP Services

New Hampshire for  
Health Care

New Hampshire Minority  
Health Coalition

New Hampshire Women's  
Lobby & Alliance

[www.nhvoicesforhealth.org](http://www.nhvoicesforhealth.org)

**RE: HB638, An Act Increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.**

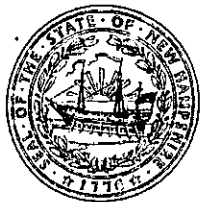
Chairwoman Almy, Vice-Chair Hatch and committee members. Thank you for the opportunity to provide testimony regarding HB638, *An Act Increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund*. My name is Lisa Kaplan Howe. I am the Director of New Hampshire Voices for Health, a network of consumer and advocacy organizations and individuals allied in their commitment to securing quality, affordable health care for all in New Hampshire. The network represents over 200,000 members, consumers and constituents statewide who are motivated to help improve health care quality and affordability in the state.

I am pleased to offer testimony in support of HB 638. NH Voices for Health appreciates the difficult economic conditions facing our state. We urge you to consider smart revenue options that will help ensure that the state will not have to make cuts to critical services, including the health care programs on which many New Hampshire residents rely to maintain their health and well-being.

The tobacco tax increase proposed in HB 638 is a smart revenue increase that would help the state enhance its general funds and avoid hurtful program cuts. In addition, increasing the state cigarette tax by \$1.00 will result in significant improvements to the public health, helping to ensure that fewer children become addicted to tobacco products. This will lead to a healthier population and healthier communities and will help to decrease smoking-related health care costs to the state.

NH Voices for Health urges the committee to support this legislation and to report it favorably.

Thank you for your attention and consideration, and please do not hesitate to contact me if we can be of support or provide you with any further information.



Nicholas A. Toumpas  
Commissioner

Mary P. Castelli  
Senior Division Director

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF OPERATIONS SUPPORT

129 PLEASANT STREET, CONCORD, NH 03301-3857  
603-271-5577 1-800-852-3345 Ext. 5577  
FAX: 603-271-4912 TDD Access: 1-800-735-2964

March 13, 2009

The Honorable Susan Almy, Chairman  
House Ways and Means Committee  
Legislative Office Building, Room 202  
Concord, New Hampshire 03301

The Office of Operations Support is providing documentation in response to questions raised at the March 12, 2009 Hearing regarding revenue initiatives in House Bill 2/LSR#09-1049.0

Self-Funding Initiative for Health Administration and Community Residency

- a. Program Appropriation Unit (PAU): 05-95-9502010-5146, Health Facilities Administration
  - i. Details on License Type Fees: "OOS\_Budget\_SF2010\_2011\_Self\_Funding.xls", 'Health\_Facilities\_Agcy\_Revenue' worksheet
  - ii. County Operated Facilities:
    1. Exempt from Paying Licensing Fees, "OOS\_Budget\_SF2010\_2011\_Self\_Funding.xls", 'County\_Operated\_Nurs.Facilit.' worksheet
    2. Inquiry regarding potential impact to the Counties from the licensing fees paid by the Non-County Operated Nursing homes: The Office of Operations Support respectfully refers this question to the Nursing Homes and their respective Counties. The financial and/or tax impact to these Nursing Homes is outside the area of the Office of Operations Support's responsibility.
- b. Program Appropriation Unit (PAU): 05-95-9502010-5682, Community Residency
  - i. Details on License Type Fees: "OOS\_Budget\_SF2010\_2011\_Self\_Funding.xls", 'Community Residency' worksheet

Proposed fees are subject to change to reflect county bed exemptions and continuation of enhanced pay for recruitment and retention of health facilities administration skilled medical staff.

If you have any questions regarding this, please feel free to contact me at (603) 271-5577.

Respectfully submitted,

Mary P. Castelli  
Senior Division Director

	A	B	C	Q	R	S	T	U
1	PAU: 05-95-952010-5146				Increase: From Initial Proposed Rate		2.067	
2	LICENSE TYPE	2008 # of Beds	2008 # of Facilities	Unit Descr.	Current Rate	Initial Proposed Rate	Govern. Budget/HB2: Rate	Gorvern. Budget Total Other Funds
3	GENERAL HOSPITAL	3,297	26	Bed	\$ 2.50	\$25	\$52	\$170,334
4	NURSING HOME	7,632	86	Bed	\$ 2.50	\$25	\$52	\$394,294
5	ALF-RES. CARE	843	59	Bed	\$ 2.50	\$15	\$31	\$26,131
6	ALF-SUPP. RES. CARE	4,046	85	Bed	\$ 2.50	\$15	\$31	\$125,418
7	RES. TREATMENT & REHAB	244	11	Bed	\$ 2.50	\$25	\$52	\$12,606
8	ADULT FAMILY CARE	10	7	Bed	\$ 2.50	\$25	\$52	\$517
9	CR AT RCH LEVEL/SRF LEVEL	329	46	Bed	\$ -	\$25	\$52	\$16,997
10	HOSPICE HOUSE	34	3	Bed	\$ 2.50	\$25	\$52	\$1,757
11	SPEC. HOS. - PSYCH	111	1	Bed	\$ 2.50	\$25	\$52	\$5,735
12	SPEC. HOS. - REHAB	214	4	Bed	\$ 2.50	\$25	\$52	\$11,056
13	ACUTE PSYCH. RES. TREATMENT	16	1	Bed	\$ 2.50	\$25	\$52	\$827
14	OUTPATIENT CLINICS		15	Facility	\$ 50.00	\$500	\$1,033	\$15,499
15	LABORATORY		27	Facility	\$ 65.00	\$150	\$310	\$368,256
16	HOME HEALTH		177	Facility	\$ 20.00	\$250	\$517	\$91,444
17	BIRTHING CENTER	8	4	Facility	\$ 2.50	\$150	\$310	\$1,240
18	END STAGE RENAL DIALYSIS		10	Facility	\$ 50.00	\$500	\$1,033	\$10,333
19	AMBULATORY SURG. EDUCATIONAL HEALTH CENTER	63	22	Facility	\$ 2.50	\$500	\$1,033	\$22,732
21	COLLECTING STATION		110	Facility	\$ 50.00	\$250	\$517	\$56,830
22	ADULT DAY CARE		26	Facility	\$ 50.00	\$200	\$413	\$10,746
23	CASE MANAGEMENT ORG.		10	Facility	\$ 20.00	\$150	\$310	\$3,100
24	HOME HEALTH - HOSPICE		27	Facility	\$ 20.00	\$250	\$517	\$13,949
25	FREESTANDING EMERGENCY		1	Facility	\$ 50.00	\$500	\$1,033	\$1,033
26	HEALTH PROMOTION		1	Facility	\$ 50.00	\$500	\$1,033	\$1,033
27	PERSONAL CARE		17		\$ -	\$0	\$0	\$0
28	Total							\$1,387,697
29								
30	Methodolgy:							
31	Governor directive to self-fund Health Facilities: replace General Funds through Restricted Revenue earned from Licensing Fees							
32	Increased Initial Proposed rate by 2.067 for each License Type							
33	to reach target: SFY 2010 Agency Maintenance Request General Funds \$1.387 million							

	A	B	C	D	E	F
1	PAU: 05-95-952010-5682					
2						
3	Community Residency: No current licensing fees					
4			Increase: From Initial Proposed Rate	3.12		
5	<b>Program</b>	<b># Beds</b>	<b>Initial Proposed Rate</b>	<b>Govern. Budget/HB2: Rate</b>	<b>Govern. Budget Total Other Funds</b>	
6	Certified community residence beds	1,605	\$25	\$78	\$125,788	
7	Filled day program slots	1,753	\$25	\$78	\$137,388	
8	<b>Total</b>				<b>\$263,176</b>	
9						
10						
11	Methodolgy:					
12	Governor directive to self-fund Community Residency: replace General Funds					
13	through Restricted Revenue earned from Licensing Fees					
14	Increased Initial Proposed rate by 3.12 for each Program Type					
15	to reach target: SFY 2010 Agency Maintenance Request General Funds \$263k					

PAU: 05-95-952010-5146

LSR#09-1049.0

House Bill 2, Page 14, Section IV. Nursing homes; \$52 per licensed bed.

County operated nursing facilities are exempt from paying licensing fees:  
151:4 Application for License. –

1. Applicants for a license shall file applications under oath with the department of health and human services upon forms prescribed and shall pay the license fee annually into the state treasury, or it shall be refunded to the applicant if the license is denied. The following shall not be required to pay the license fee:

(a) Facilities operated by any unit or division of federal, state, or local government;

County Nursing Facilities	# Beds
Belknap	94
Cheshire	150
Coos: Berlin	100
Coos: West Stewartst	97
Grafton	135
Hillsborough	300
Merrimack	290
Morrison	57
Riverside	215
Rockingham	226
Sullivan	156
Total County Nursing Facility Beds	1,820

The original Health Facilities Revenue Projection incorrectly included County Nursing Facilities. Revision to the Health Facilities Licensing Fee will be subject to approval by the DHHS Commissioner, prior to potential submittal of a Budget Errata.



3/12/09 - HB 635 - Amendment # 0566 to Meals & Rooms Tax



PROMOTE. PROTECT. EDUCATE.

March 12, 2009

Representative Susan Almy, Chairperson  
House Ways & Means Committee  
Room 202, LOB  
Concord, NH 03301

Dear Chairperson Almy:

The New Hampshire Lodging & Restaurant Association believes this is the wrong time to raise the rooms and meals tax. After seeing revenues from the tax increase on average 3.8% per year over the past 6 years, the rooms and meals tax has raised 1 percent less through February 2009 than the same period in 2008. Through February of the 2009 fiscal year, the state collected \$149.8 million compared with \$151.5 through the same period a year ago. People are spending less on eating out and lodging. Increasing the rate now will only hurt our industry.

2008 was a tough year for members holding the line on costs. I've heard from many members who have said they had to lay off bussers because of the minimum wage increase. They are doing everything they can to forgo increasing menu prices. Increasing the meals and rooms tax from 8 to 8.75 will take \$20 million more out of consumers' pockets. This may cause some of them to eat out less. The profit margins are very slim in this industry. Increasing the tax will further limit our members ability to recover their increased costs.

We urge this committee to either not adopt this amendment or include some other measure that will soften the blow.

Sincerely,

Mike Somers, President  
New Hampshire Lodging & Restaurant Association

**STATE OF NEW HAMPSHIRE  
LIQUOR COMMISSION  
NHSLC DoIT Change Summary**

<b>Description</b>	<b>FY 2010</b>	<b>FY 2011</b>
Communication Upgrade	\$382,888.00	\$149,948.00
POS and back systems replacement	\$200,000.00	\$1,200,000.00
Additional lanes and Servers	\$169,558.00	\$163,768.00
Online Licensee training and testing	\$100,000.00	\$15,000.00
Software - various upgrades	\$69,520.00	\$36,843.00
Pin Pad Merchandising	\$50,000.00	\$50,000.00
Lottery Software	\$50,000.00	
Additional overtime - Store Coverage	\$66,980.00	\$67,570.00
<b>Total</b>	<b>\$1,088,946.00</b>	<b>\$1,683,129.00</b>

- Communications Upgrade (FY 2010 - \$382,888, FY2011 - \$149,948):** The network that supports the Liquor Commission was designed and put in place over 10 years ago. Some measures have been taken to address redundancy but for the most part the environment has remained stagnant. There have been considerable changes at the Liquor Commission and Industry Wide that rely heavily on network communications between the stores and NHLC HQ. NHLC Network Improvements are required to meet today's demands. Network Equipment and Size of the Network Communications Pipelines need to be replaced and upgraded.

**Why are we being impacted *today* by the network?**

- Network Traffic between the Stores and NHLC HQ has increased. Customer Credit and Debit card Authorization Processing now takes places over the network and the number of customer utilizing Credit/Debit over the last 5-10 years has greatly increased Industry wide. Gift Cards processing, (Activation & redemption) which takes places over the network, is new functionality put in since the network was implemented. In Store Voice over Frame was installed to reduce telecommunications costs.
- Hardware & Software within the stores rely heavily on Network Connectivity. In Store Communications Infrastructure has changed and requires HQ monitoring. Utilization of the manager's PC installed in each store has created additional network traffic. (Emails, mapper functions, etc.)

**What is the impact *today*?**

- Limited Email Communications to Store Management due to size restrictions.
- Network "Clogged Pipeline" that creates offline credit cards. (Financial Exposure)
- Network Slow Downs that impact EFT traffic. Heavy Mapper usage at the Stores and heavy credit card processing at the lanes will create a slow down that impacts all liquor store network traffic
- Poor Diagnostics for Network problems due to the limitation of network equipment at HQ and Stores.
- Delayed HQ Monitoring of In Store Equipment. If a store server goes down we are alerted 5 minutes after the fact. Real time alerts will create additional network traffic and slow down customer credit card processing.

**STATE OF NEW HAMPSHIRE  
LIQUOR COMMISSION  
NHSLC DoIT Change Summary**

**Major Components of the Network Upgrade that need to be Addressed.**

Circuit Capacity needs to be increased from 56K to T1 to each of the stores. Existing Circuit Capacity from cloud to HQ (NHSLC Head End) needs to be increased in size otherwise the network traffic from the stores will be impacted at this point. Recommended sizing of G4 Circuit T1 (6 Mbps XConnect ON NET).

FRAD boxes in each of the stores are currently no longer manufactured or supported and are unable to utilize a circuit greater than 56k. These will need to be replaced. (Requirements comparable to the Cisco C2850 series routers) Routers at HQ will need to be replaced they are no longer manufactured or supported. (Requirements comparable to the Cisco 3560 POE Switch)

Network equipment at HQ and within the stores must provide encryption and firewalls on both ends of each circuit for PCI compliance.

FY 2010 \$382,888

- \$300,000 Network gear for Headquarters and Stores
- \$82,888 Additional Data communications costs (staggered roll out)
- FY 2011 \$149,948 Additional yearly Data communications costs

- **POS and Back Systems Replacement (FY 2010 - \$200,000, FY2011 - \$1,200,000):**  
Full review and replacement of current IT systems at the agency. Vendor selection base will include vendors that sell “off the shelf” Retail Application Suites that include sales and back-end processing and can be modified to include any additional enhancements required by the agency.  
Year 1 = Analysis, RFP and Selection of Systems to be replaced  
Year 2 = Procurement and Installation planning  
Could include the replacement of Retail Point of Sale System and headquarters Back-end processing systems (databases – inventory – financial systems).

- **Additional Lanes and Servers (FY 2010 - \$169,558, FY2011 - \$163,768)** Additional lanes required for remodels and new stores or expansions as well as for contingency purposes. When the budget was put together in August there were no additional lanes and servers available for expansion or replacement. Budget amount included equipment for 2 new stores per year, 4 lanes per year for expansions, 8 laptops for Store Supervisors and \$1200 per store for new or replacement hardware for 78 stores.

Description	Year	Qty	Unit	Yr Budget	Year	Qty	Unit	Yr Budget
POS Registers	2010	12	\$3,500.00	\$42,000.00	2011	12	\$3,500.00	\$42,000.00
New Store hardware Servers	2010	2	\$12,500.00	\$25,000.00	2011	2	\$12,500.00	\$25,000.00
POS Equipment	2010	78	\$1,200.00	\$93,600.00	2011	78	\$1,200.00	\$93,600.00
Laptops & Accessories	2010	6	\$1,493.00	\$8,958.00	2011	2	\$1,584.00	\$3,168.00
				\$169,558.00				\$163,768.00

**STATE OF NEW HAMPSHIRE  
LIQUOR COMMISSION  
NHSLC DoIT Change Summary**

- **Online Licensee training and testing (FY 2010 - \$100,000, FY2011 - \$15,000):** Will be utilized by the Bureau of Enforcement to replace very labor and time intensive manual licensee training requirements. FY 2010 costs include selection of “off the shelf” application that meets Enforcement requirements, software modifications as required to meet NH laws and regulations, implementation and training. FY 2011 cost is Application maintenance.
- **Software various – miscellaneous upgrades (FY 2010 - \$69,520, FY2011 - \$36,843):** Replaces outdated software packages and operating system components for desktops and computer room servers, (e.g., MS Office Suite, Exchange, Intrusion Protection, and Windows Server OS).

Description	Year	Qty	Unit	Yr Budget	Year	Qty	Unit	Yr Budget
E-Mail Server Software	2010	2	\$500.00	\$1,000.00	2011	0	\$0.00	\$0.00
E-Mail CALs	2010	276	\$50.00	\$13,800.00	2011	0	\$0.00	\$0.00
MS Windows Server OS	2010	11	\$500.00	\$5,500.00	2011	0	\$0.00	\$0.00
MS Windows CALs	2010	276	\$25.00	\$6,900.00	2011	0	\$0.00	\$0.00
Server Intrusion Protection (HIPS)	2010	9	\$150.00	\$1,350.00	2011	6	\$43.00	\$258.00
MS Office Suite	2010	100	\$340.00	\$34,000.00	2011	100	\$364.00	\$36,400.00
Ghost PC Imaging SW	2010	205	\$34.00	\$6,970.00	2011	0	\$0.00	\$0.00

\$69,520.00

\$36,658.00

- **Pin Pad Merchandising (FY 2010 - \$50,000, FY2011 - \$50,000):** Allows us to take advantage of the graphic capabilities of the pin pads at our registers for marketing and merchandising purposes in an effort to maximize sales. Budget amount would entail modifying ACR POS software and Verifone Pin Pad software to take advantage of the graphic capabilities of the pin pads already installed. One time cost for development efforts, this work does not have to be done for each Pin Pad within the stores.
- **Lottery Software (FY 2010 - \$50,000):** Integrates Lottery System into our retail point of sale system in order to be able to sell lottery tickets at every POS lane in the stores instead of 1 location within each store as is done today. Providing lottery sales at each lane will increase the efficiency, accuracy and increase revenue of our lottery sales at the stores.  
Assumption is that the budget amount would entail modifying ACR POS software to integrate Lottery functions within the existing POS system.
- **Additional Overtime – Store Coverage (FY 2010 - \$66,980, FY2011 - \$67,570):** Provides for after business hours IT coverage of the retail stores. Currently after 5:00pm M-F and on the weekend – we have no guaranteed IT coverage of the stores, (just the best available).

Additional Overtime for DoIT ASD, TSS and OPS Divisions.

**STATE OF NEW HAMPSHIRE  
LIQUOR COMMISSION  
NHSLC DoIT Change Summary**

<b>Requested Hours of Support</b>		<b>Hrs/Day</b>	<b>Hrs/Year</b>
M-F	4:30 pm - 10:00 pm	5.50	1430
Sat	6:30 am - 10:00 pm	15.50	806
Sun	7:30 am - 9:00 pm	13.50	702

<b>2010</b>	<b>Average Rate/Hour</b>	
TSS	\$25.00	\$18,500.00
ASD	\$30.00	\$23,730.00
OPS	\$33.00	\$24,750.00

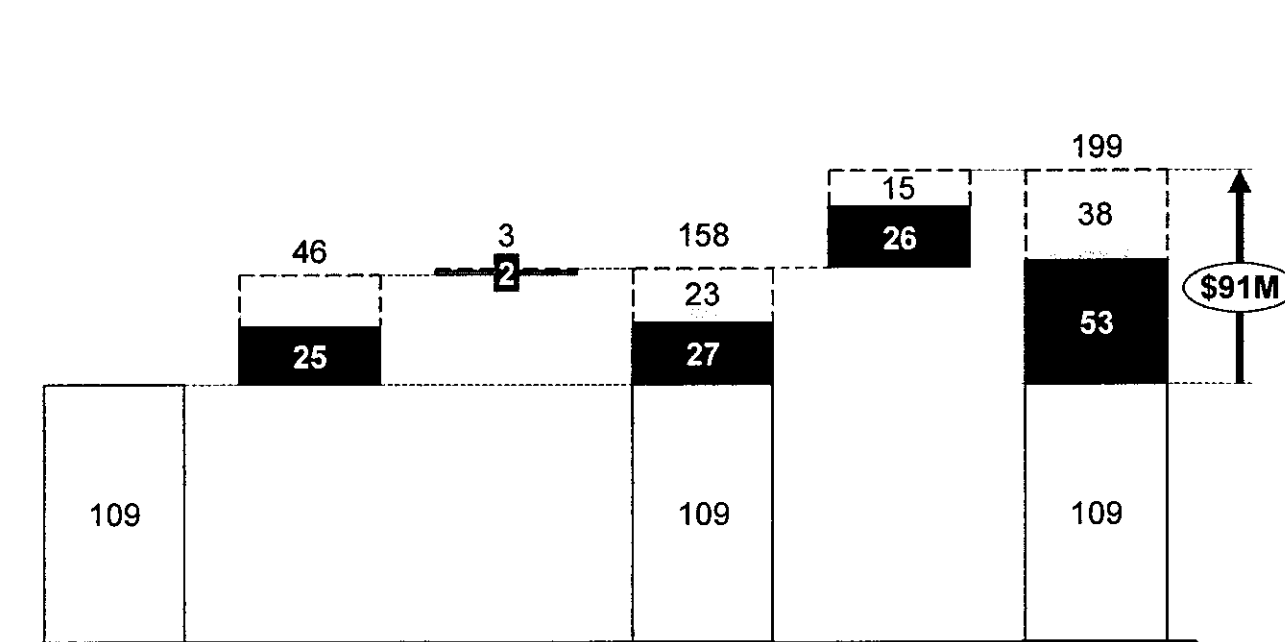
**STATE OF NEW HAMPSHIRE  
LIQUOR COMMISSION  
NHSLC DoIT Reduction Summary**

Description	FY 2010	FY 2011
Content Management	\$150,000.00	\$150,000.00
Electronic Shelf Labels	\$125,000.00	\$125,000.00
Customer Relationship Marketing	\$100,000.00	\$100,000.00
<b>Total</b>	<b>\$375,000.00</b>	<b>\$375,000.00</b>

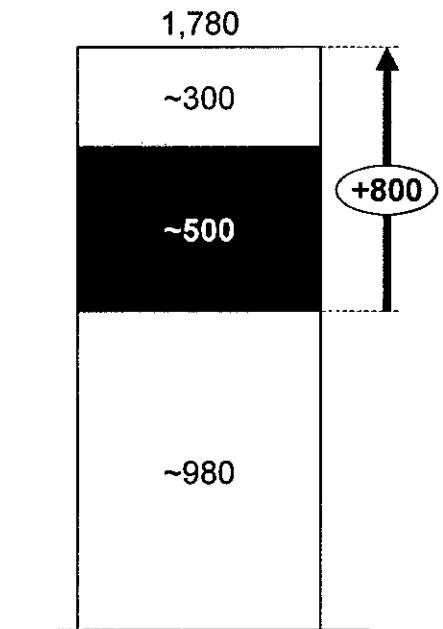
- **Content Management (FY 2010 - \$150,000, FY2011 - \$150,000):** An electronic document management system which will be used by Enforcement and Liquor Commission Headquarters staff and replace Paper backlog while still being compliant with retention policies. Savings in Labor, Paper Usage and Retention Processing.  
Budgeted amount includes services to catch-up on backlog and startup, data storage, software and scanners. Enforcement will be implemented during FY 2010 and Liquor Commission Headquarters will be implemented FY 2011.
- **Electronic Shelf Labels (FY 2010 - \$125,000, FY2011 - \$125,000):** To eliminate paper shelf labels and allows to do price changes and adjustments on the fly. Would cut down on paper requirements and the labor intensive manual process involved in changing these at each of our stores.  
Budget amount includes store environment changes (RF wireless or wiring store for shelf labels), software and hardware integration into our store systems, shelf label overlay printer and shelf labels. The budgeted amount will cover a small subset of stores (1-5) for a Proof of Concept. Average store brand code 2000 – 3500, labels range \$4.00 - \$6.00 each.
- **Customer Relationship Management (FY 2010 - \$100,000, FY2011 - \$100,000):** Customer Tracking & Targeted Marketing Software to help us identify our customers and specifically market to them. Requirements will be specifically driven by NHSLC Marketing Strategy. This project will be an add on to the POS and back-end Systems replacement

# The value-creating opportunities could generate ~\$50 – 90m in additional cash flow, increasing the value of the business by up to ~\$800m if all opportunities were fully captured

**2009 Cash Flows**  
Dollars, millions



**Present value to New Hampshire of 10-yr cash flows\***  
Base-case; \$ Millions as of Q208



Cash generated today through the business	Incremental cash flow from operational, network, and pricing improvement levers	Incremental cash flow from real estate asset optimization	Subtotal	Incremental cash flow from public policy levers	Total
---	---	---	----------	---	-------

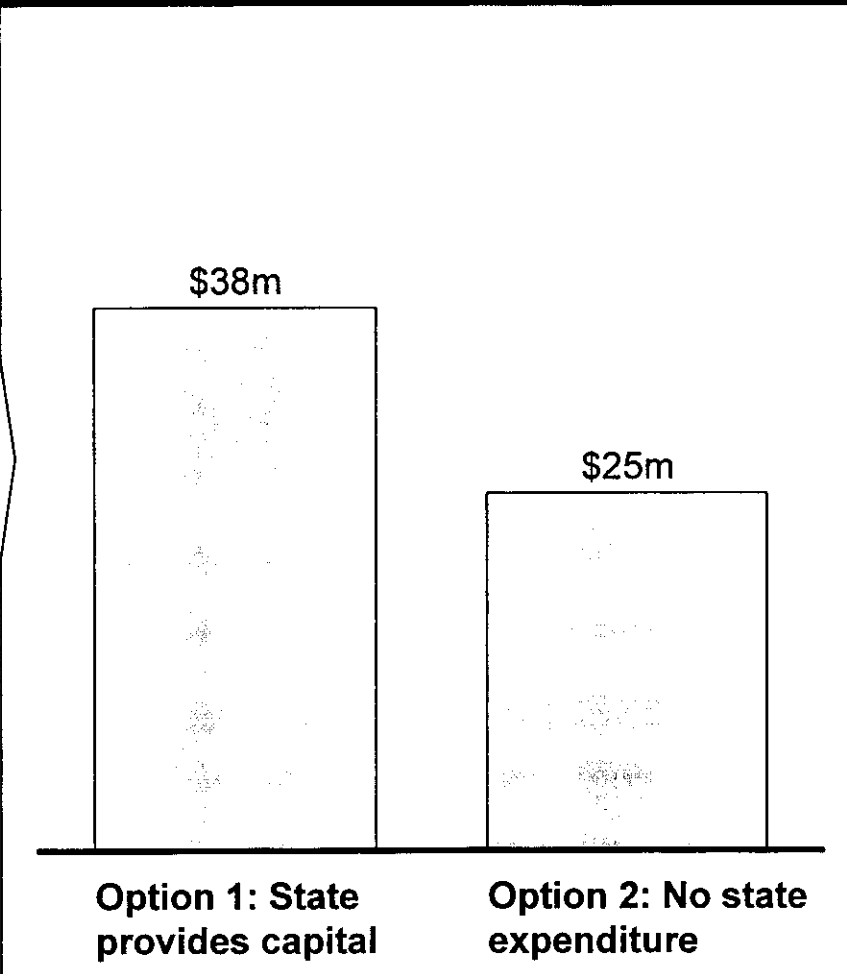
\* Assumes 7% WACC for New Hampshire

# A 20-year lease to operate the 4 service areas represents a \$25-38m cash flow opportunity

## Potential deal structures

- Typically structured as a 20 to 40-yr lease agreement with the operator
- Rent payments are set as a percentage of gross revenue and typically have a guaranteed minimum payment
  - Sites typically generate \$600/SF in sales
  - Sites could each support ~10K SF of retail
- Rent payments vary from 10% to 22% of sales and are largely driven by the amount of capital the operator is expected to bring to the deal
- **Option 1: State provides required capital**
  - State floats a bond to cover cost of developing the site (\$18M at \$325 per SF construction cost)
  - Typical rent payment of 18% gross sales
- **Option 2: No state expenditure**
  - Operator finances the entire project
  - Rent payments ~ 10-12%

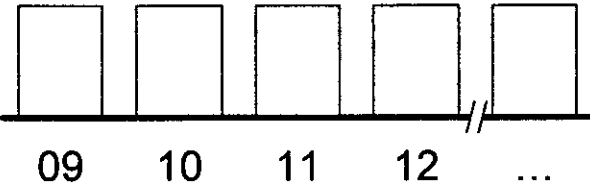
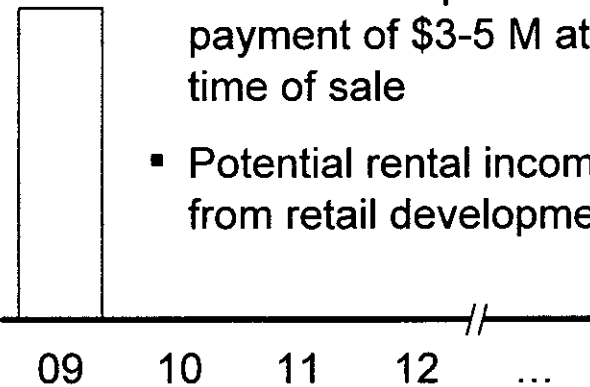
## Value of 20-yr cash flows to New Hampshire



Note: Operator funded scenario assumes a 12% rental rate; state funded scenario assumes a 18% rental rate



**The state could also consider selling the Concord warehouse to deliver a lump-sum benefit and to focus competencies on the core business**

Option	Financial Impact	Considerations
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>Keep the Warehouse</b> </div>	<ul style="list-style-type: none"> <li>▪ Annual cash inflow of ~300k/yr</li> <li>▪ Net present value of ~\$3M</li> </ul> <p style="text-align: center;">~\$300k / yr</p>  <p style="text-align: center;">09    10    11    12    ...</p>	<ul style="list-style-type: none"> <li>+ Yearly cash generation for General Fund</li> <li>- Land likely not optimally used</li> <li>- The warehouse business is not a core competency</li> <li>- No room today for enforcement division seated in separate office (at a cost of \$60k a year)</li> </ul>
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>Sell the Warehouse</b> </div>	<p><b>\$3-5M</b></p> <ul style="list-style-type: none"> <li>▪ One time lump sum payment of \$3-5 M at time of sale</li> <li>▪ Potential rental income from retail development</li> </ul>  <p style="text-align: center;">09    10    11    12    ...</p>	<ul style="list-style-type: none"> <li>+ Lump sum payment to offset current budget deficit</li> <li>+ Land worth more than bailment business</li> <li>- Loss of land will require renting NHLC office space (which could be negotiated as part of the sale)</li> </ul>

# Giving the commission more control over operational decisions may unlock up to \$25-\$40m in value

	Description	Potential impact	CF Impact \$ Millions
Activities the private sector would likely undertake if they managed parts of the business	<b>Aligning wages with private sector</b> <ul style="list-style-type: none"> <li>Median retail wage in New Hampshire of \$11.87 per hour</li> <li>NHLC wage averages \$15.83 per hour</li> </ul>	<ul style="list-style-type: none"> <li>25% decrease in wages</li> </ul>	3
	<b>Selling tobacco</b> <ul style="list-style-type: none"> <li>Liquor stores typically generate 25% sales from tobacco at a 30% gross margin</li> </ul>	<ul style="list-style-type: none"> <li>Reaching 5-10% of sales from tobacco products increases sales by \$18-37M</li> </ul>	5-11
	<b>Selling accessories</b> <ul style="list-style-type: none"> <li>1.5% of LCBO sales from accessories (e.g., cork- screws) at a 45% gross margin</li> </ul>	<ul style="list-style-type: none"> <li>Achieving accessory sales of 1-1.5% total sales generates \$3-5M new sales</li> </ul>	1-2
	<b>Selling beer</b> <ul style="list-style-type: none"> <li>23% of LCBO sales from beer at a 38% gross margin</li> </ul>	<ul style="list-style-type: none"> <li>Reaching 10-15% of sales from beer increases sales by \$33-59M</li> </ul>	14-23
	<b>Increasing the beer excise tax</b> <ul style="list-style-type: none"> <li>Current NH beer tax of 30 ¢ per gallon</li> <li>Maine beer tax of 35 ¢ per gallon</li> </ul>	<ul style="list-style-type: none"> <li>5 ¢ tax increase reduces beer consumption by 0.2% but generates \$2M in additional tax revenue</li> <li>Wine/spirit sales increase 0.1% (\$470K)</li> </ul>	3
			<b>26-41</b>

# The NHLC has the potential to increase its margins significantly through pricing optimization

○ Low risk  
● High risk

	Strategy	Potential Impact
Reduce reliance on items on discount	Reduce the number of discounts on offer by 30-50% of current discount volume	\$2-4m
	-----	
Reconstruct the price architecture for New Hampshire Liquor	<b>EITHER:</b> Raise prices of non-"known-value-item" SKUs to the lowest price on offer in any neighboring state	\$9-12m
	<b>OR:</b>	○ or ○
	Segment stores and offer differential pricing: classify stores less than 25 miles from the border as "outlet stores," and provide the lowest price on offer in any neighboring state; for stores located <i>more</i> than 25 miles away from the border, raise prices to the average price in neighboring states	\$10-15m
		~\$10-15m

# Operational improvements could deliver ~\$5-10m a year in incremental run-rate cash flows

Lever	Observations	Recommendations	Potential Impact	Effect on 2009 cash flow \$M
<b>1. Sales Management</b>	<ul style="list-style-type: none"> <li>NHLC's best bet to compete with off-premise retailers and cross-border competitors is by being famous for low prices</li> <li>That said, many stores' SKU placement muddies value perception, and limited staff knowledge undermines stores' claims to expertise in the business</li> </ul>	<ul style="list-style-type: none"> <li>Provide detailed product information (e.g., taste, pairings) to all store employees to enhance knowledge</li> <li>Spot-check customer service through store visits</li> <li>Launch SKU placement training</li> </ul>	<ul style="list-style-type: none"> <li>+5-7% of total retail sales</li> </ul>	3 – 7
<b>2. Lean Retailing</b>	<ul style="list-style-type: none"> <li>Many stores' back rooms and staging areas are cluttered and crowded, adding waste and extra work</li> <li>Front-of-store organization varies tremendously</li> </ul>	<ul style="list-style-type: none"> <li>Create "best practice" back room, staging area, and front-of-store playbooks</li> <li>Launch "lean retailing" road show around state to introduce playbooks and best practices</li> </ul>	<ul style="list-style-type: none"> <li>-5-15% spend on store labor thanks to operational efficiencies</li> </ul>	1 – 3
<b>3. Supply Chain Management</b>	<ul style="list-style-type: none"> <li>The complexity of the network creates a lot of waste, both in-store and upwards in the supply chain                             <ul style="list-style-type: none"> <li>Once-a-week Friday deliveries for stores whose traffic is highest on Fridays</li> </ul> </li> <li>This is compounded by the high number of SKUs in every store, even stores with low volume</li> </ul>	<ul style="list-style-type: none"> <li>Optimize distribution schedule based on high/low customer traffic patterns in stores</li> <li>Consider setting maximum SKU levels in stores below a certain size</li> </ul>	<ul style="list-style-type: none"> <li>-10-20% reduction in inventories</li> <li>Out of stocks: 10-20%</li> </ul>	<ul style="list-style-type: none"> <li>2.5 – 5.0 in the first year</li> <li>Counted as zero, but generally 50% of OOS translates into lost sales</li> </ul>

Confidential

# Optimizing the value of New Hampshire's state-run liquor stores



New Hampshire State Liquor Commission

Final Report

This report is solely for the use of client personnel. No part of it may be circulated, quoted, or reproduced for distribution outside the client organization without prior written approval from McKinsey & Company.

McKinsey&Company

This report describes the process followed to analyze the potential improvement opportunities available in the State's Liquor Commission operations, an estimate of the improvement potential and suggested focus areas for the State of New Hampshire to pursue. This is a summary of the detailed charts that are attached.

## **PROCESS**

The State of New Hampshire retained McKinsey and Company, a global consulting firm, on a pro-bono basis to provide a fact-based analysis for this report. Working with Commissioner Mark Bodi and his staff an assessment of the opportunities to improve the Liquor commission's operations and hence the contributions that it makes to the State's General Fund was undertaken. The assessment relied on in-person visits to the State's liquor stores, interviews with store management and staff, and selective analysis of sales and operating performance data. The analysis assessed only a subset of the Commission's stores and data and it is assumed that the sample selected is representative of the entire network and overall performance.

## **ESTIMATE OF IMPROVEMENT POTENTIAL**

On the basis of the work that was completed contributions to the State's General Fund are estimated to be able to be increased significantly through the implementation of a series of operational improvements. Changes to the Commission's mandate and operating practices could yield additional benefits. These actions could deliver:

- A one-time capital benefit of up to \$30 million in 2009 by leasing valuable real estate to private sector operators who would develop and operate the sites without compromising the Liquor Commission's current stores or business, and
- Increased operating profits (on a run rate basis) of as much as \$50 million by 2011.

## **SUGGESTED FOCUS AREAS**

Given the size of the opportunity and the understanding of the needs of the state, actions could be focused on 4 critical areas: 1) assessing the real estate development opportunities, 2) expanding the mandate of the Commission's stores

to sell other related products, 3) optimizing pricing, and 4) developing the ideal retail network configuration.

### **1) Monetize the value of real estate assets**

The State could raise approximately \$30 million by:

- Leasing the rights to develop and commercialize the real estate adjacent to the Hookset and Hampton locations
- Selling the Concord warehouse and either renting office space from the purchaser or relocating the Commission's staff currently housed in the attached office building
- Potentially leasing the rights to further develop sites in Portsmouth Circle, Salem and Nashua close

Based on the analysis conducted and discussion of the opportunity it seems that the private sector could be best positioned to optimize the value of these assets. The State could begin assessment of this opportunity immediately.

### **2) Expand the range of products that the Liquor Commission can sell in its stores**

The experience of Ontario's Liquor Control Board suggests that the Liquor Commission could increase its contributions to the State's General Fund if it sold liquor related accessories and other goods at its retail locations.

### **3) Complete the research and analysis required to optimize price**

On the basis of the preliminary analysis optimizing price across the network of stores could deliver a significant increase in annual profits. The Commission currently does not have the skills or resources to complete the detailed analysis and more research will be required. Given the significant opportunity and the ability to deliver impact in a 3 – 6 month period the State needs to immediately begin more detailed price planning. The State could receive a positive return on this research investment within a few months.

### **4) Explore alternate business models and define the optimal retail network**

Preliminary analysis suggests that 14 – 16 additional retail outlets could improve sales and deliver incremental profits. Converting a number of stores from State to

Agency ownership and operation could save costs and further improve profits. It is advisable to complete this analysis in parallel with the pricing optimization work as any changes made will alter the store economics. As with pricing, the Commission currently does not have the skills or resources to tackle this opportunity. The State would have to find the means to do this more detailed assessment.



3/12/09 — HB 658 Amendment # 0568(lu) — Tax on Gambling Winnings



# ROCKINGHAM PARK

FILE COPY

*New England's First and Finest Track*

LADIES AND GENTLEMEN OF THE HOUSE WAYS AND MEANS COMMITTEE

MY NAME IS EDWARD CALLAHAN AND I AM THE PRESIDENT AND GENERAL MANAGER OF ROCKINGHAM PARK IN SALEM. I SPEAK IN OPPOSITION TO AMENDMENT 568h.

ROCKINGHAM IS A LICENSED RACETRACK, LICENSED GAMES OF CHANCE FACILITY AND A LICENSED COMMERCIAL BINGO HALL AND ALL OF THESE TYPES OF GAMBLING ARE CONDUCTED ON OUR PREMISES.

AMENDMENT 568h PROVIDES FOR A 10% TAX ON ALL MONEY DISTRIBUTED TO WINNERS.

1. THE MANNER IN WHICH THIS AMENDMENT IS WRITTEN IS DIFFICULT TO INTERPRET.
2. IMPOSING THIS TAX WILL PUT PARI-MUTUEL, LOTTERY AND GAMES OF CHANCE AT A GREAT DISADVANTAGE IN COMPETING WITH OTHER GAMBLING OPPORTUNITIES IN NEW ENGLAND.
3. THE IMPOSITION OF THIS TAX WILL CAUSE PARTICIPATION TO FALL AND THE REDUCTION IN REVENUE TO THE STATE OF NEW HAMPSHIRE FROM THE PARI-MUTUEL TAX, GAMES OF CHANCE FEES AND LOTTERY SALES.
4. I RECOGNIZE THE VERY DIFFICULT DECISIONS YOU HAVE BEFORE YOU AND RESPECT YOUR DEDICATION TO INCREASING REVENUE AND DECREASING COST. THIS PARTICULAR TAX IN THE FORM THAT IS CURRENTLY PROPOSED WILL REDUCE OVERALL REVENUE NOT INCREASE IT. PLEASE DO NOT ACCEPT AMENDMENT 568h AND DO NOT ALLOW THIS LANGUAGE TO CONTINUE IN HB:2.

**DIRECT ECONOMIC BENEFITS OF ROCKINGHAM PARK**

**Revenue for State of New Hampshire For 2008**

Pari-mutuel Tax	\$831,307
Breakage	\$80,793
Outstanding tickets	\$299,000
Games of Chance Fees	\$332,445
Reimbursement to State	\$149,950
License Fee	\$50,000
Lottery Sales	\$587,654
Rooms & Meals Tax	<u>\$120,329</u>
<b>Total</b>	<b>\$2,451,478</b>

Rockingham Park Pari-mutuel Tax revenue to NH 1933 - 2008    \$230,626,508

**Revenue for Town of Salem for 2008**

Property Tax	\$816,000
Police Details	\$214,668
Water/Sewer	\$42,974
Racing Fee	<u>\$115,150</u>
<b>Total</b>	<b>\$1,188,792</b>

**Use of Facilities for Local Benefit**

Knights of Columbus Bingo	Charitable Games of Chance - 36 Ch:
Elks Club Bingo	Police Department Training
Boys and Girls Club Bingo	Fire Department Training
Kiwanis Bingo	Bus Driver Training
SARC Bingo	Community Meetings
Salem Chamber of Commerce	Easter Egg Hunt
Rotary Club Meetings	Salem Bicentennial Celebration
Civil Support Readiness Training	Salem First Night

**Revenue To Charities in 2008 at Rockingham  
through Games of Chance and Bingo  
\$2,010,000**

**Table 1: State Income Tax on Nonresidents' Non-Lottery Gambling Winnings**

State	Number of Casinos*	Casino Types*	Other Non-Lottery Gambling*	State Income Tax on Nonresident Winnings from Casinos or Other Non-Lottery Gambling+
Arizona	25	Tribal	Pari-mutuel	Yes. Winnings subject to state withholding at 20% of federal withholding. Losses are deductible from winnings.
Connecticut	2	Tribal	Pari-mutuel	No
Iowa	20	Commercial Racetrack Tribal	Pari-mutuel	Yes, if winnings are greater than \$1,000 and gross income is greater than \$9,000 if single and \$13,500 if married filing jointly.
Louisiana	25	Commercial Racetrack Tribal	Pari-mutuel	Yes
Maryland	0	NA	Pari-mutuel	Yes, if the amount is greater than \$500. Maryland withholding tax applies to winnings that are greater than \$5,000. State withholding on nonresident winnings is 6.75%. Losses are not deductible from winnings.
Massachusetts	0	NA	Pari-mutuel	Yes. Losses are not deductible from winnings.
Michigan	22	Commercial Tribal	Pari-mutuel	Yes
Minnesota	35	Tribal Card room	Pari-mutuel	Yes. Losses are deductible from winnings.
Mississippi	31	Commercial Tribal	None	Yes. A nonrefundable 3% tax is withheld from all nonresidents' winnings required to be reported to the IRS.
New Jersey	11	Commercial	Pari-mutuel	Yes. New Jersey losses are deductible from New Jersey winnings.
New Mexico	26	Racetrack Tribal	Pari-mutuel	Yes. Winnings are subject to state withholding equal to 6% of federal withholding. Losses are deductible from winnings.
New York	16	Racetrack (video lottery terminals) Tribal	Pari-mutuel	No
North Dakota	6	Tribal	Pari-mutuel	Yes
Pennsylvania	11	Commercial Racetrack	Pari-mutuel	Yes
Rhode Island	2	Racetrack (video lottery terminals)	Pari-mutuel	Yes
Virginia	0	NA	Pari-mutuel	Yes, if the wager is placed or paid from a Virginia location.
Wisconsin	28	Tribal	Pari-mutuel	Yes. Expressly includes winnings from a casino or bingo hall located in Wisconsin and operated by a Native American tribe or band.

\* Source: American Gaming Association  
+ Source: State tax department websites

JL:ts

**TABLE 1: INCOME TAX DEDUCTIONS FOR GAMBLING LOSSES IN 19 STATES****2007 TAX YEAR**

<i>State</i>	<i>Deduction for Gambling Losses</i>	<i>Deduction Limit</i>
Arizona	Yes  (taxable winnings exclude up to \$ 5,000 in Arizona lottery winnings)	Total winnings  (excluding up to \$ 5,000 in Arizona lottery winnings)
California	Yes  (California lottery income is tax-exempt)	Total winnings  (California lottery losses not deductible)
Colorado	Yes	Total winnings
Connecticut	No	Not applicable
Idaho	Yes	Total winnings
Iowa	Yes	Total winnings
Kansas	Yes	Total winnings
Louisiana	Yes	Total winnings
Michigan	No  (Up to \$ 300 of gambling winnings are tax-exempt)	Not applicable
Minnesota	Yes  (not applicable to taxpayers subject to Minnesota alternative minimum tax)	Total winnings
Mississippi	No  (all Mississippi gambling winnings are tax-exempt)	Not applicable
Montana	Yes	Total winnings
New Jersey	Yes  (New Jersey lottery winnings are tax-exempt)	Total winnings excluding NJ lottery winnings
New Mexico	Yes	Total winnings
New York	Yes	Total winnings
North Carolina	Yes	Total winnings
North Dakota	Yes	Total winnings
Oregon	Yes  (up to \$ 600 in Oregon lottery winnings is tax-exempt)	Oregon taxable winnings
Wisconsin	No	Not applicable

# 2009



Department of the Treasury  
Internal Revenue Service

## Instructions for Forms W-2G and 5754

Section references are to the Internal Revenue Code unless otherwise noted.

### Reminder

In addition to these specific instructions, you should also use the 2009 General Instructions for Forms 1099, 1098, 3921, 3922, 5498, and W-2G. Those general instructions include information about the following topics.

- Backup withholding.
- Electronic reporting requirements.
- Penalties.
- When and where to file.
- Taxpayer identification numbers.
- Statements to recipients.
- Corrected and void returns.
- Other general topics.

You can get the general instructions from the IRS website at [www.irs.gov](http://www.irs.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

### Specific Instructions for Form W-2G

File Form W-2G, Certain Gambling Winnings, to report gambling winnings and any federal income tax withheld on those winnings. The requirements for reporting and withholding depend on the type of gambling, the amount of the gambling winnings, and generally the ratio of the winnings to the wager. File W-2G with the IRS. You must provide a statement to the winner (Copies B and C of Form W-2G).

The types of gambling are discussed in these instructions under the following four headings.

1. *Horse Racing, Dog Racing, Jai Alai, and Other Wagering Transactions Not Discussed Later.*
2. *Sweepstakes, Wagering Pools, and Lotteries.*
3. *Bingo, Keno, and Slot Machines.*
4. *Poker Tournaments.*

### Reportable Gambling Winnings

Report gambling winnings on Form W-2G if:

1. The winnings (not reduced by the wager) are \$1,200 or more from a bingo game or slot machine,
2. The winnings (reduced by the wager) are \$1,500 or more from a keno game,
3. The winnings (reduced by the wager or buy-in) are more than \$5,000 from a poker tournament,
4. The winnings (except winnings from bingo, slot machines, keno, and poker tournaments) reduced, at the option of the payer, by the wager are:
  - a. \$600 or more, and
  - b. At least 300 times the amount of the wager, or
5. The winnings are subject to federal income tax withholding (either regular gambling withholding or backup withholding).

### Tax-Exempt Organizations

A tax-exempt organization conducting gaming activities may be required to withhold income tax and report on Form W-2G. See Pub. 3079, Gaming Publication for Tax-Exempt Organizations.

### Withholding

There are two types of withholding on gambling winnings: (a) regular gambling withholding at 25% (33.33% for certain noncash payments) and (b) backup withholding at 28%. If a payment is already subject to regular gambling withholding, it is not subject to backup withholding.

### Regular Gambling Withholding

You may be required to withhold 25% of gambling winnings for federal income tax. This is referred to as regular gambling withholding. Withhold at the 25% rate if the winnings are more than \$5,000 and are from:

- Sweepstakes,
- Wagering pools,
- Lotteries, or
- Other wagering transactions if the winnings are at least 300 times the amount wagered.

Do not withhold at the 25% rate on winnings from bingo, keno, slot machines, or any other wagering transaction if the winnings are \$5,000 or less. However, see *Backup Withholding* below.

Regular gambling withholding is figured on the total amount of gross proceeds (the amount of winnings less the amount wagered), not merely on the amount in excess of \$5,000.

Report the amount you withheld in box 2 of Form W-2G. Also file Form 945, Annual Return of Withheld Federal Income Tax, to report all your gambling withholding.

**Noncash payments.** A noncash payment, such as a car, must be taken into account at its fair market value (FMV) for purposes of reporting and withholding. If the FMV exceeds \$5,000, after deducting the price of the wager, the winnings are subject to 25% regular gambling withholding. The tax you must withhold is computed and paid under either of the following two methods.

1. The winner pays the withholding tax to the payer. In this case, the withholding is 25% of the FMV of the noncash payment minus the amount of the wager.
2. The payer pays the withholding tax. In this case, the withholding is 33.33% of the FMV of the noncash payment minus the amount of the wager.

If you use method 2, enter the sum of the noncash payment and the withholding tax in box 1 of Form W-2G and the withholding tax paid by the payer in box 2.

### Backup Withholding

You may be required to withhold 28% of gambling winnings (including winnings from bingo, keno, slot machines, and poker tournaments) for federal income tax. This is referred to as backup withholding. You should backup withhold at the 28%

rate if:

- The winner does not furnish a correct taxpayer identification number (TIN),
- 25% has not been withheld, and
- The winnings are at least \$600 and at least 300 times the wager (or the winnings are at least \$1,200 from bingo or slot machines or \$1,500 from keno or more than \$5,000 from a poker tournament).

Figure any backup withholding on the total amount of the winnings reduced, at the option of the payer, by the amount wagered. This means the total amount, not just the payments in excess of \$600, \$1,200, \$1,500, or \$5,000, is subject to backup withholding at 28%.

Report the amount you withheld in box 2 of Form W-2G. Also file Form 945 to report all backup withholding. You may use Form W-9, Request for Taxpayer Identification Number and Certification, to request the TIN of the recipient.

See the instructions on the following pages for each type of gambling for detailed rules on backup withholding.

### Foreign Persons

Payments of gambling winnings to a nonresident alien individual or a foreign entity are not subject to reporting or withholding on Form W-2G. Generally, gambling winnings paid to a foreign person are subject to 30% withholding under sections 1441(a) and 1442(a) and are reportable on Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, and Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding. Winnings of a nonresident alien from blackjack, baccarat, craps, roulette, big-6 wheel, or a live dog or horse race in the United States from legal wagers initiated outside the United States in a parimutuel pool are not subject to withholding or reporting. See Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Entities.

### State Tax Information

If state income tax withholding is required on gambling winnings in your state, you may want to complete boxes 13 and 14 on Form W-2G. Copy 1 of the form may be used to provide information to the state, and Copy 2 may be used as the winner's copy for use in filing a state income tax return. A state identification number is assigned by each individual state.

### Form 5754

If the person receiving the winnings is not the actual winner, or is a member of a group of winners, see *Specific Instructions for Form 5754* on page 4.

### Statements to Winners

If you are required to file Form W-2G, you must also provide a statement to the winner. For information about the requirement to furnish a statement to the winner, see part M in the 2009 General Instructions for Forms 1099, 1098, 3921, 3922, 5498, and W-2G. You may furnish Copies B and C of Form W-2G.

### 1. Horse Racing, Dog Racing, Jai Alai, and Other Wagering Transactions Not Discussed Later

File Form W-2G for every person to whom you pay \$600 or more in gambling winnings if the winnings are at least 300 times the amount of the wager. If the person presenting the ticket for payment is the sole owner of the ticket, complete Form W-2G showing the name, address, and TIN of the winner. If regular gambling withholding is required, the winner must sign Form W-2G, under penalties of perjury, stating that he or she is the sole owner and that the information listed on the form is correct.

### Withholding

You must withhold federal income tax, at the rate of 25% (regular gambling withholding), from the amount of winnings less the amount wagered. Do this if the winnings less the wager exceed \$5,000 and if the winnings are at least 300 times the amount of the wager.

If the winner of reportable gambling winnings does not provide a TIN, you must backup withhold at the rate of 28% on any such winnings that are not subject to 25% regular gambling withholding. That is, backup withholding applies if the winnings are at least \$600 but not more than \$5,000 and are at least 300 times the wager. Figure the 28% backup withholding on the amount of the winnings reduced, at the option of the payer, by the amount wagered.

### Multiple Wagers

For multiple wagers sold on one ticket, such as the \$12 box bet on a Big Triple or Trifecta, the wager is considered as six \$2 bets and not one \$12 bet for purposes of computing the amount to be reported or withheld. Winnings on a \$12 box bet must be reported if they are \$600 or more, and federal income tax must be withheld if the proceeds total more than \$5,000 or, if the proceeds do not exceed \$5,000, if the recipient fails to provide a TIN.

### Identical Wagers

Winnings from identical wagers (for example, two \$2 bets on a particular horse to win the same race) are added together for purposes of the reporting and withholding requirements. Also, winnings from identical wagers that are not part of the payment for which the Form W-2G is being prepared are added together for purposes of withholding to determine if the total amount of proceeds from identical wagers is more than \$5,000.

#### Box 1

Enter payments of \$600 or more if the payment is at least 300 times the wager.

#### Box 2

Enter any federal income tax withheld, whether 25% regular gambling withholding or 28% backup withholding.

#### Box 3

Enter the type of wager if other than a regular race bet, for example, Daily Double or Big Triple.

#### Box 4

Enter the date of the winning event. This is not the date the money was paid if it was paid after the date of the race (or game).

#### Box 5

Not applicable.

#### Box 6

Enter the race (or game) applicable to the winning ticket.

#### Box 7

Enter the amount of additional winnings from identical wagers.

#### Box 8 or 10

Enter the cashier and/or window number making the winning payment.

#### Box 9

This is required information. Enter the TIN of the person receiving the winnings. For an individual this will be the social security number (SSN) or individual taxpayer identification number (ITIN). If the winner fails to give you a TIN, backup withholding applies. See *Withholding* on this page.

#### Boxes 11 and 12

As verification of the name, address, and TIN of the person receiving the winnings, enter the identification numbers from two forms of identification. The identification may be from a driver's license, social security card, or voter registration. Enter the number and the state or jurisdiction. In some instances, the number may be the same number as in box 9.

#### Box 13 (optional)

Enter the abbreviated name of the state and your state identification number.

**Box 14 (optional)**

Enter the amount of state income tax withheld.

**2. Sweepstakes, Wagering Pools, and Lotteries**

File Form W-2G for each person to whom you pay \$600 or more in gambling winnings from a sweepstakes, wagering pool, or lottery (including a state-conducted lottery) if the winnings are at least 300 times the amount of the wager. The wager must be subtracted from the total winnings to determine whether withholding is required and, at the option of the payer, to determine whether reporting is required. The wager must be subtracted at the time of the first payment.

The requirements in this section apply to church raffles, charity drawings, etc. In the case of one wager for multiple raffle tickets, such as five for \$1, the wager is considered as \$.20 for each ticket.

**Withholding**

You must withhold federal income tax, at the rate of 25% (regular gambling withholding), from the amount of winnings less the amount wagered if the winnings less the wager exceed \$5,000. If the winner of reportable gambling winnings does not provide a TIN, you must backup withhold at the rate of 28% on any such winnings that are not subject to 25% regular gambling withholding. That is, backup withholding applies if the winnings are at least \$600 but not more than \$5,000 and are at least 300 times the wager. Figure the 28% backup withholding on the amount of the winnings reduced, at the option of the payer, by the amount wagered.

Installment payments of \$5,000 or less are subject to 25% regular gambling withholding if the total proceeds from the wager will exceed \$5,000.

If payments are to be made for the life of a person (or for the lives of more than one person), and it is actuarially determined that the total proceeds from the wager are expected to exceed \$5,000, such payments are subject to 25% regular gambling withholding. When a third party makes the payments, for example, an insurance company handling the winnings as an annuity, that third party must withhold.

**When Paid**

A payment of winnings is considered made when it is paid, either actually or constructively, to the winner. Winnings are constructively paid when they are credited to, or set apart for, that person without any substantial limitation or restriction on the time, manner, or condition of payment. However, if not later than 60 days after the winner becomes entitled to the prize, the winner chooses the option of a lump sum or an annuity payable over at least 10 years, the payment of winnings is considered made when actually paid. If the winner chooses an annuity, file Form W-2G each year to report the annuity paid during that year.

**Box 1**

Enter payments of \$600 or more if the payment is at least 300 times the wager.

**Box 2**

Enter any federal income tax withheld, whether 25% regular gambling withholding or 28% backup withholding.

**Box 3**

Enter the type of wager (such as raffle or 50-50 drawing) or the name of the lottery (such as Instant, Big 50, Baker's Dozen, or Powerball) and the price of the wager (\$.50, \$1, etc.).

**Box 4**

Enter the date of the winning transaction, such as the date of the drawing of the winning number. This might not be the date the winnings are paid.

**Box 5**

For a state lottery, enter the ticket number or other identifying number.

**Boxes 6 Through 8 and 10**

Not applicable.

**Box 9**

This is required information. Enter the TIN of the person receiving the winnings. For an individual this will be the social security number (SSN) or individual taxpayer identification number (ITIN). If the winner fails to give you a TIN, backup withholding applies. See *Withholding* above.

**Boxes 11 and 12**

For other than state lotteries, as verification of the name, address, and TIN of the person receiving the winnings, enter the identification numbers from two forms of identification. The identification may be from a driver's license, social security card, or voter registration. Enter the number and the state or jurisdiction. In some instances, the number may be the same number as in box 9.

**Box 13 (optional)**

Enter the abbreviated name of the state and your state identification number.

**Box 14 (optional)**

Enter the amount of state income tax withheld.

**3. Bingo, Keno, and Slot Machines**

File Form W-2G for every person to whom you pay \$1,200 or more in gambling winnings from bingo or slot machines, or \$1,500 or more from keno after the price of the wager for the winning keno game is deducted. If the winnings are not paid in cash, the FMV of the item won is considered the amount of the winnings. Total all winnings from each bingo or keno game. Winnings and losses from other wagering transactions are not to be taken into account in arriving at the \$1,200 or \$1,500 figure.

**Withholding**

Regular gambling withholding (25%) does not apply to winnings from bingo, keno, or slot machines. However, if the recipient of reportable gambling winnings from bingo, keno, or slot machines does not provide a TIN, you must backup withhold at the rate of 28%. That is, if the winnings are at least \$1,200 from bingo or slot machines or \$1,500 from keno, 28% backup withholding applies to the amount of the winnings reduced, at the option of the payer, by the amount wagered.

**Box 1**

Enter payments of \$1,200 or more from bingo or slot machines or payments of \$1,500 or more from keno.

**Box 2**

Enter any 28% backup withholding.

**Box 3**

Enter the type of wager (that is, bingo, keno, or slot machines) and the amount of the wager.

**Box 4**

Enter the date of the winning transaction.

**Box 5**

Enter the ticket number, card number (and color, if applicable), machine serial number, or any other information that will help identify the winning transaction.

**Boxes 6 and 7**

Not applicable.

**Box 8**

Enter the initials of the person paying the winnings.

**Box 9**

This is required information. Enter the TIN of the person receiving the winnings. For an individual this will be the social security number (SSN) or individual taxpayer identification

number (ITIN). If the winner fails to give you a TIN, backup withholding applies. See *Withholding* above.

**Box 10**

Enter the location of the person paying the winnings, if applicable.

**Boxes 11 and 12**

As verification of the name, address, and TIN of the person receiving the winnings, enter the identification numbers from two forms of identification. The identification may be from a driver's license, social security card, or voter registration. Enter the number and the state or jurisdiction. In some instances, the number may be the same number as in box 9.

**Box 13 (optional)**

Enter the abbreviated name of the state and your state identification number.

**Box 14 (optional)**

Enter the amount of state income tax withheld.

**4. Poker Tournaments**

File Form W-2G for each person to whom you pay more than \$5,000 in winnings, reduced by the amount of the wager or buy-in, from each poker tournament you have sponsored. Winnings and losses of the participant from other poker tournaments you have sponsored during the year are not taken into account in arriving at the \$5,000 amount.

**Withholding and backup withholding.** If you file Form W-2G for the person to whom you pay more than \$5,000 in net winnings from a poker tournament, and provide a copy of Form W-2G to such person, regular gambling withholding does not apply to such winnings. However, if the person who wins more than \$5,000 does not provide a TIN, you must apply 28% backup withholding to the full amount of the winnings from the tournament. Net winnings of \$5,000 or less are not subject to reporting, withholding, or backup withholding.

**Box 1**

Enter payments of more than \$5,000 in net gambling winnings from a poker tournament.

**Box 2**

Enter zero as the amount, unless the winning person has not provided a TIN. If the winning person has not provided a TIN, enter the 28% backup withholding amount.

**Box 3**

Enter "poker tournament" in the entry space.

**Box 4**

Enter the date of the poker tournament.

**Box 5**

Enter the name of the tournament and its sponsor.

**Boxes 6 through 8 and Box 10**

Not applicable.

**Box 9**

This is required information. Enter the TIN of the person receiving the winnings. For an individual this will be the social security number (SSN) or individual taxpayer identification number (ITIN). If the winner fails to give you a TIN, backup withholding applies. See *Withholding and backup withholding* above.

**Boxes 11 and 12**

As verification of the name, address, and TIN of the person receiving the winnings, enter the identification numbers from two forms of identification. The identification may be from a driver's license, social security card, or voter registration. Enter the number and the state or jurisdiction. In some instances, the number may be the same number as in box 9.

**Box 13 (optional)**

Enter the abbreviated name of the state and your state identification number.

**Box 14 (optional)**

Enter the amount of state income tax withheld.



---

## Specific Instructions for Form 5754

Use Form 5754, Statement by Person(s) Receiving Gambling Winnings, only to prepare Form W-2G when the person receiving gambling winnings subject to reporting or withholding is not the actual winner or is a member of a group of two or more people sharing the winnings, such as by sharing the same winning ticket. The payer is required to file Forms W-2G based on Form 5754.

The person receiving the winnings must furnish all the information required by Form 5754. However, a recipient of winnings from a state-conducted lottery need not provide identification other than his or her taxpayer identification number (TIN).

Part I lists the identification of the person to whom the winnings are paid, and Part II lists the actual winners, their respective shares of the winnings, and any additional winnings from identical wagers.

In Part II, the person receiving the winnings must provide the name, address, TIN, respective share of the winnings, and additional winnings from identical wagers for each of the winners. In addition, if regular gambling withholding is required, the form must be signed, under penalties of perjury, and dated by the person receiving the winnings.

The form must be returned to the payer for preparation of Form W-2G for each of the persons listed as winners. Forms W-2G may be issued immediately or by January 31 following the year of the payment.

Do not send Form 5754 to the IRS. Keep it for your records.

### Withholding and Forms W-2G for Multiple Winners

If more than one person shares in the winnings from a single wager, the total amount of the winnings (less the amount wagered) will determine the amount of the proceeds for purposes of reporting and withholding. Do not allocate winnings to each winner before determining whether the withholding or reporting thresholds were reached.

For example, E purchases a sweepstakes ticket for \$1 on behalf of himself and S, who contributes an equal amount of the ticket price and who will share equally in any winnings. The ticket wins \$5,002. Because the winnings ( $\$5,002 - \$1 = \$5,001$ ) are more than \$5,000, you must withhold 25% of \$5,001. You must prepare a separate Form W-2G for E and for S using the information furnished to you on Form 5754.

Untitled

From "David Blair" <orionblair@gmail.com>

On: Mar 03/12/09 12:56 PM

Dear Representatives Almy and Hatch, and members of the House Ways and Means Committee,

I understand that your committee will be considering a "winner's tax" on any gaming winnings above \$600. I believe the bill # is 638.

I direct a non profit, the Mariposa Museum in Peterborough, NH. In both 2008 and 2009 we have benefited tremendously from participation in the State of NH's program that mandates non profit participation in the profits earned from Games of Chance at the River Room in Milford. This program brought us \$8,800 income in 2008 and about \$6,000 in 2009. This income is crucial to our raising the money needed to keep our museum open so that we can share the cultures of the world with the greater Monadnock Region, including schools and families from as far away as Manchester and Concord.

I have no doubt that every non profit that participates in Games of Chance shares my appreciation of the state's including us as beneficiaries of the gaming industry in NH. Whatever our mission, we all find this income extremely important, especially in these challenging times.

I understand that the State of NH also faces challenging times and is looking for ways to raise more revenue. I ask you to carefully consider the impact of a "winner's tax". If this proposed tax discourages people from gaming and results in the closing of places such as the River Room, the state will lose revenue and so will the non profit community.

Thank you for your work on behalf of us all.

Sincerely,

David Blair  
Director, Mariposa Museum

**FILE COPY**

3/12/09 - Mike McLaughlin - on HB38 Gambling Amendment 0568 (u)

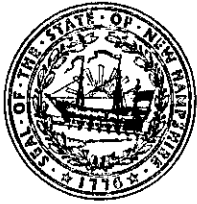
**REASONS WHY THE GAMBLING TAX SHOULD NOT BE APPLIED TO CHARITABLE GAMING**

- 1. CHARITABLE GAMING IS ALREADY TAXED @ A HIGH RATE UNDER RSA 287-D:3 IX & X (10% & 3%) THE GAMBLING TAX WOULD IMPOSE A TAX OF 20% ON SOME PLAYERS AND DRIVE BUSINESS AWAY.**
- 2. ADDITIONAL RECORD KEEPING ON CHARITIES, I.E 1099-G ETC.**
- 3. CHARITABLE GAMING IS PRODUCING REVENUE, \$794,000 IN SIX MONTHS OF '08, \$102,000 IN JANUARY OF '09. IF THE STATE WANT S MORE REVENUE ALLOW GREATER PLAY, RAISE THE MINIMUM BET.**

**REASONS WHY THE GAMBLING TAX SHOULD NOT BE ENACTED**

- 1. IT IS UNFAIR AS IT TREATS ONLY ONE ASPECT, GAMBLING WINNINGS, WINNINGS NEED TO INCLUDED THE CONCEPT OF "NET" WINNINGS AS DOES THE FEDERAL TAX TREATMENT OF GAMBLING.**
- 2. THE OUT-OF-STATE ASPECT IS UNENFORCEABLE.**

- 3. RSA 77:37 REQUIRES TAX PAYERS SUBJECT TO SUCH A TAX TO KEEP RECORDS FOR 3 YEARS, A BURDEN ON THE SMALL PLAYER WHO HITS ONCE IN A WHILE.**
  
- 4. SUCH A TAX WILL DRIVE PLAYERS AWAY FROM CHARITIES AND OTHER FORMS OF GAMBLING IN NEW HAMPSHIRE.**



603-271-3600

HOUSE COMMITTEE RESEARCH OFFICE  
New Hampshire House of Representatives  
4th Floor, Legislative Office Building  
Concord, New Hampshire 03301  
TDD Access: Relay NH  
1-800-735-2964

HB 2  
+  
HB 638

FILE COPY

**TO:** Representative Susan W. Almy, Chair  
House Ways and Means Committee

**FROM:** Nancy LeVinus, Committee Researcher *Nancy*  
House Committee Research Office

**DATE:** March 10, 2009

**RE:** Tax on Gambling Winnings

You had asked if I could supply any notes that I may have regarding revenue estimates for prior bills or amendments having to do with gambling winnings. I have attached excerpts from 2 files from 2007 (HB 925) and 2001 (HB 558).

In summary:

**2007- HB 925** – contained a proposal for a 10% tax on all winnings reportable to the IRS (\$600 or more) and yielded the following tax revenue:

- Racetracks combined (4) = \$1,700,000
  - Games of chance= \$101,000
  - Bingo Lucky 7 = \$128,250
  - Lottery = \$2,400,000
- (Sources: NH Lottery and Pari-Mutuel Commissions)

**2001 – HB 558** – contained a proposal for a 5% tax on all gambling winnings over \$100. The Lottery Commission (then Sweepstakes) testified that Tri-State games could not be taxed without agreement of all 3 states. The estimate of \$2.2 million in tax revenues gained would be offset by an estimated 20% decline in lottery sales. Pari-mutuel numbers were not estimated.

Please let me know if you have any questions or need further information.

**LeVinus, Nancy**

HB 925

**From:** Almy, Susan  
**Sent:** Tuesday, August 21, 2007 4:13 PM  
**To:** LeVinus, Nancy  
**Subject:** FW: revenue estimation for HB925

Tax on Winning.

Just got this!

---

**From:** Wisler, Ricky [mailto:Ricky.A.Wisler@lottery.nh.gov]  
**Sent:** Tuesday, August 21, 2007 2:31 PM  
**To:** Almy, Susan  
**Cc:** Roy, Georges  
**Subject:** RE: revenue estimation for HB925

In calendar/tax year 2006 the lottery paid out \$24.4 million in prizes valued at \$599 or higher, the level required for federal tax reporting. Based on that year's value of prizes paid a 10% tax would result in \$2.4 million in taxes.

The value of prizes paid includes cash jackpots paid from all lottery games, any annuity yearly prize payments, and other lesser prizes valued at \$599 or higher.

Please remember that the value of jackpots won can change greatly from year to year depending on the types of games offered and their prize design, whether jackpots are won more often than designed, whether the jackpot prize is paid in a lump sum cash payment or over an extended period of time up to 30 years, and whether the winning tickets are sold in New Hampshire.

I hope this helps you. Please contact either myself or Georges Roy if any additional information is needed.

Rick

-----Original Message-----

**From:** Almy, Susan [mailto:Susan.Almy@leg.state.nh.us]  
**Sent:** Wednesday, August 01, 2007 7:01 PM  
**To:** Wisler, Ricky  
**Subject:** RE: revenue estimation for HB925

thanks! you're the first reply..

-----Original Message-----

**From:** Wisler, Ricky [mailto:Ricky.A.Wisler@lottery.nh.gov]  
**Sent:** Wed 8/1/2007 2:34 PM  
**To:** Almy, Susan  
**Subject:** RE: revenue estimation for HB925

Hi, sorry I was out of the office Monday and Tuesday. I'll ask Georges to develop some numbers and get them to you as soon as possible. Due to vacations I don't think we will make the August 14 meeting date but will definitely get something to you before mid-September.

Rick

08/22/2007

~~Le~~Vinus, Nancy

---

From: Kelley, Paul [Paul.Kelley@racing.nh.gov]  
Sent: Thursday, August 23, 2007 12:48 PM  
To: LeVinus, Nancy  
Subject: PMC numbers

HB 925  
Tax on winnings

Yup, you are 100% right!

Paul

Paul M Kelley  
Director  
1-603-271-2158

---

From: LeVinus, Nancy [mailto:nancy.levinus@leg.state.nh.us]  
Sent: Thu 8/23/2007 12:41 PM  
To: Kelley, Paul  
Subject: RE: Pari-Mutuel numbers

Hi Paul,

Thanks for the quick reply. Just so I understand this, there was approximately \$17 million in winnings of \$600 or more for the tracks?

Nancy

-----Original Message-----

From: Kelley, Paul [mailto:Paul.Kelley@racing.nh.gov]  
Sent: Thursday, August 23, 2007 12:39 PM  
To: LeVinus, Nancy  
Subject: Pari-Mutuel numbers

Hi Ms. Levinus,

Please find attached the information you were asking for.

A couple of points:

The number from the racetracks represents a 10% tax on all winnings that were reportable to the IRS (usually \$600 or greater). The rule is when the odds are greater than 300 to 1, usually it is a two dollar bet, hence the \$600 threshold.

The amounts can and do fluctuate wildly due to the size of the bets being one, the handle and the number of winners in New Hampshire.

Using fiscal year 2007 data the following would be the potential revenue collected:

Racetracks combined:	\$1,700,000.00
Games of chance:	\$ 101,000.00
Bingo - Lucky7	\$ 128,250.00

For a grand potential total of \$1,929,250.00

It should be noted that this tax could have the potential of reducing State pari-mutuel tax as since this money is no longer available to be wagered as it is not being returned to the bettors.

If I can be of further assistance, please let me know.

Paul

# COMMITTEE REPORT

COMMITTEE: Ways and Means

BILL NUMBER: HB 558-FN-A-L

TITLE: increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment.

DATE: December 11, 2001

CONSENT CALENDAR YES  NO

- OUGHT TO PASS
- OUGHT TO PASS WITH AMENDMENT
- INEXPEDIENT TO LEGISLATE
- REFER TO COMMITTEE FOR INTERIM STUDY  
(Available only in second year of biennium.)

## STATEMENT OF INTENT (Include Committee Vote)

HB 558 was introduced as a vehicle to solve the state's anticipated budget deficit by increasing several taxes and creating some new ones as well. As the budget for the current biennium is balanced and has been signed into law, there is now now need for this proposal.

Vote 17-1.

Rep. David J. Alukonis  
FOR THE COMMITTEE

Original: House Clerk  
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT



HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 558

**BILL TITLE:** increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment.

**DATE:** 2/14/01

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** \_\_\_\_\_

**Time Adjourned:** \_\_\_\_\_

(please circle if present)

**Committee Members:** : Reps. Alukonis, Major, V. Clark, Dickinson, McRae, S. Eaton, Hess, Langone, Pappas, Sapareto, Camm, Gilbert, Giuda, Konys, D. Cote, Almy, P. Bradley, Downing, Lasky and McGuirk.

**Bill Sponsors:** Rep. Paul McGuirk

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

*See attached*

Ans: Yes, that part of the bill will have to be removed.

Rep. McRae: Will school sporting events be exempt?

Ans: I intended them to be; this bill will need a little work, I agree.

Followup: Will YMCAs and YWCAs be exempt?

Ans: That gets into other so-called non-profits. I'd rather limit it to schools.

Further: Would the collectors of the entertainment tax get a share of the money for collecting, similar to rooms and meals?

Ans: No. I don't think the state should appoint agents around the state to act for it.

Further: Do you then think that we should repeal the 3% of rooms and meals receipts that we allow the collectors to keep, now?

Ans: Absolutely.

Rep. Gilbert: Do you think that we also need to track the revenue that might be lost if the 2% federal sponge is eliminated?

Ans: I think that's supposed to be an eight-year phase-out; so I don't think that the revenue loss in any one year would be significant.

Followup: Would you support the imposition of a state tax on inheritances, if the federal government eliminates the sponge, which would replace that revenue?

Ans: No. I think enough taxes have already been paid on the wealth people accumulate during their lifetimes.

Rep. Almy: Wouldn't it take a 25 cent increase in the statewide property tax to replace the entire \$50 million of the current Legacies and Succession tax, including the sponge tax?

Ans: About that, but I'm suggesting it be used for only a portion of the total amount.

Followup: Is there some reason you did not consider increases in other existing taxes?

Ans: No, I was just trying to throw out some ideas.

Rep. Konys: What if the membership in a fitness club is a result of a physician's recommendation?

Ans: I'm open to suggestions like that.

Followup: How about exempting children's tickets?

Ans: Sure.

Further: Sometimes lectures and such are associated with educational programs. How about those?

Ans: I'd be willing to exempt anything in an educational setting provided that the proceeds are used for the purposes of that educational facility.

Next, Rick Wisler, of the NH Sweepstakes Commission, spoke in opposition to the gambling winnings tax portion of the bill. He said that winnings in the Tri-State games could not be taxed without agreement of all three states, by law. About \$19 million in winnings of NH-only games would be taxable under this law, bringing in a little less than \$1 million. There were also about \$35 million in Lucky 7 and \$28 million in bingo prizes, of which \$5 million and \$20 million would be taxable under this bill, producing about another \$1.2 million in revenues. But their projection is that sales of lottery elements would decrease about 20% if this bill passed, thus producing a net loss.

Rep. Camm: How about gambling as entertainment?

Ans: I'm not sure how we would handle that. There are only a few states that have taxes on gambling winnings, and most of them start at the \$5,000 level of prize.

Followup: I was thinking in terms of a tax on the ticket sale itself.

Ans: That amount would have to come from our bottom line, since adding it to the cost of the ticket itself would drastically affect our sales.

↙ Ed Callahan, from Rockingham Park, spoke next also in opposition to the bill. His company is one of the few in the state in the unique position of paying every one of the taxes in the bill. If we enact the bill, he expects we would see very little revenue because they would go out of business. He also expects that people would attempt to avoid the tax by buying a larger number of smaller-value tickets, assuming they had not just gone somewhere else instead.

Rep. Almy: We heard this morning that we may need to raise another \$100 million per year. Could you tell me which tax you would prefer?

Ans: I have several preferences, none of which are taxes.

Rep. Langone: Would someone attending Rockingham Park have to pay a tax on attendance, and another one if using the phone, and a further one on any winnings?

Ans: Assuming that he bothered to come, yes.

Rep. Downing: Does your company pay BPT and BET?

Ans: If we made a profit, we'd pay BPT. As it is, we do pay BET.

Followup: And how many employees do you have?

Ans: It varies according to time of year, but up to 280 employees plus licensing of over 4000 horsemen.

↙ Rep. Alukonis: Could you review Federal gambling taxation?

Ans: Winnings above \$300 are subject to taxation, and there is automatic withholding at 17% on payouts in excess of \$5000.

Susan Parker, of the Salem Athletic Club, provided a written copy of her testimony for the file, and a copy of a letter from another club owner. She considers her business more of a medical therapeutic facility, than an amusement or entertainment.

Rep. Almy: Would you object to the entertainment tax if it did not include fitness clubs?

Ans: I think this tax is rather narrow; we need to look for something broader, to solve our problems.

David Minnis, speaking for the NH Citizens for the Arts, said that he gives Rep. McGuirk credit for what he's trying to do, though he does not agree with it. Most of his clients are non-profits that are struggling to make ends meet, now; he thinks its unreasonable to ask them now to become tax collectors and bookkeepers for the state. He thinks that these are nickel and dime taxes that just will not eliminate the state's problems.

No questions.

Dick Hamilton, from the White Mountains Attractions Association spoke next also in objection to both the BET increase and the amusement and admissions tax provisions of the bill. He pointed out that his industry is very seasonal, and labor intensive during that period. He thinks these increases in his costs would eliminate his ability to be competitive.

No questions.

Amy Landers, from the Lakes Region Association, also spoke in opposition to the bill. Her association is composed of tourist-activity businesses, and they have the same problems as delineated by the previous speaker. She said that they could not just add the admissions tax onto their ticket prices, because people would just go elsewhere.

HB 558-FN-A-LOCAL - AS INTRODUCED

2001 SESSION

See bill p. 3  
for tax on  
gambling  
winnings:  
01-0269  
09/10

HOUSE BILL **558-FN-A-LOCAL**

AN ACT increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment.

SPONSORS: Rep. McGuirk, Ches 1

COMMITTEE: Ways and Means

---

ANALYSIS

This bill increases certain state taxes, establishes a tax on gambling winnings, and expands the meals and rooms tax to include a tax on entertainment.

---

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand One*

AN ACT increasing certain state taxes; establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Education Property Tax; Rate Increased; April 1, 2001. Amend RSA 76:3 to read as follows:

2 76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$6.60]~~  
3 **\$6.65** on each \$1000 of the value of taxable property is hereby imposed on all persons and property  
4 taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

5 2 Education Property Tax; Rate Increased; April 1, 2002. Amend RSA 76:3 to read as follows:

6 76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$6.65]~~  
7 **\$6.70** on each \$1000 of the value of taxable property is hereby imposed on all persons and property  
8 taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

9 3 Utility Property Tax; Rate Increased; April 1, 2001. Amend RSA 83-F:2 to read as follows:

10 83-F:2 Tax Imposed. For taxable periods beginning April 1, ~~[1999]~~ **2001**, a tax is imposed upon  
11 the value of utility property at the rate of ~~[\$6.60]~~ **\$6.65** on each \$1000 of such value, to be assessed  
12 annually as of April 1, and every year thereafter, and paid in accordance with this chapter.

13 4 Utility Property Tax; Rate Increased; April 1, 2002. Amend RSA 83-F:2 to read as follows:

14 83-F:2 Tax Imposed. For taxable periods beginning April 1, ~~[1999]~~ **2002**, a tax is imposed upon  
15 the value of utility property at the rate of ~~[\$6.65]~~ **\$6.70** on each \$1000 of such value, to be assessed  
16 annually as of April 1, and every year thereafter, and paid in accordance with this chapter.

17 5 Business Enterprise Tax Increased. Amend RSA 77-E:2 to read as follows:

18 77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[1/2]~~ **3/4** of one percent upon the  
19 taxable enterprise value tax base of every business enterprise. ~~[A 2/3 majority of those present and~~  
20 ~~voting of each house of the general court shall be necessary to increase the tax rate under this~~  
21 ~~section.]~~

22 6 Definitions; Meals and Rooms Tax; Operator. RSA 78-A:3, IV is repealed and reenacted to  
23 read as follows:

24 IV. "Operator" means any person operating a hotel, charging for a taxable meal, receiving  
25 gross rental receipts, or receiving admission charges or dues, whether as owner or proprietor or  
26 lessee, sublessee, mortgagee, licensee, or otherwise.

27 7 New Paragraphs; Meals and Rooms Tax; Definitions. Amend RSA 78-A:3 by inserting after  
28 paragraph XIX the following new paragraphs:

29 XX. "Admission charge" means the amount paid for the right or privilege to have access to a  
30 place or location where amusement, entertainment, or recreation is provided, exclusive of any

HB 558-FN-A-LOCAL - AS INTRODUCED

- Page 2 -

1 separately stated charge or charges for optional instruction or equipment rental. Places of  
2 amusement, entertainment or recreation include, but are not limited to, theaters, motion picture  
3 shows, auditoriums where lectures and concerts are given, amusement parks, race tracks, ski  
4 resorts, zoos, dance halls, ball parks, golf courses, tennis courts, gymnasiums, health and fitness  
5 clubs, skating rinks, auto shows, boat shows, camping shows, home shows, dog shows, and antique  
6 shows.

7 XXI. "Dues" means assessment charges to members of athletic clubs irrespective of the  
8 purpose for which such charges are made and any charges for sporting privileges for any period of  
9 more than 6 days but not including charges made for instruction.

10 XXII. "Athletic club" means any golf course, gymnasium, health or fitness club, tennis club,  
11 racquet club, country club, or similar club for which members are assessed dues, and at which  
12 members of such club enjoy the right or privilege to have access to club sporting or recreational  
13 facilities, whether or not additional charges are assessed for such access.

14 XXIII. "Participant" means any person who, for consideration paid to another, is provided  
15 access to a place or location where amusement, entertainment, or recreation is provided including,  
16 but not limited to, members of athletic clubs.

17 8 Meals and Rooms Tax; Licenses Required; Penalty. Amend RSA 78-A:4 to read as follows:

18 78-A:4 Licenses Required; Penalty.

19 I. Each operator shall register with the department the name and address of each place of  
20 business within the state where it operates a hotel, sells taxable meals, ~~or~~ rents motor vehicles, *or*  
21 *charges admission charges or dues*. The operator shall pay \$5 for each registration, upon receipt  
22 of which the department shall issue a license for each place in such form as it determines, attesting  
23 that the registration has been made. The license expires on June 30 in each odd-numbered year  
24 unless sooner revoked or suspended by the department. The license shall be conspicuously posted in  
25 a public area upon the premises to which it relates.

26 II. No person shall engage in serving taxable meals, renting rooms, ~~or~~ renting motor  
27 vehicles, *or charging admission charges or dues* without first obtaining the license required by  
28 this section. The license is nonassignable and cannot be transferred. Any person who fails to  
29 register or obtain a license as provided in this section shall be subject to the penalty provisions of  
30 RSA 21-J:39.

31 9 New Paragraphs; Meals and Rooms Tax; Tax Imposed on Admission Charges and Dues.  
32 Amend RSA 78-A:6 by inserting after paragraph II-a the following new paragraphs:

33 II-b. A tax of 5 percent is imposed on admission charges and dues.

34 10 Meals and Rooms Tax; Collection of Taxes. Amend RSA 78-A:7, I to read as follows:

35 I. The operator shall either state the amount of the tax to each occupant, purchaser of a  
36 meal, ~~or~~ renter, *or participant*, or state that the tax is included in the price of the occupancy,  
37 meal, ~~or~~ gross rental receipts received, *or admission charges or dues*. The operator shall

1 demand and collect the tax from the occupant, purchaser, [or] renter, *or participant*. The  
 2 occupant, purchaser, [or] renter, *or participant* shall pay the tax to the operator. If the tax is  
 3 included in the price of the meal, occupancy, [or] gross rental receipts received, *or admission*  
 4 *charges or dues* upon request the operator shall state to the purchaser, occupant, [or] renter, *or*  
 5 *participant* the amount of the tax.

6 11 Meals and Rooms Tax; Collection of Tax. Amend RSA 78-A:7, IV to read as follows:

7 IV. In lieu of keeping detailed records of taxes collected, and in lieu of payment of the taxes  
 8 collected under this chapter, an operator may, in writing, elect to compute the amount of taxes due  
 9 at [8] *the percent tax rate specified under RSA 78-A:6* of the total taxable rent, charge for meals,  
 10 [or] gross rental receipts received, *or admission charges or dues received* by it, or both, exclusive  
 11 of the taxes collected on such rents, charges, and gross rental receipts, *and admission charges*  
 12 *and dues*. If this election is made, the operator may not change the method of computing taxes  
 13 without the written consent of the department. Any balance of the tax remaining in possession of  
 14 the operator may be retained by it.

15 12 Intrastate and Interstate Communications Services Tax; Rate Increased. Notwithstanding  
 16 RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 2001 and ending June 30, 2003, the  
 17 rate of tax is 6.5 percent on the gross charge for communications services purchased at retail from a  
 18 retailer.

19 13 New Subdivision; Gambling Tax. Amend RSA 284 by inserting after section 21-v the  
 20 following new subdivision:

21 Gambling Tax to Fund Education .

22 284:21-w Tax Imposed on Gambling Winnings; Rulemaking.

23 I. For purposes of this subdivision, "gambling winnings" means any money distributions to  
 24 winners of bingo and lucky 7 games, sweepstakes, and pari-mutuel activities in the state of New  
 25 Hampshire. It shall not include winnings of a free ticket.

26 II.(a) A supplemental tax shall be imposed at the rate of 5 percent upon all gambling  
 27 winnings, except that the first \$100 of such winnings to a single individual from a single game, race,  
 28 or ticket purchase shall be exempt from taxation under this subdivision.

29 (b) Each payor shall keep books and records in a form acceptable to the department of  
 30 revenue administration showing the amount of all taxes due. The payor shall withhold such amount  
 31 from the distribution to the winner. The payor shall pay the amount withheld over to the state as  
 32 provided in subparagraph (c).

33 (c) Within 10 days after the end of each month, an amount equal to the taxes withheld  
 34 shall be remitted to the department of revenue administration to be deposited by the state treasurer  
 35 in the general fund.

36 III. The commissioner of the department of revenue administration shall adopt rules, under  
 37 RSA 541-A, relative to carrying out the purposes of this subdivision.

**HB 558-FN-A-LOCAL - AS INTRODUCED**

**- Page 4 -**

1       14 Repeal. RSA 284:21-r, relative to the tax exempt status of sweepstakes winnings, is  
2 repealed.

3       15 Insurance Premium Tax; Rate Increased. Amend RSA 400-A:32, I to read as follows:

4           I. Every insurer, at the same time as the filing of the report required by RSA 400-A:31, shall  
5 pay to the insurance commissioner a tax of [2] 3 percent upon such net premiums as set forth in the  
6 report filed pursuant to RSA 400-A:31, I, less estimated payments made in accordance with  
7 RSA 400-A:32, II; provided, however, that every authorized insurer shall pay to the insurance  
8 commissioner a minimum annual premium tax of no less than \$200.

9       16 Effective Date.

10           I. Sections 1 and 3 of this act shall take effect April 1, 2001.

11           II. Sections 2 and 4 of this act shall take effect April 1, 2002.

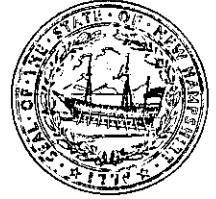
12           III. The remainder of this act shall take effect July 1, 2001.





3/12/09 - Amendment 0563h  
The State of New Hampshire

## DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 12, 2009

The Honorable Susan Almy, Chairman  
House Ways and Means Committee  
Legislative Office Building, Room 202  
Concord, NH 03301

Re: House Bill 638-FN Amendment no. 0563h (HB 2 FN, paragraphs 73 and 74) relative to the motor vehicle air pollution abatement fund and increasing the motor vehicle inspection sticker fee.

Dear Chairman Almy and Members of the Committee:

The Department of Environmental Services (DES) is pleased to offer testimony in support of House Bill 638-FN Amendment no. 0563h (HB 2, paragraphs 73 and 74), which establishes a new motor vehicle air pollution abatement fund and increases the motor vehicle inspection sticker fee from \$2.50 to \$3.00. Half of the fee increase, \$0.25, would be directed to the new fund to support DES programs and staff dedicated to reducing emissions of air pollutants from motor vehicles as well as greenhouse gas reductions. The remainder of the increase is allocated to the Department of Safety.

Tailpipe emissions from motor vehicles account for approximately one half of the emissions that cause ground level ozone, a respiratory irritant that is the primary ingredient of smog. Portions of the southern four county area, including Merrimack, Hillsborough, Rockingham, and Strafford counties, are currently in non-attainment with the National Ambient Air Quality Standards (NAAQS) for ground level ozone. Diesel exhaust, classified as a toxic air contaminant by the Environmental Protection Agency (EPA), contributes a significant portion of the particulate emissions in the state, as well as black carbon, a contributor to climate change. Motor vehicles are also on par with the power generation sector in their contribution to greenhouse gas (GHG) emissions. With anticipated decreases in GHG emissions from the power sector under the Regional Greenhouse Gas Initiative motor vehicles will become the single largest source of GHG emissions in the state within the next decade.

DES's Air Resources Division is charged with protecting public health and the environment from the impacts of air pollution. The Department currently has no dedicated state funding source directed at mobile emissions reduction efforts and staffing. Currently mobile source staff are supported by federal funding under section 105 of the Clean Air Act and State and Tribal Grants (STAG), a grant source that has been relatively level-funded for more than a decade, effectively shrinking as a result of increases in wages and benefits over the years. Where this grant supported three mobile source staff members ten years ago, today it supports one and a half positions. DES has faced similar reductions in other grant areas. At the same time, federal requirements for state vehicle programs have continued to grow. DES currently has one additional position, an alternative fuel program manager, which was created in 2007 and is

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-1370 • Fax: (603) 271-1381 • TDD Access: Relay NH 1-800-735-2964

currently supported by a grant expiring in 2010. DES staff are responsible for all federally mandated state functions aimed at reducing emissions from motor vehicles, including:

**Obligations pursuant to Federal and/or state statutes/regulations for which adequate funding is not currently available**

- Preparation of required State Implementation Plans (SIPs) necessary to ensure federal enforceability of CAA required state programs
- Vehicle emissions inspection and maintenance programs and associated federal reporting requirements
- Analysis of statewide transportation improvement programs to meet federal transportation requirements to insure that highway-related growth does not impact air quality (known as transportation conformity)
- Stage II Vapor Recovery program for gasoline stations
- Emissions inventory development
- National Environmental Policy Act review of major transportation projects such as I-93 expansion

**DES currently fulfills state obligations for the following items under temporary grants (described below)**

- Annual reports to the Energy Information Administration (EIA) on alternative fuel use in the State of New Hampshire
- Annual reporting to US Dept. of Energy for Energy Policy Act (EPACT) of state vehicle fleet purchases
- Climate Change efforts addressing vehicles and transportation/land use issues
- Education and outreach efforts particularly related to voluntary programs such as idling reduction, vehicle maintenance, etc.
- Advanced technology and alternative fuel vehicle programs (supported by a temporary grant at this time)

**Program areas deemed necessary for effective emissions reductions to protect health and environment, for which only limited funding is available**

- Diesel emission reduction programs
- Vehicle idling reduction efforts
- Participation in regional efforts to promote federal legislation to reduce mobile source emissions
- Participation in national and regional workgroups on technical issues
- Petroleum fuel program, such as reformulated gasoline requirements and research into a regional low carbon fuels standard
- Technical assistance to regional planning commissions and metropolitan planning organizations related to quantifying air quality impacts of transportation projects

- Membership in the four metropolitan planning organizations, including full member status (voting) on technical advisory committees and policy committees

The first five program areas listed above are activities required by the Clean Air Act and our EPA grant, and due to lack of adequate staffing we are delinquent in meeting some of these obligations. The annual EIA and EPACT reporting, as well as spearheading the state's alternative fuel vehicle efforts, are currently conducted under a grant and related memorandum of understanding with the Office of Energy and Planning and additionally supported by a federal Congestion, Mitigation and Air Quality grant, both of which are temporary funding sources. The remaining program areas are not specifically required by the EPA, however without these efforts, New Hampshire cannot have a functional, effective mobile source program. Inadequate effort has been made by the agency in most of these areas in recent years due to our low staffing levels.

Additional detail on each of these program areas is offered in the attachment that accompanies this testimony. The funding requested by this amendment would allow the addition of one position to the mobile source program, as well as supporting other existing mobile source related programs. DES will continue to seek funding from other sources, including competitive grants to maintain the alternative fuel program manager position currently set to expire in 2010.

Even though the current funding sources are shrinking, this is the moment in time when the focus and effort on mobile source reductions, as the largest source of emissions, must increase. DES, as well as the business community, also views this as an equity issue – while stationary source emissions are decreasing, their fees are increasing inequitably despite the understanding that mobile sources and transportation have become the largest air emissions sector. DES must, and fully intends to, increase resources as necessary to address this growing sector. The funding mechanism proposed in this amendment is necessary to achieve this goal.

Thank you for your attention in this matter. Should you have further questions or need additional information please feel free to contact Robert R. Scott, Director, Air Resources Division (271-1088, [robert.scott@des.nh.gov](mailto:robert.scott@des.nh.gov)) or Michael Fitzgerald, Administrator (271-6390, [michael.fitzgerald@des.nh.gov](mailto:michael.fitzgerald@des.nh.gov)) or me (271-2958, [thomas.burack@des.nh.gov](mailto:thomas.burack@des.nh.gov))

Sincerely,



Thomas S. Burack  
Commissioner

cc: Katherine Peters, Special Assistant for Policy, Office of the Governor  
John Barthelmes, Commissioner, Department of Safety

3/12/09 - Amendment #2563(b)

March 12, 2009

Honorable Susan Almy  
Chair, House Ways and Means Committee  
State House  
Concord, NH 03301

RE: Amendment 563H, Vehicle Inspection Fee

---

Dear Chairwomen Almy and Members of the Committee:

As Representatives of the New Hampshire Conservation Community, we are taking this opportunity to support the proposed \$0.50 increase to the Vehicle Inspection Fee. We believe that \$.25 of this fee should be used to fund the Department of Environmental Service's Air Quality Mitigation Fund. This would generate approximately \$300,000 for this fund which currently has no revenue or revenue source.

With 1.2 million registrations annually, mobile sources contribute a large percentage of New Hampshire's total air pollution, including greenhouse gas emissions. It is important that the Department have the resources needed to support programs to monitor and limit the emissions from New Hampshire's cars, trucks and other mobile sources. These programs decrease emissions and particulates and lead to better air quality for our state. This fee increase provides the Department with the funding necessary to do their work.

We ask that the Committee support the fee increase proposed in the Governor's budget.

Sincerely,

**Joel Harrington**  
Nature Conservancy of New Hampshire  
22 Bridge Street, 4th Floor  
Concord, NH 03301

**Will Abbott**  
Society for the Protection of New Hampshire Forests  
54 Portsmouth Street  
Concord, NH 03301

**Jim O'Brien**  
Granite State Conservation Voters  
35 South Main Street  
Concord, NH 03301

March 12, 2009

Honorable Susan Almy  
Chair, House Ways and Means Committee  
State House  
Concord, NH 03301

RE: Amendment 563H, Vehicle Inspection Fee

---

Dear Chairwomen Almy and Members of the Committee:

As Representatives of the New Hampshire Conservation Community, we are taking this opportunity to support the proposed \$0.50 increase to the Vehicle Inspection Fee. We believe that \$.25 of this fee should be used to fund the Department of Environmental Service's Air Quality Mitigation Fund. This would generate approximately \$300,000 for this fund which currently has no revenue or revenue source.

With 1.2 million registrations annually, mobile sources contribute a large percentage of New Hampshire's total air pollution, including greenhouse gas emissions. It is important that the Department have the resources needed to support programs to monitor and limit the emissions from New Hampshire's cars, trucks and other mobile sources. These programs decrease emissions and particulates and lead to better air quality for our state. This fee increase provides the Department with the funding necessary to do their work.

We ask that the Committee support the fee increase proposed in the Governor's budget.

Sincerely,

**Joel Harrington**  
Nature Conservancy of New Hampshire  
22 Bridge Street, 4th Floor  
Concord, NH 03301

**Will Abbott**  
Society for the Protection of New Hampshire Forests  
54 Portsmouth Street  
Concord, NH 03301

**Jim O'Brien**  
Granite State Conservation Voters  
35 South Main Street  
Concord, NH 03301

3/12/09 - Amendment #0563H

ATTACHMENT TO MARCH 12, 2009 HB638-FN AMENDMENT 0563H TESTIMONY  
LETTER

To provide a brief overview of the scope of the program areas and associated staffing needs presented in the testimony letter, DES offers the following information:

**Obligations pursuant to Federal and/or state statutes/regulations for which adequate funding is not currently available**

- **Preparation of required State Implementation Plans (SIPs) necessary to ensure federal enforceability of CAA required state programs**

DES must provide extensive technical documentation to EPA to demonstrate the effectiveness of CAA required programs in helping the state to attain federal air quality standards. In addition we must show that the state has the required statutory authority to implement the programs and enforce compliance. The process for doing this is the SIP, which once approved by EPA ensures that these programs are federally enforceable.

- **Vehicle Inspection and Maintenance Program**

The state's motor vehicle inspection and maintenance (I/M) program was significantly revised in 2003 with the inclusion of the On Board Diagnostics (OBD) inspection for model year 1996 and newer vehicles. The OBD inspection is mandated by the federal Clean Air Act Amendments of 1990 (CAA) and, together with the visual inspection for older vehicles, is the primary means through which the State is able to reduce emissions from our motor vehicle fleet. The motor vehicle inspection program is a relatively low cost, consumer friendly program that significantly reduces air pollution, provides health and safety benefits to consumers, and meets the state's obligations under the CAA. The I/M program is part of the state's federally approved State Implementation Plan (SIP). Federal regulations specify requirements for state I/M programs, including on-going monitoring, analysis, and annual reporting requirements. These requirements are met through a joint effort of DES, which is responsible for annual evaluation and reporting, and the department of safety, division of motor vehicles (DMV) which implements the vehicle I/M program in conjunction with the annual safety inspection for consumer convenience and efficiency. In addition, DES is responsible for modeling the impacts of the I/M program and ensuring that the SIP is kept current.

- **Transportation Conformity**

Under CAA requirements states with non-attainment areas must demonstrate that state and regional transportation plans and transportation improvement programs do not impair a state's ability to reach attainment with national ambient air quality standards. This process, known as transportation conformity, requires in-depth analysis of transportation plans and close coordination with regional planning commissions, metropolitan planning organizations, and the NH DOT.

- **Stage II Vapor Recovery**

Stage II vapor recovery is an emissions control program aimed at controlling fugitive emissions from gasoline dispensing equipment. The primary responsibility for this program is currently housed in the department's Waste Division, however the mobile

source program is responsible for programmatic changes resulting from changing vehicle technology.

- **Emissions Inventory Development**

Under the CAA states must submit periodic emissions inventories (PEI) every other year of all emission sources in the state. The mobile source program is responsible for assisting in the development of on-road, non-road, and area source inventories for inclusion in the PEI. Additional inventory work is also needed during interim periods for development of state attainment demonstrations, motor vehicle emission budgets for use in transportation conformity, and other modeling scenarios.

- **National Environmental Policy Act reviews**

NEPA reviews are required for federally funded projects that have an environmental impact. All moderate to large transportation projects, such as expansion of the Manchester Airport and the I-93 expansion, include an analysis of the air quality impact. The mobile source section is responsible for participation in and review of the NEPA documents to ensure appropriate mitigation of adverse impacts. This is an intermittent activity requiring less than 1/10 FTE on average, but can be labor intensive at the time of project development.

**DES currently fulfills state obligations for the following items under temporary grants (described below)**

- **EPACT and EIA Reporting and the Statewide Alternative Fuel/Advanced Technology Vehicle Program**

The Energy Policy Act (EPACT) requires states to report annually on state fleet vehicle purchases to ensure compliance with federal mandates for alternative fuel vehicle purchases. Additionally, the Energy Information Administration (EIA) requires annual reporting on the amount of alternative fuels used by the state.

- **Climate Change**

DES has been at the forefront of the state's efforts to address climate change. Vehicle related programs are likely to be the responsibility of this department. Potential efforts may include adoption of advanced technology vehicle requirements and assisting planners regarding the land use and transportation connection in reducing GHG emissions from vehicles.

- **Education and Outreach Efforts**

DES proposes to use the proposed Motor Vehicle Air Quality Abatement Fund to support new and existing programs and to increase education and outreach efforts for reducing pollution from mobile sources. Mobile source education and outreach programs have become more critical as the largest source of air pollution shifts from the business and industrial sector to the mobile source sector. Due to the personal and individual aspect of cars and trucks, effective mobile source reduction efforts cannot depend completely on "command and control" regulatory approaches, but rather must rely on voluntary, economic incentives and partnership initiatives. Funding is needed to continue and strengthen programs like the NH Clean School Bus Initiative, the Granite State Clean Cars Program, the Ride Free – Breathe Free, the Granite State Clean Cities Program and other efforts relative to voluntary programs promoting cleaner, more fuel efficient cars,

anti-idling, better driving habits, and cleaner fuels. Additional programs are needed to promote commuter choices, such as telecommuting and ride sharing. Technical assistance will be necessary for projects such as pollution control technology and cleaner fuels for heavy-duty diesel fleet vehicles, gas can exchange or rebate programs, and local initiatives to implement reduction programs.

- **Advanced Technology/Alternative Fuel Vehicle Program**

Since 1998, DES has partnered with the Office of Energy and Planning (OEP) and the Department of Transportation (DOT) on a statewide alternative fuel vehicle program. The program was initially intended to assure the State's compliance with the alternative fuel vehicle (AFV) requirements of EFACT, but was soon expanded under the US Dept. of Energy's (US DOE) Clean Cities program to encompass both private and municipal fleets who were also interested in the use of AFVs and advanced technology vehicles as a means to reduce petroleum use and air pollution. The Granite State Clean Cities Coalition (GSCCC) has grown into a highly respected, well established program that is currently housed in the DES mobile source group. GSCCC now boasts almost 80 stakeholders, including businesses, municipalities, and state agencies across the state. Funding for the GSCCC coordinator position has been provided through a combination of grants from OEP, the US DOE, and the state's Congestion Mitigation Air Quality program. The majority of funding for this position expires in late 2010. Through the GSCCC over \$1.1 million in federal grants and funding has been brought to the state to support cleaner vehicle projects, including compressed natural gas vehicles and fueling infrastructure, expansion in the use of biodiesel, and incorporation of advanced technology hybrid and electric vehicles in many fleets. US DOE has annual solicitations for grants which must be supported by a recognized coalition. Loss of this leadership role at DES would jeopardize the ability of NH businesses and communities to apply for the federal funding. The GSCCC coordinator also collates and submits the required federal EFACT and EIA reports.

**Program areas deemed necessary for effective emissions reductions to protect health and environment, for which only limited funding is available**

- **Diesel emission reduction programs**

In 1998, California identified diesel exhaust particulate matter (PM) as a toxic air contaminant based on its potential to cause cancer, premature death, and other health problems. In 2002, EPA released the *Health Assessment Document for Diesel Engine Exhaust* that represented EPA's first comprehensive review of the potential health effects from ambient exposure to diesel engine exhaust. The report concludes that diesel exhaust is a probable human carcinogen. Since 2002, DES has expended considerable additional time and effort targeting the diesel vehicle fleet. Initial efforts were partially funded through a CMAQ grant for a program reaching out to fleet operators to improve maintenance of their vehicle fleet and reduce unnecessary idling. The CMAQ funds were expended by 2006 and this specific job function, while vital to the state's efforts to reduce diesel exhaust emissions, has gone unfilled.



- **Vehicle idling reduction efforts**

Reduction of unnecessary vehicle idling is an extremely effective way to reduce motor vehicle emissions. However, modifying personal behavior can require significant effort. This is an area where the state pursues both education and outreach strategies as well as regulatory requirements.

- **Participation in regional efforts to reduce mobile source emissions and national and regional workgroups**

Since the Clean Air Act preempts states from adopting many individual vehicle technology and fuel programs, DES works closely with national and regional organizations to advocate for uniform national legislation and or regulations. This is particularly important for mobile source efforts, since the pollution is regional in nature and individual state efforts without regional cooperation would be futile. It is also important to avoid a patchwork of individual state regulations to the extent possible, since vehicles travel between states and regions. We also work cooperatively to share technology and implement common programs such as I/M, reformulated gasoline (RFG), Stage II Vapor Recovery, and many others.

- **Petroleum fuel programs such as reformulated gasoline requirements and research into a regional low carbon fuels standard**

Fuels programs are best achieved on a regional or national basis due to the fungibility of the fuels distribution system. DES is currently participating in a regional review of the viability of a Low Carbon Fuels Standard (LCFS). To be feasible and effective such a program must be implemented on a regional basis and must consider life cycle impacts of the various fuel and compliance options.

- **Technical assistance to regional planning commissions (RPCs) and metropolitan planning organizations (MPOs) related to quantifying air quality impacts of transportation projects**

DES routinely assists RPC and MPO staff in developing analyses of air quality impacts of proposed projects in order to ensure that transportation conformity determinations are accurate and meet federal requirements. DES also offers technical assistance to RPC and MPO communities applying for CMAQ grants and participates in the evaluation of projects for funding awards.

- **Membership in the four metropolitan planning organizations, including full member status (voting) on both technical advisory committees and policy committees**

DES provides policy input at the project concept level to ensure a smoother, quicker, and more effective environmental review. Staff routinely attend several monthly meetings of MPO technical advisory committees (TACs) and policy committees to help address potential air quality issues early in the planning process.

3/12/09

Rep. M. Smith, Straf. 7  
Rep. Almy, Graf. 11  
March 4, 2009  
2009-0563h  
05/09

Amendment to HB 638-FN-A

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

2

3 AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the  
4 comprehensive cancer plan fund, and establishing the motor vehicle air pollution  
5 abatement fund.  
6

7 Amend the bill by replacing all after section 4 with the following:

8

9 5 New Subparagraph; General Revenue Exemptions; Motor Vehicle Air Pollution Abatement  
10 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

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

13 6 New Chapter; Motor Vehicle Air Pollution Abatement Fund. Amend RSA by inserting after  
14 chapter 125-R the following new chapter:

15

CHAPTER 125-S

16

MOTOR VEHICLE AIR POLLUTION ABATEMENT FUND

17 125-S:1 Purpose. The general court finds that emissions of air contaminants from motor  
18 vehicles represent a potential serious health problem to the citizens of New Hampshire and a threat  
19 to the air quality of the state. The purpose of this chapter is to establish a fund to be used for costs  
20 incurred by the department of environmental services in the prevention and abatement of emissions  
21 of air contaminants from motor vehicles registered for on-road use in the state of New Hampshire.

22 125-S:2 Definitions. In this chapter:

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

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

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

28 125-S:3 Fund Established. There is established a motor vehicle air pollution abatement fund,  
29 which shall be administered by the department of environmental services. This fund shall be used  
30 for costs incurred by the department in the course of carrying out activities that are designed to  
31 reduce air pollution in the state from the mobile source sector. All fees and monetary grants, gifts,  
32 donations, or interest generated by these funds shall be deposited with the state treasurer in a

Amendment to HB 638-FN-A

- Page 2 -

1 special nonlapsing fund to be known as the motor vehicle air pollution abatement fund and shall be  
2 continually appropriated to the department for the administration of this chapter.

3 125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement  
4 fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2.

5 7 Inspection Sticker Fees. Amend RSA 266:2 to read as follows:

6 266:2 Fees. The fee for inspection stickers shall be [~~\$2.50~~] **\$3.00** for each sticker furnished an  
7 approved inspection station. *The division shall transfer \$.25 of each fee collected under this*  
8 *section to the motor vehicle air pollution abatement fund established by RSA 125-S:3.* All  
9 unused stickers returned by the approved inspection station to the division shall be refundable at the  
10 rate of [~~\$2.50~~] **\$3.00** each, except that unused stickers purchased from the division for a fee of \$2.50  
11 shall be refundable at the rate of \$2.50 each.

12 8 Effective Date. This act shall take effect July 1, 2009.

2009-0563h

AMENDED ANALYSIS

This bill:

I. Increases the tobacco tax and dedicates certain tobacco tax revenues to the comprehensive cancer plan fund.

II. 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.

3/12/09 - on HB 638 Amendment # 0573(lw)

**New Hampshire Department of Transportation**  
**Oversize and Overweight Permits**

This document provides a summary of proposed revisions to the Oversize (OS) and Overweight (OW) permit fee system in New Hampshire. The purposes for the proposed permit fee increases is to provide funding for improvements to the current permitting system and to offset the cost of damage to state highway and bridge infrastructure caused by OS/OW travel.

Proposed fee increases include: charging for each individual OW permit, increasing all permit fee categories, implementation of "In-Transit" permit books, and charging a fee of specialized engineering review of permit applications.

**OS/OW Permit Operations**

A summary of cost associated with the OS/OW permit program follows:

<u>Item Description</u>	<u>Cost</u>
2005 Over Haul software development	\$225,000
<b>Current Operations</b>	
Staff salary, benefits and overhead	\$240,400
Annual software maintenance	<u>\$55,000</u>
<b>Total</b>	<b>\$295,400</b>
<b>Future Improvements</b>	
Upgrade of Over Haul software to include route validation	\$400,000
Bridge data information to automate reviews	<u>\$1,500,000</u>
<b>Total</b>	<b>\$1,900,000</b>

**Permit Fee Income and Upgrade Payback**

Current Projected FY 2009 Income	\$378,712
Estimated FY 2010 Income with Increase <i>in fees</i>	<u>\$695,379</u>
Estimated FY 2010 Operations Cost	<u>\$392,600</u>
Projected Net Annual Permit Fee Income (Estimated Income - Operations Cost)	\$302,779

Future Improvement Payback Period 6.3 years

*would go to create software cost \$1.9m*

### **Current Cost and Procedure For OW Permits**

NHDOT charges from \$60 to \$115 for each annual permit depending on radius of the permit. Annual permits are issued for up to the legally registered weight in New Hampshire based on the hauling vehicle. Applicants may obtain an annual supplemental permit for weights above the legally registered weight. The supplemental permits are issued at no additional charge if the applicant utilizes the Over Haul software, or for the cost of each permit slip (\$.20) if the applicant utilizes the permit books.

### **Current Cost and Procedure For OS Permits**

NHDOT charges from \$60 to \$115 for each annual permit depending on radius of the permit. Annual permits are issued for OS vehicles up to certain maximum dimensions for single unit and combined hauling units. Applicants may obtain an annual supplemental permit for sizes above the maximum dimensions. The supplemental permits are issued at no additional charge if the applicant utilizes the Over Haul software, or for the cost of each permit slip (\$.20) if the applicant utilizes the permit books.

### **Proposed Cost and Procedure for OW Permits**

NHDOT proposes to discontinue issuing annual permits and associated supplemental permits for OW vehicles. The primary purpose of this proposal is to focus the increased permit fee income to OW vehicles that cause the most damage to the states highways and bridges. NHDOT proposes that any OW vehicle would be issued single trip or round trip permits based on the proposed fee categories.

### **Proposed Cost and Procedure For OS Permits**

NHDOT proposes to continue to issue annual permits and supplemental permits for OS vehicles. Permit fees would be based on the proposed fee categories presented herein.

### **Proposed Permit Fee Categories**

Fees would be increased for annual permits, single trip permits, permit books, and all OW vehicle categories. A summary of current and proposed permit fees is presented herein.

NHDOT has obtained current information on OS/OW permit fees from the adjoining states of Maine, Massachusetts, and Vermont. A summary of the OS/OW permit fees in comparison to New Hampshire permit fees is presented herein. Review of this information indicates that New Hampshire OS/OW permit fees are significantly less than permit fees in these adjoining states.

## **In-Transit Permit Books**

NHDOT proposes to issue In-Transit permit books for OS and OW vehicles for a fee of \$75.00. Each permit book would include 25 permits. The In-Transit permits would be authorized by calling the NHDOT permit office from in-transit locations. Each permit would be authorized based on details of the proposed load. A permit fee for each authorized In-Transit permit would be charged based on the proposed permit fees.

## **Engineering Review**

NHDOT proposes to charge for engineering review performed for supermoves and OW loads proposed to cross a weight-restricted bridge. The charges for engineering reviews would be based on a fee of \$65.00/hour.

## **Summary of Income Changes by Item**

<b><u>Item</u></b>	<b><u>FY09</u></b>	<b><u>Income</u></b>	<b><u>FY10</u></b>	<b><u>Change</u></b>
Annual Permits	\$174,580		\$103,875	(\$70,705)
Single Trip Permits	\$192,116		\$558,288	\$366,122
Permit Books	\$1,960		\$16,875	\$14,915
Engineering Review	<u>\$10,056</u>		<u>\$16,341</u>	<u>\$6,285</u>
Total	\$378,712		\$695,379	\$316,667

### Notes:

1. Assumes 50% decrease in annual permits
2. Assumes 225 permit books sold in FY2010

TITLE XXI  
MOTOR VEHICLES

PROPOSED  
CHAPTER 266  
EQUIPMENT OF VEHICLES

Weight

Section 266:22

**266:22 Permit Fees.** – Before any special permit authorized by RSA 266:24 is issued, the commissioner of transportation shall collect fees as follows:

I. Each permit for either over-length, over-width or over-height or any combination thereof, \$7;

II. Each permit for vehicle and load over-weight, fee based on the following schedule: vehicle and load over registered weight but not exceeding 50,000 pounds, \$7.0; 50,001 pounds to 60,000 pounds, \$8.00; 60,001 pounds to 70,000 pounds, \$9.50; 70,001 pounds to 80,000 pounds, \$11.00; 80,001 pounds to 90,000 pounds, \$12.50; 90,001 pounds to 100,000 pounds, \$14.00; and for each additional 10,000 pounds \$2.50 shall be added to the above rate;

III. Provided a special annual oversize permit may be issued to a person to cover all types of moves made within a radius of 100 miles from the person's home location for a fee of \$75 for each unit. Permits issued under the provisions of this paragraph may be issued for such time as the commissioner of transportation may determine.

IV. Provided further that a special annual oversize permit may be issued to a person to cover all types of moves for a fee of \$140 for each unit. Each permit issued under the provisions of this paragraph shall be issued for one year;

V. The provisions of this section shall not apply to any special permit authorized by RSA 266:24 issued for farm equipment.

VI. Provided further that a book of 25 "In-Transit" permits may be issued for a fee of \$75. Applicants may request Authorization of an In-Transit permit from the permit office for annual permit supplemental permits and/or single trip permits. Permit fees for single trip permits will be collected in accordance with I and II above for each authorized In-Transit permit.

VII. Provided further that the department may provide specialized engineering review of proposed travel over weight limited posted bridges and/or for supermoves for a fee of \$65/hour.

**Source.** 1949, 285:1. RSA 263:64. 1971, 345:1. 1972, 55:2. 1979, 220:1. 1981, 146:1, eff. Jan. 1, 1982. 2006, 231:1, eff. July 1, 2006.



New Hampshire Department of Transportation

Oversize and Overweight Permits

Summary of Adjoining State Permit Fees (current rates)

	<u>NH</u>	<u>MA</u>	<u>ME</u>	<u>VT</u>
Single Trip Size Only	\$6.00		\$6.00 to \$27.50	\$20.00
Single Trip OS or OW or both		\$15.00		
<u>Annual Permits</u>				
Statewide	\$115.00			
100 Mile Radius	\$60.00			
Oversize Only Monthly			\$25.00	
Oversize Only Annual			\$300.00	
Add Overweight to OS Annual/month			\$175.00	
Blanket width and length and < 108,000 #, \$1 fee each additional fleet truck, \$1,000 maximum				\$72.00
< 60,000 # not registered to max. weight				\$115.00
< 69,000 # not registered to max. weight				\$260.00
< 76,000 registered to max. weight				\$10.00
< 90,000 # all products				\$310.00
< 90,000 # Milk not registered to max. weight				\$285.00
< 90,000 # Milk registered to max. weight				\$7.50
< 99,000 #				\$350.00
Blanket < 130,000 #		\$300.00		
<u>Permit Books (permits per book)</u>	\$5.00 (25)		\$75.00 (25)	
Self-permit \$/ea.				\$20.00
<u>Overweight Permits</u>				
Less than 50,000 #.	\$5.50			
50,001 to 60,000 #	\$6.50			
60,001 to 70,000 #	\$7.50			
70,001 to 80,000 #	\$8.50			
80,001 to 90,000	\$9.50			
90,001 to 100,000	\$10.50			
Each additional 10,000 #	\$2.00			
<100,000 # 6 axle				
100,001 to 110,000 # 6 axle	\$12.50			
110,001 to 120,000 # 6 axle	\$14.50			
100,001 to 110,000 # 7 axle	\$12.50			
110,001 to 120,000 # 7 axle	\$14.50			
Additional Fee on Toll Road/day				
<5,000 # above registered weight			\$6.00	
5,001 to 10,000 # above registered weight			\$8.00	
10,001 to 15,000 # above registered weight			\$10.00	
15,001 to 20,000 # above registered weight			\$12.50	
20,001 to 25,000 # above registered weight			\$15.00	
25,001 to 30,000 # above registered weight			\$18.00	
30,001 to 35,000 # above registered weight			\$21.00	
35,001 to 40,000 # above registered weight			\$25.00	
>40,000 # above registered weight			\$27.50	
<u>Reviews</u>				
Supermoves and Special Review				
Engineering Review/Hr	\$40.00			
Modulars				\$300.00
OS and < 150,000 #				\$800.00
OS and < 200,000 #				\$2,000.00
OS and < 250,000 #				\$5,000.00
OS and >250,001 #				\$10,000.00

**New Hampshire Permit Fees**

**Existing and Proposed**

<b><u>Permit Fee Description</u></b>	<b><u>NH Existing</u></b>	<b><u>NH Proposed</u></b>
Single Trip OS Only	\$6.00	\$7.00
Annual Permits		
Statewide	\$115.00	\$140.00
100 Mile Radius	\$60.00	\$75.00
Overweight Permits		
< 50,000#	\$5.50	\$7.00
50,001 to 60,000#	\$6.50	\$8.00
60,001 to 70,000 #	\$7.50	\$9.50
70,001 to 80,000 #	\$8.50	\$11.00
80,001 to 90,000 #	\$9.50	\$12.50
90,001 to 100,000	\$10.50	\$14.00
Each additional 10,000 #	\$2.00	\$2.50
Supermoves and Special Review		
Engineering Review/Hr	\$40.00	\$65.00

## New England Permit Fees with NH Fees Existing and Proposed

	<u>NH Existing</u>	<u>NH Proposed</u>	<u>MA</u>	<u>ME</u>	<u>VT</u>
Single Trip Size Only	\$6.00	\$7.00		\$6.00 to \$27.50	\$20.00
Single Trip OS or OW or both			\$15.00		
<u>Annual Permits</u>					
Statewide	\$115.00	\$140.00			
100 Mile Radius	\$60.00	\$75.00			
Oversize Only Monthly				\$25.00	
Oversize Only Annual				\$300.00	
Add Overweight to OS Annual/month				\$175.00	
Blanket width and length and < 108,000 #, \$1 fee each additional fleet truck, \$1,000 maximum					\$72.00
< 60,000 # not registered to max. weight					\$115.00
< 69,000 # not registered to max. weight					\$260.00
< 76,000 registered to max. weight					\$10.00
< 90,000 # all products					\$310.00
< 90,000 # Milk not registered to max. weight					\$285.00
< 90,000 # Milk registered to max. weight					\$7.50
< 99,000 #					\$350.00
Blanket < 130,000 #			\$300.00		
<u>Permit Books (permits per book)</u>	\$5.00 (25)	\$75.00 (25)		\$75.00 (25)	
Self-permit \$/ea.					\$20.00
<u>Overweight Permits</u>					
Less than 50,000 #.	\$5.50	\$7.00			
50,001 to 60,000 #	\$6.50	\$8.00			
60,001 to 70,000 #	\$7.50	\$9.50			
70,001 to 80,000 #	\$8.50	\$11.00			
80,001 to 90,000	\$9.50	\$12.50			
90,001 to 100,000	\$10.50	\$14.00			
Each additional 10,000 #	\$2.00	\$2.50			
<100,000 # 6 axle					
100,001 to 110,000 # 6 axle	\$12.50	\$16.50			
110,001 to 120,000 # 6 axle	\$14.50	\$19.00			
100,001 to 110,000 # 7 axle	\$12.50	\$16.50			
110,001 to 120,000 # 7 axle	\$14.50	\$19.50			
Additional Fee on Toll Road/day					
<5,000 # above registered weight				\$6.00	
5,001 to 10,000 # above registered weight				\$8.00	
10,001 to 15,000 # above registered weight				\$10.00	
15,001 to 20,000 # above registered weight				\$12.50	
20,001 to 25,000 # above registered weight				\$15.00	
25,001 to 30,000 # above registered weight				\$18.00	
30,001 to 35,000 # above registered weight				\$21.00	
35,001 to 40,000 # above registered weight				\$25.00	
>40,000 # above registered weight				\$27.50	
<u>Reviews</u>					
Modular s					\$300.00
OS and < 150,000 #					\$800.00
OS and < 200,000 #					\$2,000.00
OS and < 250,000 #					\$5,000.00
OS and >250,001 #					\$10,000.00
Supermoves and Special Review					
Engineering Review/Hr	\$40.00	\$65.00			

**NHDOT Historical OS/OW Permit Fees**

<b><u>Permit/Fee Description</u></b>	<b><u>1982 Fee</u></b>	<b><u>2006 Fee</u></b>	<b><u>2009 Proposed Fee</u></b>
OS Single Trip	\$5.00	\$6.00	\$7.00
Annual Permits			
Statewide	\$100	\$115.00	\$140.00
100 Mile Radius	\$50.00	\$60.00	\$75.00
Permit Books (permits per book)	\$5.00 (25)	\$5.00 (25)	\$75.00 (25)
Overweight Permits			
Less than 50,000 #	\$5.00	\$5.50	\$7.00
50,001 to 60,000 #	\$6.00	\$6.50	\$8.00
60,001 to 70,000 #	\$7.00	\$7.50	\$9.50
70,001 to 80,000 #	\$8.00	\$8.50	\$11.00
80,001 to 90,000 #	\$9.00	\$9.50	\$12.50
90,001 to 100,000 #	\$10.00	\$10.50	\$14.00
Each additional 10,000 #	\$2.00	\$2.00	\$2.50
Supermoves and Special Review			
Engineering Review/Hr	\$40	\$40	\$65

**NHDOT Historical OS/OW Permit Fee Income**

<b><u>Year</u></b>	<b><u>Income Total</u></b>
2000	\$423,030
2001	\$436,333
2002	\$404,098
2003	\$400,889
2004	\$442,081
2005	\$437,700
2006	\$392,260
2007	\$368,912
2008	\$433,351
2009 projected	\$378,712
2010 estimated	\$695,379

# Voting Sheets

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 638-FN-A

**BILL TITLE:** increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

**DATE:** 3/18/09

**LOB ROOM:** 202

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.) **RETAIN**

Moved by Rep. Butynski

Seconded by Rep. Johnson

Vote: 10-8 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 638

BILL TITLE: *increasing the tobacco tax & dedicating to "cancer plan fund"*

DATE: *3/18/05*

LOB ROOM: 202

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

*RETAIN*

Moved by Rep. *Butynski*

Seconded by Rep. *Johnson*

Vote: *10X0* (Please attach record of roll call vote.)  
*Yes No*

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

WAYS AND MEANS

Bill #: 638 Title: tabacco tax dedicatory conce plan  
 PH Date: 1/1/09 Exec Session Date: 3,18,09

Motion: RETAIN by Butynski Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P	✓	
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	_____	_____
Walsh, Robert M	✓	
Major, Norman L		✓
Griffin, Mary E		✓
Lockwood, Priscilla P		✓
Boutin, David R	_____	_____
Bettencourt, David J		✓
Ober, Russell T		✓
Sapareto, Frank V		✓
Ulery, Jordan G		✓
Osgood, Joe		✓
	10	8
TOTAL VOTE:		



HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 638-FN-A

**BILL TITLE:** increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

**DATE:** October 28, 2009

**LOB ROOM:** 202

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Butynski

Seconded by Rep. Boutin

Vote: 18-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: 18-0 - YES**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 638-FN-A

**BILL TITLE:** increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.

**DATE:** October 28, 2009

**LOB ROOM:** 202

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: 18/10 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

WAYS AND MEANS

Bill #: HB 638 Title: Smoking

PH Date: 1/1/1

Exec Session Date: 10, 28, 09

Motion: JTL by Butynski + Bauto

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P	✓	
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L	✓	
Griffin, Mary E	✓	
Lockwood, Priscilla P	✓	
Boutin, David R	✓	
Bettencourt, David J		
Ober, Russell T	✓	
<del>Sapareto, Frank V</del>		
Ulery, Jordan G	✓	
Osgood, Joe	✓	
	$\frac{18}{18}$	$\frac{0}{0}$

# Committee Report

**CONSENT CALENDAR**

**November 5, 2009**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on WAYS AND MEANS to which was referred HB638-FN-A,**

**AN ACT increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. William Butynski**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>WAYS AND MEANS</b>
Bill Number:	<b>HB638-FN-A</b>
Title:	<b>increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund.</b>
Date:	<b>November 5, 2009</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

The contents of this bill were contained in the House version of the budget, therefore this bill was retained so the budget process could be completed.

Vote 18-0.

Rep. William Butynski  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### WAYS AND MEANS

**HB638-FN-A**, increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund. **INEXPEDIENT TO LEGISLATE.**

Rep. William Butynski for WAYS AND MEANS. The contents of this bill were contained in the House version of the budget, therefore this bill was retained so the budget process could be completed. **Vote 18-0.**

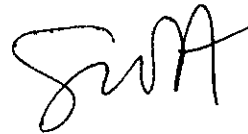
Original: House Clerk  
Cc: Committee Bill File

HB 638-FN-A

ITL

The contents of this bill were contained in the House version of the budget, therefore this bill was retained so the budget process could be completed.

William Butynski

A handwritten signature in black ink, appearing to read 'W. Butynski'.



# COMMITTEE REPORT

COMMITTEE: Home Way + Means Committee  
BILL NUMBER: HB 638-FN-A  
TITLE: increasing the tobacco tax and dedicating  
certain tobacco tax revenues to the comprehensive  
concess fund  
DATE: 10/28/09 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS  
 OUGHT TO PASS W/ AMENDMENT  
 INEXPEDIENT TO LEGISLATE  
 RE-REFER  
 INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.

## STATEMENT OF INTENT:

The contents of this bill were contained in the  
House version of the budget, therefore the  
bill was returned so the budget process could  
be completed.

(see attached if unreadable)

COMMITTEE VOTE: 18 to 0

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. W. Michael B. ...  
For the Committee

*SWA*