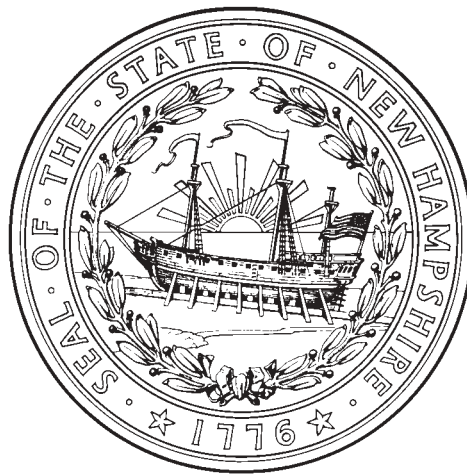


June 9, 2005
No. 21

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

PART II

Senator Morse offered a floor amendment.**Sen. Morse, Dist. 22****June 8, 2005****2005-1859s****10/08****Floor Amendment to HB 2-FN-A**

Amend the bill by replacing section 55 with the following:

55 Toll Criteria; Regional Electronic Toll Collection System. RSA 237:11, V is repealed and reenacted to read as follows:

V. Notwithstanding any other provision of law to the contrary, the discount on the established tolls on any of the turnpikes in the system for vehicles using the regional electronic toll collection system shall be 30 percent for passenger vehicles, including motorcycles, and 10 percent for commercial vehicles.

Amend the bill by deleting section 123 and renumbering the original sections 124-133 to read as 123-132, respectively.

Amend the bill by replacing all after section 131 with the following:

132 Classified Salaries; July 8, 2005. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing July 8, 2005, shall be established as follows:

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	15,444.00	15,892.50	16,341.00	16,848.00	17,355.00	17,920.50	18,427.50	18,954.00
02	15,892.50	16,341.00	16,848.00	17,355.00	17,920.50	18,427.50	18,954.00	19,519.50
03	16,341.00	16,848.00	17,355.00	17,920.50	18,427.50	18,954.00	19,519.50	20,124.00
04	16,848.00	17,355.00	17,920.50	18,427.50	18,954.00	19,519.50	20,124.00	21,567.00
05	17,355.00	17,920.50	18,427.50	18,954.00	19,519.50	20,124.00	21,567.00	22,405.50
06	17,920.50	18,427.50	18,954.00	19,519.50	20,124.00	21,567.00	22,405.50	23,263.50
07	18,427.50	19,110.00	19,929.00	20,728.50	21,567.00	22,405.50	23,263.50	24,258.00
08	19,110.00	19,929.00	20,728.50	21,567.00	22,405.50	23,263.50	24,258.00	25,213.50
09	19,929.00	20,728.50	21,567.00	22,405.50	23,263.50	24,258.00	25,213.50	26,227.50
10	20,728.50	21,567.00	22,405.50	23,263.50	24,258.00	25,213.50	26,227.50	27,280.50
11	21,567.00	22,405.50	23,263.50	24,258.00	25,213.50	26,227.50	27,280.50	28,431.00
12	22,405.50	23,263.50	24,258.00	25,213.50	26,227.50	27,280.50	28,431.00	29,737.50
13	23,263.50	24,258.00	25,213.50	26,227.50	27,280.50	28,431.00	29,737.50	30,985.50
14	24,258.00	25,213.50	26,227.50	27,280.50	28,431.00	29,737.50	30,985.50	32,370.00
15	25,213.50	26,305.50	27,417.00	28,567.50	29,737.50	30,985.50	32,370.00	33,715.50
16	26,305.50	27,417.00	28,567.50	29,737.50	30,985.50	32,370.00	33,715.50	35,197.50
17	27,417.00	28,567.50	29,737.50	30,985.50	32,370.00	33,715.50	35,197.50	36,679.50
18	28,567.50	29,737.50	30,985.50	32,370.00	33,715.50	35,197.50	36,679.50	38,259.00
19	29,737.50	30,985.50	32,370.00	33,715.50	35,197.50	36,679.50	38,259.00	39,897.00
20	30,985.50	32,370.00	33,715.50	35,197.50	36,679.50	38,259.00	39,897.00	41,983.50
21	32,370.00	33,715.50	35,197.50	36,679.50	38,259.00	39,897.00	41,983.50	43,855.50
22	33,715.50	35,197.50	36,679.50	38,259.00	39,897.00	41,983.50	43,855.50	45,825.00
23	35,197.50	36,757.50	38,434.50	40,170.00	41,983.50	43,855.50	45,825.00	47,911.50

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
24	36,757.50	38,434.50	40,170.00	41,983.50	43,855.50	45,825.00	47,911.50	50,056.50
25	38,434.50	40,170.00	41,983.50	43,855.50	45,825.00	47,911.50	50,056.50	52,338.00
26	40,170.00	41,983.50	43,855.50	45,825.00	47,911.50	50,056.50	52,338.00	54,658.50
27	41,983.50	43,855.50	45,825.00	47,911.50	50,056.50	52,338.00	54,658.50	57,135.00
28	43,855.50	45,825.00	47,911.50	50,056.50	52,338.00	54,658.50	57,135.00	60,274.50
29	45,825.00	47,911.50	50,056.50	52,338.00	54,658.50	57,135.00	60,274.50	63,160.50
30	47,911.50	50,056.50	52,338.00	54,658.50	57,135.00	60,274.50	63,160.50	66,105.00
31	50,056.50	52,455.00	54,970.50	57,505.50	60,274.50	63,160.50	66,105.00	69,283.50
32	52,455.00	54,970.50	57,505.50	60,274.50	63,160.50	66,105.00	69,283.50	72,442.50
33	54,970.50	57,505.50	60,274.50	63,160.50	66,105.00	69,283.50	72,442.50	75,601.50
34	57,505.50	60,274.50	63,160.50	66,105.00	69,283.50	72,442.50	75,601.50	78,760.50
35	60,274.50	63,160.50	66,105.00	69,283.50	72,442.50	75,601.50	78,760.50	81,919.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

133 Classified Salaries; January 6, 2006. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing January 6, 2006 shall be established as follows:

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	15,756.00	16,204.50	16,672.50	17,179.50	17,706.00	18,271.50	18,798.00	19,324.50
02	16,204.50	16,672.50	17,179.50	17,706.00	18,271.50	18,798.00	19,324.50	19,909.50
03	16,672.50	17,179.50	17,706.00	18,271.50	18,798.00	19,324.50	19,909.50	20,533.50
04	17,179.50	17,706.00	18,271.50	18,798.00	19,324.50	19,909.50	20,533.50	21,996.00
05	17,706.00	18,271.50	18,798.00	19,324.50	19,909.50	20,533.50	21,996.00	22,854.00
06	18,271.50	18,798.00	19,324.50	19,909.50	20,533.50	21,996.00	22,854.00	23,731.50
07	18,798.00	19,500.00	20,319.00	21,138.00	21,996.00	22,854.00	23,731.50	24,745.50
08	19,500.00	20,319.00	21,138.00	21,996.00	22,854.00	23,731.50	24,745.50	25,720.50
09	20,319.00	21,138.00	21,996.00	22,854.00	23,731.50	24,745.50	25,720.50	26,754.00
10	21,138.00	21,996.00	22,854.00	23,731.50	24,745.50	25,720.50	26,754.00	27,826.50
11	21,996.00	22,854.00	23,731.50	24,745.50	25,720.50	26,754.00	27,826.50	28,996.50
12	22,854.00	23,731.50	24,745.50	25,720.50	26,754.00	27,826.50	28,996.50	30,342.00
13	23,731.50	24,745.50	25,720.50	26,754.00	27,826.50	28,996.50	30,342.00	31,609.50
14	24,745.50	25,720.50	26,754.00	27,826.50	28,996.50	30,342.00	31,609.50	33,013.50
15	25,720.50	26,832.00	27,963.00	29,133.00	30,342.00	31,609.50	33,013.50	34,398.00
16	26,832.00	27,963.00	29,133.00	30,342.00	31,609.50	33,013.50	34,398.00	35,899.50
17	27,963.00	29,133.00	30,342.00	31,609.50	33,013.50	34,398.00	35,899.50	37,420.50
18	29,133.00	30,342.00	31,609.50	33,013.50	34,398.00	35,899.50	37,420.50	39,019.50

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
19	30,342.00	31,609.50	33,013.50	34,398.00	35,899.50	37,420.50	39,019.50	40,696.50
20	31,609.50	33,013.50	34,398.00	35,899.50	37,420.50	39,019.50	40,696.50	42,822.00
21	33,013.50	34,398.00	35,899.50	37,420.50	39,019.50	40,696.50	42,822.00	44,733.00
22	34,398.00	35,899.50	37,420.50	39,019.50	40,696.50	42,822.00	44,733.00	46,741.50
23	35,899.50	37,498.50	39,195.00	40,969.50	42,822.00	44,733.00	46,741.50	48,867.00
24	37,498.50	39,195.00	40,969.50	42,822.00	44,733.00	46,741.50	48,867.00	51,051.00
25	39,195.00	40,969.50	42,822.00	44,733.00	46,741.50	48,867.00	51,051.00	53,391.00
26	40,969.50	42,822.00	44,733.00	46,741.50	48,867.00	51,051.00	53,391.00	55,750.50
27	42,822.00	44,733.00	46,741.50	48,867.00	51,051.00	53,391.00	55,750.50	58,285.50
28	44,733.00	46,741.50	48,867.00	51,051.00	53,391.00	55,750.50	58,285.50	61,483.50
29	46,741.50	48,867.00	51,051.00	53,391.00	55,750.50	58,285.50	61,483.50	64,428.00
30	48,867.00	51,051.00	53,391.00	55,750.50	58,285.50	61,483.50	64,428.00	67,431.00
31	51,051.00	53,508.00	56,062.50	58,656.00	61,483.50	64,428.00	67,431.00	70,668.00
32	53,508.00	56,062.50	58,656.00	61,483.50	64,428.00	67,431.00	70,668.00	73,885.50
33	56,062.50	58,656.00	61,483.50	64,428.00	67,431.00	70,668.00	73,885.50	77,122.50
34	58,656.00	61,483.50	64,428.00	67,431.00	70,668.00	73,885.50	77,122.50	80,340.00
35	61,483.50	64,428.00	67,431.00	70,668.00	73,885.50	77,122.50	80,340.00	83,557.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

134 Classified Salaries; July 7, 2006. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing July 7 2006 shall be established as follows:

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	16,068.00	16,536.00	17,004.00	17,530.50	18,057.00	18,642.00	19,168.50	19,714.50
02	16,536.00	17,004.00	17,530.50	18,057.00	18,642.00	19,168.50	19,714.50	20,299.50
03	17,004.00	17,530.50	18,057.00	18,642.00	19,168.50	19,714.50	20,299.50	20,943.00
04	17,530.50	18,057.00	18,642.00	19,168.50	19,714.50	20,299.50	20,943.00	22,444.50
05	18,057.00	18,642.00	19,168.50	19,714.50	20,299.50	20,943.00	22,444.50	23,302.50
06	18,642.00	19,168.50	19,714.50	20,299.50	20,943.00	22,444.50	23,302.50	24,199.50
07	19,168.50	19,890.00	20,728.50	21,567.00	22,444.50	23,302.50	24,199.50	25,233.00
08	19,890.00	20,728.50	21,567.00	22,444.50	23,302.50	24,199.50	25,233.00	26,227.50
09	20,728.50	21,567.00	22,444.50	23,302.50	24,199.50	25,233.00	26,227.50	27,280.50
10	21,567.00	22,444.50	23,302.50	24,199.50	25,233.00	26,227.50	27,280.50	28,392.00
11	22,444.50	23,302.50	24,199.50	25,233.00	26,227.50	27,280.50	28,392.00	29,581.50
12	23,302.50	24,199.50	25,233.00	26,227.50	27,280.50	28,392.00	29,581.50	30,946.50
13	24,199.50	25,233.00	26,227.50	27,280.50	28,392.00	29,581.50	30,946.50	32,233.50

	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
14	25,233.00	26,227.50	27,280.50	28,392.00	29,581.50	30,946.50	32,233.50	33,676.50
15	26,227.50	27,378.00	28,528.50	29,718.00	30,946.50	32,233.50	33,676.50	35,080.50
16	27,378.00	28,528.50	29,718.00	30,946.50	32,233.50	33,676.50	35,080.50	36,621.00
17	28,528.50	29,718.00	30,946.50	32,233.50	33,676.50	35,080.50	36,621.00	38,161.50
18	29,718.00	30,946.50	32,233.50	33,676.50	35,080.50	36,621.00	38,161.50	39,799.50
19	30,946.50	32,233.50	33,676.50	35,080.50	36,621.00	38,161.50	39,799.50	41,515.50
20	32,233.50	33,676.50	35,080.50	36,621.00	38,161.50	39,799.50	41,515.50	43,680.00
21	33,676.50	35,080.50	36,621.00	38,161.50	39,799.50	41,515.50	43,680.00	45,630.00
22	35,080.50	36,621.00	38,161.50	39,799.50	41,515.50	43,680.00	45,630.00	47,677.50
23	36,621.00	38,239.50	39,975.00	41,788.50	43,680.00	45,630.00	47,677.50	49,842.00
24	38,239.50	39,975.00	41,788.50	43,680.00	45,630.00	47,677.50	49,842.00	52,065.00
25	39,975.00	41,788.50	43,680.00	45,630.00	47,677.50	49,842.00	52,065.00	54,463.50
26	41,788.50	43,680.00	45,630.00	47,677.50	49,842.00	52,065.00	54,463.50	56,862.00
27	43,680.00	45,630.00	47,677.50	49,842.00	52,065.00	54,463.50	56,862.00	59,455.50
28	45,630.00	47,677.50	49,842.00	52,065.00	54,463.50	56,862.00	59,455.50	62,712.00
29	47,677.50	49,842.00	52,065.00	54,463.50	56,862.00	59,455.50	62,712.00	65,715.00
30	49,842.00	52,065.00	54,463.50	56,862.00	59,455.50	62,712.00	65,715.00	68,776.50
31	52,065.00	54,580.50	57,193.50	59,826.00	62,712.00	65,715.00	68,776.50	72,072.00
32	54,580.50	57,193.50	59,826.00	62,712.00	65,715.00	68,776.50	72,072.00	75,367.50
33	57,193.50	59,826.00	62,712.00	65,715.00	68,776.50	72,072.00	75,367.50	78,663.00
34	59,826.00	62,712.00	65,715.00	68,776.50	72,072.00	75,367.50	78,663.00	81,939.00
35	62,712.00	65,715.00	68,776.50	72,072.00	75,367.50	78,663.00	81,939.00	85,234.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

135 Classified Increases; July 8, 2005. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of July 8, 2005, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

136 Classified Increases; January 6, 2006. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of January 6, 2006, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

137 Classified Increases; July 7, 2006. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of July 7, 2006, shall be placed in the corresponding steps in

the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

138 Longevity Payments. RSA 99:5 is repealed and reenacted to read as follows:

99:5 Longevity Payment for Regular Classified Employees. Any regular classified employee of the state who has completed 10 years of continuous service for the state other than a law enforcement employee, shall be paid, in addition to the salary to which he or she is entitled by the classification plan, the sum of \$300 annually and an additional \$300 for each additional 5 years of continuous state service. The additional compensation provided by the provisions of this section shall not affect the maximums set by the classification plan and the receipt of said long service payments shall not prohibit the recipient from receiving the yearly increments to which he or she may be otherwise entitled within his or her classification ranges. Any regular classified employee who transfers, without a break in service, to a position in the unclassified system may transfer all time served for purposes of longevity pay.

139 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 132-138 of this act for the fiscal years ending June 30, 2006 and June 30, 2007:

FY 2006						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$16,378,079	\$ 9,024,322	\$1,719,698	\$3,609,861	\$327,561	\$180,159	1,516,478
FY 2007						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$32,262,836	\$ 17,776,823	\$3,387,597	\$7,110,990	\$645,256	\$354,892	2,987,278

140 Effective Date.

I. Paragraph II of section 18 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Sections 6, 53, and 111 of this act shall take effect June 30, 2005.

III. Sections 73, 76, 79, 82, 85, 88, 91, 92, 132, 135, and 138 of this act shall take effect July 8, 2005.

IV. Sections 68, 74, 77, 80, 83, 86, 89, 133, and 136 of this act shall take effect January 6, 2006.

V. Sections 69, 75, 78, 81, 84, 87, 90, 134, and 137 of this act shall take effect July 7, 2006.

VI. Section 125 of this act shall take effect January 1, 2006.

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

2005-1859s

AMENDED ANALYSIS

This bill:

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

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

III. Prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

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

V. Provides that, for the biennium ending June 30, 2007, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

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

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

VIII. Provides that in each year of the biennium ending June 30, 2007, all tobacco settlement funds received by the state shall be deposited in the education trust fund, and the balance of the tobacco use prevention fund as of June 30, 2005 shall lapse to the general fund.

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

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

XI. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$50,000 be approved by the joint legislative fiscal committee.

XII. Increases the local medical assistance contribution from counties.

XIII. Establishes the judicial branch family division.

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

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

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

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

XVIII. Increases motor vehicle fines.

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

XX. Requires the commissioner of the department of transportation to implement the regional electronic toll collection system on September 1, 2005.

XXI. Discontinues the sale of tokens on September 1, 2005 and the collection of tokens on January 1, 2006.

XXII. Establishes discounts for passenger and commercial vehicles using the regional electronic toll collection system.

XXIII. Increases the tobacco tax.

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

XXV. Allows the lottery commission to deduct instant ticket delivery fees deducted from lottery receipts.

XXVI. Establishes the position and salary of finance director for the department of transportation.

XXVII. Establishes a 2-year pilot program and a committee on investment of state highway mitigation funds for the purposes of natural, cultural, and historical resource conservation, consistent with the land and community heritage investment program.

XXVIII. Reduces the minimum reserve required for the state self-insured health insurance plan.

XXIX. Establishes an indirect cost recovery program under the department of administrative services.

XXX. Allows the commissioner of an agency that is affected by an employee classification decision made by the director of personnel to appeal such decision to the commissioner of administrative services.

XXXI. Establishes salaries for law enforcement employees.

XXXII. Establishes salaries for councilors and commissioners, judges, unclassified employees, and judicial and legislative employees.

XXXIII. Provides for the department of regional community-technical colleges to acquire or lease certain property from the Pease development authority. The bill also provides that proceeds from the sale or lease shall be used to reduce the authority's debt owed to the state.

XXXIV. Increases judicial salaries.

XXXV. Increases inspection fees for elevators and boilers, and increases civil penalties for violations of labor statutes.

XXXVI. Establishes the position and salary of the insurance fraud attorney in the insurance department.

XXXVII. Adds administration of the modular building standards program to the responsibilities of the state fire marshal.

XXXVIII. Establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state fire marshal.

XXXIX. Establishes restrictions on certain appropriations for community mental health services.

XL. Extends a prior appropriation to the department of health and human services for a local access program.

XLI. Requires the New Hampshire vaccine association to pay to the state the amount of the increase in any year in which the total calculated cost to be received is less than the anticipated cost for vaccines.

XLII. Requires the area agencies and community mental health programs to submit a cost containment report to the department of health and human services for each year of the biennium.

XLIII. Allows the commissioner of the department of health and human services to recover assistance costs furnished to children from the children's parents, and establishes eligibility criteria for the children's health plan.

XLIV. Requires the department of health and human services to designate in its operating budget specific class lines for medicaid hospital outpatient services.

XLV. Suspends existing law relative to rate setting for home health services.

XLVI. Authorizes the department of health and human services to apply for federal funding to establish an electronic health information infrastructure and to enter into collaborative agreements with other departments and entities relative to the expanded use of information technology.

XLVII. Prohibits the department of health and human services from increasing expenditures for the Healthy Kids Silver program without additional appropriations from the general court.

XLVIII. Requires the commissioner of administrative services to deposit certain sums in the revenue stabilization reserve account. The bill also suspends payments by the state to the federal Medicare program, unless a court determines that provisions of Medicare Part D, popularly known as "the clawback" are constitutional.

XLIX. Establishes a care management pilot program for medicaid clients in the department of health and human services.

L. Requires the department of health and human services and the department of revenue to enter into a memorandum of understanding relative to information exchanged between the 2 agencies for purposes of public assistance eligibility and recovery.

LI. Suspends administrative rules relative to residential child care facility rate setting.

LII. Requires the department of health and human services to explore strategies to integrate the medical care and mental health care of its medicaid recipients.

LIII. Requires the disclosure of pharmaceutical marketing to the secretary of state, and provides a civil penalty for failing to disclose.

LIV. Authorizes the commissioner of revenue administration to disregard sham transactions for purposes of assessing tax liability and shifts the burden of proof in determining whether a transaction is a sham based on the parties involved.

LV. Authorizes the commissioner of the department of health and human services to transfer funds collected from the medicaid supplemental rebate program for the purposes of start-up costs for the New Hampshire Rx plus program, if such program is enacted by the general court.

LVI. Imposes the same tax on loose tobacco as is currently imposed on tobacco products other than cigarettes.

LVII. Allows any county that surrenders the license for a bed at a county-owned nursing facility to reestablish and relicense that bed at the same facility without meeting certificate of need requirements.

LVIII. Provides for an amnesty period on payment of penalties and interest on unpaid real estate transfer taxes owed to the state.

LIX. Repeals the communications tax exemption for the first \$12 of a residential customer's monthly telephone bill.

LX. Establishes salaries for classified state employees.

Floor amendment adopted.

Senator Estabrook offered a floor amendment.

Sen. Estabrook, Dist. 21

Sen. D'Allesandro, Dist. 20

June 8, 2005

2005-1850s

08/09

Floor Amendment to HB 2-FN-A

Amend the bill by deleting section 115 and renumbering the original sections 116-133 to read as 115-132, respectively.

Amend paragraph VI as inserted by section 132 of the bill by replacing it with the following:

VI. Section 125 of this act shall take effect January 1, 2006.

2005-1850s

AMENDED ANALYSIS

This bill:

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

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

III. Prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

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

V. Provides that, for the biennium ending June 30, 2007, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

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

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

VIII. Provides that in each year of the biennium ending June 30, 2007, all tobacco settlement funds received by the state shall be deposited in the education trust fund, and the balance of the tobacco use prevention fund as of June 30, 2005 shall lapse to the general fund.

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

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

XI. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$50,000 be approved by the joint legislative fiscal committee.

XII. Increases the local medical assistance contribution from counties.

XIII. Establishes the judicial branch family division.

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

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

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

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

XVIII. Increases motor vehicle fines.

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

XX. Requires the commissioner of the department of transportation to implement the regional electronic toll collection system on September 1, 2005.

XXI. Discontinues the sale of tokens on September 1, 2005 and the collection of tokens on January 1, 2006.

XXII. Establishes discounts for passenger and commercial vehicles using the regional electronic toll collection system.

XXIII. Increases the tobacco tax.

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

XXV. Allows the lottery commission to deduct instant ticket delivery fees deducted from lottery receipts.

XXVI. Establishes the position and salary of finance director for the department of transportation.

XXVII. Establishes a 2-year pilot program and a committee on investment of state highway mitigation funds for the purposes of natural, cultural, and historical resource conservation, consistent with the land and community heritage investment program.

XXVIII. Reduces the minimum reserve required for the state self-insured health insurance plan.

XXIX. Establishes an indirect cost recovery program under the department of administrative services.

XXX. Allows the commissioner of an agency that is affected by an employee classification decision made by the director of personnel to appeal such decision to the commissioner of administrative services.

XXXI. Establishes salaries for law enforcement employees.

XXXII. Establishes salaries for councilors and commissioners, judges, unclassified employees, and judicial and legislative employees.

XXXIII. Provides for the department of regional community-technical colleges to acquire or lease certain property from the Pease development authority. The bill also provides that proceeds from the sale or lease shall be used to reduce the authority's debt owed to the state.

XXXIV. Increases judicial salaries.

XXXV. Increases inspection fees for elevators and boilers, and increases civil penalties for violations of labor statutes.

XXXVI. Establishes the position and salary of the insurance fraud attorney in the insurance department.

XXXVII. Adds administration of the modular building standards program to the responsibilities of the state fire marshal.

XXXVIII. Establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state fire marshal.

XXXIX. Establishes restrictions on certain appropriations for community mental health services.

XL. Extends a prior appropriation to the department of health and human services for a local access program.

XLI. Requires the New Hampshire vaccine association to pay to the state the amount of the increase in any year in which the total calculated cost to be received is less than the anticipated cost for vaccines.

XLII. Requires the area agencies and community mental health programs to submit a cost containment report to the department of health and human services for each year of the biennium.

XLIII. Requires the department of health and human services to designate in its operating budget specific class lines for medicaid hospital outpatient services.

XLIV. Suspends existing law relative to rate setting for home health services.

XLV. Authorizes the department of health and human services to apply for federal funding to establish an electronic health information infrastructure and to enter into collaborative agreements with other departments and entities relative to the expanded use of information technology.

XLVI. Prohibits the department of health and human services from increasing expenditures for the Healthy Kids Silver program without additional appropriations from the general court.

XLVII. Requires the commissioner of administrative services to deposit certain sums in the revenue stabilization reserve account. The bill also suspends payments by the state to the federal Medicare program, unless a court determines that provisions of Medicare Part D, popularly known as "the clawback" are constitutional.

XLVIII. Establishes a care management pilot program for medicaid clients in the department of health and human services.

XLIX. Requires the department of health and human services and the department of revenue to enter into a memorandum of understanding relative to information exchanged between the 2 agencies for purposes of public assistance eligibility and recovery.

L. Suspends certain payments for indirect medical education for the biennium ending June 30, 2007.

LI. Suspends administrative rules relative to residential child care facility rate setting.

LII. Requires the department of health and human services to explore strategies to integrate the medical care and mental health care of its medicaid recipients.

LIII. Requires the disclosure of pharmaceutical marketing to the secretary of state, and provides a civil penalty for failing to disclose.

LIV. Authorizes the commissioner of revenue administration to disregard sham transactions for purposes of assessing tax liability and shifts the burden of proof in determining whether a transaction is a sham based on the parties involved.

LV. Authorizes the commissioner of the department of health and human services to transfer funds collected from the medicaid supplemental rebate program for the purposes of start-up costs for the New Hampshire Rx plus program, if such program is enacted by the general court.

LVI. Imposes the same tax on loose tobacco as is currently imposed on tobacco products other than cigarettes.

LVII. Allows any county that surrenders the license for a bed at a county-owned nursing facility to reestablish and relicense that bed at the same facility without meeting certificate of need requirements.

LVIII. Provides for an amnesty period on payment of penalties and interest on unpaid real estate transfer taxes owed to the state.

LIX. Repeals the communications tax exemption for the first \$12 of a residential customer's monthly telephone bill.

Floor amendment adopted.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20
June 8, 2005
2005-1834s
09/01

Floor Amendment to HB 2-FN-A

Amend RSA 78-7-c as inserted by paragraph II of section 129 of the bill by replacing it with the following:

78:7-c Tax Imposed on ***Loose Tobacco and*** Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on ***loose tobacco and*** tobacco products other than cigarettes at a rate of [~~19~~] **30** percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

Floor amendment adopted.

Senator Boyce offered a floor amendment.

Sen. Boyce, Dist. 4
June 6, 2005
2005-1809s
09/01

Floor Amendment to HB 2-FN-A

Amend the bill by inserting after section 132 the following and renumbering the original section 133 to read as 135:

133 New Section; State House Visitor's Center Revolving Fund. Amend RSA 17-E by inserting after section 6 the following new section:

17-E:7 State House Visitor's Center Revolving Fund. There is hereby established in the office of the state treasurer a non-lapsing fund to be known as the state house visitor's center revolving fund which shall be kept separate and distinct from all other funds. The state house visitor's center revolving fund shall be within the oversight of the joint legislative facilities committee established in RSA 17-E:1. Moneys received from the sale of merchandise at the state house visitor's center, including online sales, shall be deposited in such fund and used to purchase merchandise for the visitor's center. The amount in the fund shall not exceed \$50,000 on June 30 of any fiscal year and any moneys in excess of said amount shall be deposited in the general fund as unrestricted revenue.

134 New Subparagraph; Dedicated Fund; State House Visitor's Center Revolving Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (234) the following new subparagraph:

(235) Moneys deposited in the state house visitor's center revolving fund under RSA 17-E:7.

2005-1809s

AMENDED ANALYSIS

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III. Prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

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

V. Provides that, for the biennium ending June 30, 2007, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

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VIII. Provides that in each year of the biennium ending June 30, 2007, all tobacco settlement funds received by the state shall be deposited in the education trust fund, and the balance of the tobacco use prevention fund as of June 30, 2005 shall lapse to the general fund.

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

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

XI. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$50,000 be approved by the joint legislative fiscal committee.

XII. Increases the local medical assistance contribution from counties.

XIII. Establishes the judicial branch family division.

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

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

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

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

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XXV. Allows the lottery commission to deduct instant ticket delivery fees deducted from lottery receipts.

XXVI. Establishes the position and salary of finance director for the department of transportation.

XXVII. Establishes a 2-year pilot program and a committee on investment of state highway mitigation funds for the purposes of natural, cultural, and historical resource conservation, consistent with the land and community heritage investment program.

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XXXIV. Increases judicial salaries.

XXXV. Increases inspection fees for elevators and boilers, and increases civil penalties for violations of labor statutes.

XXXVI. Establishes the position and salary of the insurance fraud attorney in the insurance department.

XXXVII. Adds administration of the modular building standards program to the responsibilities of the state fire marshal.

XXXVIII. Establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state fire marshal.

XXXIX. Establishes restrictions on certain appropriations for community mental health services.

XL. Extends a prior appropriation to the department of health and human services for a local access program.

XLI. Requires the New Hampshire vaccine association to pay to the state the amount of the increase in any year in which the total calculated cost to be received is less than the anticipated cost for vaccines.

XLII. Requires the area agencies and community mental health programs to submit a cost containment report to the department of health and human services for each year of the biennium.

XLIII. Allows the commissioner of the department of health and human services to recover assistance costs furnished to children from the children's parents, and establishes eligibility criteria for the children's health plan.

XLIV. Requires the department of health and human services to designate in its operating budget specific class lines for medicaid hospital outpatient services.

XLV. Suspends existing law relative to rate setting for home health services.

XLVI. Authorizes the department of health and human services to apply for federal funding to establish an electronic health information infrastructure and to enter into collaborative agreements with other departments and entities relative to the expanded use of information technology.

XLVII. Prohibits the department of health and human services from increasing expenditures for the Healthy Kids Silver program without additional appropriations from the general court.

XLVIII. Requires the commissioner of administrative services to deposit certain sums in the revenue stabilization reserve account. The bill also suspends payments by the state to the federal Medicare program, unless a court determines that provisions of Medicare Part D, popularly known as "the clawback" are constitutional.

XLIX. Establishes a care management pilot program for medicaid clients in the department of health and human services.

L. Requires the department of health and human services and the department of revenue to enter into a memorandum of understanding relative to information exchanged between the 2 agencies for purposes of public assistance eligibility and recovery.

LI. Suspends certain payments for indirect medical education for the biennium ending June 30, 2007.

LII. Suspends administrative rules relative to residential child care facility rate setting.

LIII. Requires the department of health and human services to explore strategies to integrate the medical care and mental health care of its medicaid recipients.

LIV. Requires the disclosure of pharmaceutical marketing to the secretary of state, and provides a civil penalty for failing to disclose.

LV. Authorizes the commissioner of revenue administration to disregard sham transactions for purposes of assessing tax liability and shifts the burden of proof in determining whether a transaction is a sham based on the parties involved.

LVI. Authorizes the commissioner of the department of health and human services to transfer funds collected from the medicaid supplemental rebate program for the purposes of start-up costs for the New Hampshire Rx plus program, if such program is enacted by the general court.

LVII. Imposes the same tax on loose tobacco as is currently imposed on tobacco products other than cigarettes.

LVIII. Allows any county that surrenders the license for a bed at a county-owned nursing facility to reestablish and relicense that bed at the same facility without meeting certificate of need requirements.

LIX. Provides for an amnesty period on payment of penalties and interest on unpaid real estate transfer taxes owed to the state.

LX. Repeals the communications tax exemption for the first \$12 of a residential customer's monthly telephone bill.

LXI. Establishes the state house visitor's center revolving loan fund.

Floor amendment adopted.

Senator Estabrook offered a floor amendment.

Sen. Estabrook, Dist. 21

Sen. Fuller Clark, Dist. 24

June 8, 2005

2005-1858s

05/01

Floor Amendment to HB 2-FN-A

Amend the bill by deleting sections 54 and 55 and renumbering the original sections 56-133 to read as 54-131, respectively.

Amend the bill by replacing section 131 with the following:

131 Effective Date.

I. Paragraph II of section 18 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Sections 6, 53, and 109 of this act shall take effect June 30, 2005.

III. Sections 71, 74, 77, 80, 83, 86, 89, and 90 of this act shall take effect July 8, 2005.

IV. Sections 66, 72, 75, 78, 81, 84, and 87 of this act shall take effect January 6, 2006.

V. Sections 67, 73, 76, 79, 82, 85 and 88 of this act shall take effect July 7, 2006.

VI. Section 124 of this act shall take effect January 1, 2006.

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

2005-1858s

AMENDED ANALYSIS

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XI. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$50,000 be approved by the joint legislative fiscal committee.

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

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XXXIII. Establishes the position and salary of the insurance fraud attorney in the insurance department.

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XXXV. Establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state fire marshal.

XXXVI. Establishes restrictions on certain appropriations for community mental health services.

XXXVII. Extends a prior appropriation to the department of health and human services for a local access program.

XXXVIII. Requires the New Hampshire vaccine association to pay to the state the amount of the increase in any year in which the total calculated cost to be received is less than the anticipated cost for vaccines.

XXXIX. Requires the area agencies and community mental health programs to submit a cost containment report to the department of health and human services for each year of the biennium.

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XLI. Requires the department of health and human services to designate in its operating budget specific class lines for medicaid hospital outpatient services.

XLII. Suspends existing law relative to rate setting for home health services.

XLIII. Authorizes the department of health and human services to apply for federal funding to establish an electronic health information infrastructure and to enter into collaborative agreements with other departments and entities relative to the expanded use of information technology.

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XLVII. Requires the department of health and human services and the department of revenue to enter into a memorandum of understanding relative to information exchanged between the 2 agencies for purposes of public assistance eligibility and recovery.

XLVIII. Suspends certain payments for indirect medical education for the biennium ending June 30, 2007.

XLIX. Suspends administrative rules relative to residential child care facility rate setting.

L. Requires the department of health and human services to explore strategies to integrate the medical care and mental health care of its medicaid recipients.

LI. Requires the disclosure of pharmaceutical marketing to the secretary of state, and provides a civil penalty for failing to disclose.

LII. Authorizes the commissioner of revenue administration to disregard sham transactions for purposes of assessing tax liability and shifts the burden of proof in determining whether a transaction is a sham based on the parties involved.

LIII. Authorizes the commissioner of the department of health and human services to transfer funds collected from the medicaid supplemental rebate program for the purposes of start-up costs for the New Hampshire Rx plus program, if such program is enacted by the general court.

LIV. Imposes the same tax on loose tobacco as is currently imposed on tobacco products other than cigarettes.

LV. Allows any county that surrenders the license for a bed at a county-owned nursing facility to reestablish and relicense that bed at the same facility without meeting certificate of need requirements.

LVI. Provides for an amnesty period on payment of penalties and interest on unpaid real estate transfer taxes owed to the state.

LVII. Repeals the communications tax exemption for the first \$12 of a residential customer's monthly telephone bill.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Roberge.

The following Senators voted Yes: Kenney, Burling, Green, Roberge, Gottesman, Foster, Larsen, Gatsas, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Boyce, Flanders, Odell, Eaton, Bragdon, Clegg, Barnes, Martel, Letourneau, Morse.

Yeas: 12 - Nays: 12

Floor amendment failed.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist. 17

Sen. Gatsas, Dist. 16

June 9, 2005

2005-1902s

05/04

Floor Amendment to HB 2-FN-A

Amend the bill by inserting after section 132 the following and renumbering the original section 133 to read as 134:

133 Support of Kindergarten Programs. There is hereby appropriated the sum of \$2,339,446 for the biennium ending June 30, 2007, to the department of education for the support of the kindergarten programs in the towns of Goffstown, Hampstead, Litchfield, Merrimack, Raymond, South Hampton, Unity, and the towns in the Sanborn regional school district. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2005-1902s

AMENDED ANALYSIS

This bill:

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

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

III. Prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

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

V. Provides that, for the biennium ending June 30, 2007, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

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

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

VIII. Provides that in each year of the biennium ending June 30, 2007, all tobacco settlement funds received by the state shall be deposited in the education trust fund, and the balance of the tobacco use prevention fund as of June 30, 2005 shall lapse to the general fund.

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

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

XI. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$50,000 be approved by the joint legislative fiscal committee.

XII. Increases the local medical assistance contribution from counties.

XIII. Establishes the judicial branch family division.

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

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

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

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

XVIII. Increases motor vehicle fines.

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

XX. Requires the commissioner of the department of transportation to implement the regional electronic toll collection system on September 1, 2005.

XXI. Discontinues the sale of tokens on September 1, 2005 and the collection of tokens on January 1, 2006.

XXII. Establishes discounts for passenger and commercial vehicles using the regional electronic toll collection system.

XXIII. Increases the tobacco tax.

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

XXV. Allows the lottery commission to deduct instant ticket delivery fees deducted from lottery receipts.

XXVI. Establishes the position and salary of finance director for the department of transportation.

XXVII. Establishes a 2-year pilot program and a committee on investment of state highway mitigation funds for the purposes of natural, cultural, and historical resource conservation, consistent with the land and community heritage investment program.

XXVIII. Reduces the minimum reserve required for the state self-insured health insurance plan.

XXIX. Establishes an indirect cost recovery program under the department of administrative services.

XXX. Allows the commissioner of an agency that is affected by an employee classification decision made by the director of personnel to appeal such decision to the commissioner of administrative services.

XXXI. Establishes salaries for law enforcement employees.

XXXII. Establishes salaries for councilors and commissioners, judges, unclassified employees, and judicial and legislative employees.

XXXIII. Provides for the department of regional community-technical colleges to acquire or lease certain property from the Pease development authority. The bill also provides that proceeds from the sale or lease shall be used to reduce the authority's debt owed to the state.

XXXIV. Increases judicial salaries.

XXXV. Increases inspection fees for elevators and boilers, and increases civil penalties for violations of labor statutes.

XXXVI. Establishes the position and salary of the insurance fraud attorney in the insurance department.

XXXVII. Adds administration of the modular building standards program to the responsibilities of the state fire marshal.

XXXVIII. Establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state fire marshal.

XXXIX. Establishes restrictions on certain appropriations for community mental health services.

XL. Extends a prior appropriation to the department of health and human services for a local access program.

XLI. Requires the New Hampshire vaccine association to pay to the state the amount of the increase in any year in which the total calculated cost to be received is less than the anticipated cost for vaccines.

XLII. Requires the area agencies and community mental health programs to submit a cost containment report to the department of health and human services for each year of the biennium.

XLIII. Allows the commissioner of the department of health and human services to recover assistance costs furnished to children from the children's parents, and establishes eligibility criteria for the children's health plan.

XLIV. Requires the department of health and human services to designate in its operating budget specific class lines for medicaid hospital outpatient services.

XLV. Suspends existing law relative to rate setting for home health services.

XLVI. Authorizes the department of health and human services to apply for federal funding to establish an electronic health information infrastructure and to enter into collaborative agreements with other departments and entities relative to the expanded use of information technology.

XLVII. Prohibits the department of health and human services from increasing expenditures for the Healthy Kids Silver program without additional appropriations from the general court.

XLVIII. Requires the commissioner of administrative services to deposit certain sums in the revenue stabilization reserve account. The bill also suspends payments by the state to the federal Medicare program, unless a court determines that provisions of Medicare Part D, popularly known as "the clawback" are constitutional.

XLIX. Establishes a care management pilot program for medicaid clients in the department of health and human services.

L. Requires the department of health and human services and the department of revenue to enter into a memorandum of understanding relative to information exchanged between the 2 agencies for purposes of public assistance eligibility and recovery.

LI. Suspends certain payments for indirect medical education for the biennium ending June 30, 2007.

LII. Suspends administrative rules relative to residential child care facility rate setting.

LIII. Requires the department of health and human services to explore strategies to integrate the medical care and mental health care of its medicaid recipients.

LIV. Requires the disclosure of pharmaceutical marketing to the secretary of state, and provides a civil penalty for failing to disclose.

LV. Authorizes the commissioner of revenue administration to disregard sham transactions for purposes of assessing tax liability and shifts the burden of proof in determining whether a transaction is a sham based on the parties involved.

LVI. Authorizes the commissioner of the department of health and human services to transfer funds collected from the medicaid supplemental rebate program for the purposes of start-up costs for the New Hampshire Rx plus program, if such program is enacted by the general court.

LVII. Imposes the same tax on loose tobacco as is currently imposed on tobacco products other than cigarettes.

LVIII. Allows any county that surrenders the license for a bed at a county-owned nursing facility to reestablish and relicense that bed at the same facility without meeting certificate of need requirements.

LIX. Provides for an amnesty period on payment of penalties and interest on unpaid real estate transfer taxes owed to the state.

LX. Repeals the communications tax exemption for the first \$12 of a residential customer's monthly telephone bill.

LXI. Appropriates funds, for the biennium ending June 30, 2007, to the department of education for the support of kindergarten programs in certain towns.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Letourneau.

The following Senators voted Yes: Gallus, Johnson, Kenney, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, D'Allesandro, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: Boyce.

Yeas: 23 - Nays: 1

Floor amendment adopted.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist. 17

June 6, 2005

2005-1812s

05/04

Floor Amendment to HB 2-FN-A

Amend the bill by replacing all after section 132 with the following:

133 Department of Education; Correction of Adequacy Aid Distribution to School Districts. To correct a miscalculation by the department of education in the distribution of adequacy aid for fiscal year 2004, the department of education shall expend from existing appropriations the sum of \$1,207,794 for the biennium ending June 30, 2005, and shall use such funds to correct the underpayment of school district adequacy aid in the amount specified to the following municipalities:

Acworth	\$ 3,022
Albany	\$ 1,842
Allenstown	\$ 12,554
Alstead	\$ 9,030
Antrim	\$ 12,184

Barnstead	\$ 18,393
Barrington	\$ 17,631
Bennington	\$ 3,086
Boscawen	\$ 14,909
Brookline	\$ 32,168
Canaan	\$ 16,993
Candia	\$ 2,569
Charlestown	\$ 16,870
Chester	\$ 2,849
Danbury	\$ 3,248
Danville	\$ 16,976
Deerfield	\$ 17,915
Deering	\$ 2,804
Derry	\$ 133,501
Dorchester	\$ 2,591
Effingham	\$ 5,327
Epping	\$ 26,111
Epsom	\$ 247
Farmington	\$ 40,962
Franklin	\$ 8,849
Fremont	\$ 23,024
Goshen	\$ 4,115
Grafton	\$ 4,704
Greenville	\$ 7,427
Hill	\$ 4,898
Hillsboro	\$ 1,880
Hinsdale	\$ 13,634
Jaffrey	\$ 15,084
Kingston	\$ 5,647
Lancaster	\$ 16,239
Langdon	\$ 3,532
Lee	\$ 31,898
Lempster	\$ 1,683
Lisbon	\$ 9,132
Litchfield	\$ 45,631
Londonderry	\$ 157,255
Loudon	\$ 10,313
Madbury	\$ 3,669
Marlborough	\$ 1,631
Marlow	\$ 2,842
Middleton	\$ 4,926
Milan	\$ 980
Milton	\$ 16,997
Mont Vernon	\$ 7,175
New Ipswich	\$ 23,847
Newport	\$ 2,529

Newton	\$ 30,315
Northfield	\$ 24, 529
Northumberland	\$ 15,297
Northwood	\$ 12,983
Orange	\$ 3,026
Pembroke	\$ 541
Pittsfield	\$ 25,100
Plymouth	\$ 1,177
Raymond	\$ 65,298
Richmond	\$ 2,911
Sandown	\$ 19,010
Somersworth	\$ 23,439
Strafford	\$ 21,079
Sullivan	\$ 4,033
Swanzy	\$ 16,486
Troy	\$ 9,529
Warren	\$ 4,535
Weare	\$ 64,825
Wentworth	\$ 4,161
Winchester	\$ 16,207

134 Effective Date.

- I. Paragraph II of section 18 of this act shall take effect July 1, 2005 at 12:01 a.m.
- II. Sections 6, 53, 111, and 133 of this act shall take effect June 30, 2005.
- III. Sections 73, 76, 79, 82, 85, 88, 91, and 92 of this act shall take effect July 8, 2005.
- IV. Sections 68, 74, 77, 80, 83, 86, and 89 of this act shall take effect January 6, 2006.
- V. Sections 69, 75, 78, 81, 84, 87 and 90 of this act shall take effect July 7, 2006.
- VI. Section 126 of this act shall take effect January 1, 2006.
- VII. The remainder of this act shall take effect July 1, 2005.

2005-1812s

AMENDED ANALYSIS

This bill:

- I. Authorizes the office of information technology to transfer funds within and among all PAU's within the office, with the approval of the fiscal committee, for the biennium ending June 30, 2007.
- II. For the biennium ending June 30, 2007, allows the department of fish and game, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.
- III. Prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.
- IV. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2007.
- V. Provides that, for the biennium ending June 30, 2007, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
- VI. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.

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

VIII. Provides that in each year of the biennium ending June 30, 2007, all tobacco settlement funds received by the state shall be deposited in the education trust fund, and the balance of the tobacco use prevention fund as of June 30, 2005 shall lapse to the general fund.

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

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

XI. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$50,000 be approved by the joint legislative fiscal committee.

XII. Increases the local medical assistance contribution from counties.

XIII. Establishes the judicial branch family division.

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

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

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

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

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

XX. Requires the commissioner of the department of transportation to implement the regional electronic toll collection system on September 1, 2005.

XXI. Discontinues the sale of tokens on September 1, 2005 and the collection of tokens on January 1, 2006.

XXII. Establishes discounts for passenger and commercial vehicles using the regional electronic toll collection system.

XXIII. Increases the tobacco tax.

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

XXV. Allows the lottery commission to deduct instant ticket delivery fees deducted from lottery receipts.

XXVI. Establishes the position and salary of finance director for the department of transportation.

XXVII. Establishes a 2-year pilot program and a committee on investment of state highway mitigation funds for the purposes of natural, cultural, and historical resource conservation, consistent with the land and community heritage investment program.

XXVIII. Reduces the minimum reserve required for the state self-insured health insurance plan.

XXIX. Establishes an indirect cost recovery program under the department of administrative services.

XXX. Allows the commissioner of an agency that is affected by an employee classification decision made by the director of personnel to appeal such decision to the commissioner of administrative services.

XXXI. Establishes salaries for law enforcement employees.

XXXII. Establishes salaries for councilors and commissioners, judges, unclassified employees, and judicial and legislative employees.

XXXIII. Provides for the department of regional community-technical colleges to acquire or lease certain property from the Pease development authority. The bill also provides that proceeds from the sale or lease shall be used to reduce the authority's debt owed to the state.

XXXIV. Increases judicial salaries.

XXXV. Increases inspection fees for elevators and boilers, and increases civil penalties for violations of labor statutes.

XXXVI. Establishes the position and salary of the insurance fraud attorney in the insurance department.

XXXVII. Adds administration of the modular building standards program to the responsibilities of the state fire marshal.

XXXVIII. Establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state fire marshal.

XXXIX. Establishes restrictions on certain appropriations for community mental health services.

XL. Extends a prior appropriation to the department of health and human services for a local access program.

XLI. Requires the New Hampshire vaccine association to pay to the state the amount of the increase in any year in which the total calculated cost to be received is less than the anticipated cost for vaccines.

XLII. Requires the area agencies and community mental health programs to submit a cost containment report to the department of health and human services for each year of the biennium.

XLIII. Allows the commissioner of the department of health and human services to recover assistance costs furnished to children from the children's parents, and establishes eligibility criteria for the children's health plan.

XLIV. Requires the department of health and human services to designate in its operating budget specific class lines for medicaid hospital outpatient services.

XLV. Suspends existing law relative to rate setting for home health services.

XLVI. Authorizes the department of health and human services to apply for federal funding to establish an electronic health information infrastructure and to enter into collaborative agreements with other departments and entities relative to the expanded use of information technology.

XLVII. Prohibits the department of health and human services from increasing expenditures for the Healthy Kids Silver program without additional appropriations from the general court.

XLVIII. Requires the commissioner of administrative services to deposit certain sums in the revenue stabilization reserve account. The bill also suspends payments by the state to the federal Medicare program, unless a court determines that provisions of Medicare Part D, popularly known as "the clawback" are constitutional.

XLIX. Establishes a care management pilot program for medicaid clients in the department of health and human services.

L. Requires the department of health and human services and the department of revenue to enter into a memorandum of understanding relative to information exchanged between the 2 agencies for purposes of public assistance eligibility and recovery.

LI. Suspends certain payments for indirect medical education for the biennium ending June 30, 2007.

LII. Suspends administrative rules relative to residential child care facility rate setting.

LIII. Requires the department of health and human services to explore strategies to integrate the medical care and mental health care of its medicaid recipients.

LIV. Requires the disclosure of pharmaceutical marketing to the secretary of state, and provides a civil penalty for failing to disclose.

LV. Authorizes the commissioner of revenue administration to disregard sham transactions for purposes of assessing tax liability and shifts the burden of proof in determining whether a transaction is a sham based on the parties involved.

LVI. Authorizes the commissioner of the department of health and human services to transfer funds collected from the medicaid supplemental rebate program for the purposes of start-up costs for the New Hampshire Rx plus program, if such program is enacted by the general court.

LVII. Imposes the same tax on loose tobacco as is currently imposed on tobacco products other than cigarettes.

LVIII. Allows any county that surrenders the license for a bed at a county-owned nursing facility to reestablish and relicense that bed at the same facility without meeting certificate of need requirements.

LIX. Provides for an amnesty period on payment of penalties and interest on unpaid real estate transfer taxes owed to the state.

LX. Repeals the communications tax exemption for the first \$12 of a residential customer's monthly telephone bill.

LXI. Requires the department of education to correct the distribution of adequacy aid to school districts in fiscal year 2004.

Senator Barnes withdrew the floor amendment, without objection.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Foster, Dist. 13

Sen. Gottesman, Dist. 12

June 9, 2005

2005-1884s

06/09

Floor Amendment to HB 2-FN-A

Amend the bill by inserting after section 132 the following and renumbering the original section 133 to read as 137:

133 New Section; Civil Legal Services Fund; New Hampshire Legal Assistance. Amend RSA 525-A by inserting after section 1 the following new section:

525-A:2 Filing Fee Surcharge; New Hampshire Legal Assistance. There is established in the office of the state treasurer a separate fund to be known as the civil legal services fund. The money in this fund shall be distributed to New Hampshire Legal Assistance to be used to establish and operate an office in the city of Nashua to provide civil legal services to low-income persons in the city of Nashua and the surrounding area, and to provide additional attorneys, paralegals, or both, to the staff of the New Hampshire Legal Assistance offices in Manchester, Claremont, Portsmouth, and Littleton. These civil legal services shall include services related to such issues as housing, social security and other government benefits, health care, domestic violence, and consumer issues. New Hampshire Legal Assistance shall report semi-annually to the judicial council as to its use of these funds in accordance with RSA 525-A:1.

134 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (235) the following new subparagraph:

(236) Moneys deposited in the civil services legal fund established in RSA 525-A:2.

135 Penalty Assessment; Court Fines and Penalties. Amend RSA 188-F:31, IV to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraph I designated for the police standards and training council training fund to the police standards and training council. The council shall pay over all moneys collected by it under this chapter to the state treasurer. ***The treasurer shall deposit the sum of \$700,000 annually into the civil legal services fund established in RSA 525-A:2 and all other sums shall be*** for deposit in the police standards and training council training fund. The clerk shall transmit the amount collected under paragraph I for the victims' assistance fund to the state treasurer to deposit in such fund.

136 Pilot Project for Serving the "Working Poor." The general court finds that many moderate-income and working class New Hampshire residents are unable to afford to hire a private attorney to assist them with urgent civil legal problems, and that further efforts should be made to provide legal services to this population. Accordingly, for the biennium ending June 30, 2007, New Hampshire Legal Assistance shall conduct a

pilot project to serve this group and may use funds provided pursuant to RSA 525-A:2 for this purpose. This pilot project shall include the use of sliding fee scales and shall be limited to clients whose incomes are below 250 percent of the federal poverty guidelines. On or before November 1, 2006, New Hampshire Legal Assistance shall file a report describing this pilot project, the results achieved, and recommendation for future legislative action, if any. This report shall be filed with the governor, the president of the senate, the speaker of the house of representatives, the chairpersons of the house and senate judiciary committees, the attorney general, and the judicial council.

2005-1884s

AMENDED ANALYSIS

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XXXV. Increases inspection fees for elevators and boilers, and increases civil penalties for violations of labor statutes.

XXXVI. Establishes the position and salary of the insurance fraud attorney in the insurance department.

XXXVII. Adds administration of the modular building standards program to the responsibilities of the state fire marshal.

XXXVIII. Establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state fire marshal.

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XL. Extends a prior appropriation to the department of health and human services for a local access program.

XLI. Requires the New Hampshire vaccine association to pay to the state the amount of the increase in any year in which the total calculated cost to be received is less than the anticipated cost for vaccines.

XLII. Requires the area agencies and community mental health programs to submit a cost containment report to the department of health and human services for each year of the biennium.

XLIII. Allows the commissioner of the department of health and human services to recover assistance costs furnished to children from the children's parents, and establishes eligibility criteria for the children's health plan.

XLIV. Requires the department of health and human services to designate in its operating budget specific class lines for medicaid hospital outpatient services.

XLV. Suspends existing law relative to rate setting for home health services.

XLVI. Authorizes the department of health and human services to apply for federal funding to establish an electronic health information infrastructure and to enter into collaborative agreements with other departments and entities relative to the expanded use of information technology.

XLVII. Prohibits the department of health and human services from increasing expenditures for the Healthy Kids Silver program without additional appropriations from the general court.

XLVIII. Requires the commissioner of administrative services to deposit certain sums in the revenue stabilization reserve account. The bill also suspends payments by the state to the federal Medicare program, unless a court determines that provisions of Medicare Part D, popularly known as "the clawback" are constitutional.

XLIX. Establishes a care management pilot program for medicaid clients in the department of health and human services.

L. Requires the department of health and human services and the department of revenue to enter into a memorandum of understanding relative to information exchanged between the 2 agencies for purposes of public assistance eligibility and recovery.

LI. Suspends certain payments for indirect medical education for the biennium ending June 30, 2007.

LII. Suspends administrative rules relative to residential child care facility rate setting.

LIII. Requires the department of health and human services to explore strategies to integrate the medical care and mental health care of its medicaid recipients.

LIV. Requires the disclosure of pharmaceutical marketing to the secretary of state, and provides a civil penalty for failing to disclose.

LV. Authorizes the commissioner of revenue administration to disregard sham transactions for purposes of assessing tax liability and shifts the burden of proof in determining whether a transaction is a sham based on the parties involved.

LVI. Authorizes the commissioner of the department of health and human services to transfer funds collected from the medicaid supplemental rebate program for the purposes of start-up costs for the New Hampshire Rx plus program, if such program is enacted by the general court.

LVII. Imposes the same tax on loose tobacco as is currently imposed on tobacco products other than cigarettes.

LVIII. Allows any county that surrenders the license for a bed at a county-owned nursing facility to reestablish and relicense that bed at the same facility without meeting certificate of need requirements.

LIX. Provides for an amnesty period on payment of penalties and interest on unpaid real estate transfer taxes owed to the state.

LX. Repeals the communications tax exemption for the first \$12 of a residential customer's monthly telephone bill.

LXI. Establishes a civil legal services fund for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices. The civil legal services fund shall be funded by a portion of penalty assessments on court fines.

Floor amendment adopted.

Senator Bragdon is in favor of floor amendment 1884.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

June 9, 2005

2005-1908s

01/09

Floor Amendment to HB 2-FN-A

Amend the bill by inserting after section 132 the following and renumbering the original section 133 to read as 134:

133 Appropriations Reductions; All State Agencies. All state agencies are hereby directed to reduce state general fund appropriations for classes 20, 70, and 80 by 10 percent for the fiscal years ending June 30, 2006 and June 30, 2007

Floor amendment adopted.

Senator Eaton moved that without objection all of the floor amendments which purported to change section 133 shall be included in HB 2 as new sections, not over-rides of previous votes.

Adopted without objection.**Senator D'Allesandro offered a floor amendment.**

Sen. D'Allesandro, Dist. 20

Sen. Odell, Dist. 8

Sen. Larsen, Dist. 15

June 9, 2005

2005-1885s

08/01

Floor Amendment to HB 2-FN-A

Amend the bill by deleting section 117 and renumbering the original sections 118-133 to read as 117-132, respectively.

Amend the bill by deleting section 123 and renumbering the original sections 124-132 to read as 123-131, respectively.

Amend paragraph VI as inserted by section 131 of the bill by replacing it with the following:

VI. Section 124 of this act shall take effect January 1, 2006.

2005-1885s

AMENDED ANALYSIS

This bill:

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

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

III. Prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

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

V. Provides that, for the biennium ending June 30, 2007, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

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

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

VIII. Provides that in each year of the biennium ending June 30, 2007, all tobacco settlement funds received by the state shall be deposited in the education trust fund, and the balance of the tobacco use prevention fund as of June 30, 2005 shall lapse to the general fund.

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

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

XI. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$50,000 be approved by the joint legislative fiscal committee.

XII. Increases the local medical assistance contribution from counties.

XIII. Establishes the judicial branch family division.

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

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

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

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

XVIII. Increases motor vehicle fines.

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

XX. Requires the commissioner of the department of transportation to implement the regional electronic toll collection system on September 1, 2005.

XXI. Discontinues the sale of tokens on September 1, 2005 and the collection of tokens on January 1, 2006.

XXII. Establishes discounts for passenger and commercial vehicles using the regional electronic toll collection system.

XXIII. Increases the tobacco tax.

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

XXV. Allows the lottery commission to deduct instant ticket delivery fees deducted from lottery receipts.

XXVI. Establishes the position and salary of finance director for the department of transportation.

XXVII. Establishes a 2-year pilot program and a committee on investment of state highway mitigation funds for the purposes of natural, cultural, and historical resource conservation, consistent with the land and community heritage investment program.

XXVIII. Reduces the minimum reserve required for the state self-insured health insurance plan.

XXIX. Establishes an indirect cost recovery program under the department of administrative services.

XXX. Allows the commissioner of an agency that is affected by an employee classification decision made by the director of personnel to appeal such decision to the commissioner of administrative services.

XXXI. Establishes salaries for law enforcement employees.

XXXII. Establishes salaries for councilors and commissioners, judges, unclassified employees, and judicial and legislative employees.

XXXIII. Provides for the department of regional community-technical colleges to acquire or lease certain property from the Pease development authority. The bill also provides that proceeds from the sale or lease shall be used to reduce the authority's debt owed to the state.

XXXIV. Increases judicial salaries.

XXXV. Increases inspection fees for elevators and boilers, and increases civil penalties for violations of labor statutes.

XXXVI. Establishes the position and salary of the insurance fraud attorney in the insurance department.

XXXVII. Adds administration of the modular building standards program to the responsibilities of the state fire marshal.

XXXVIII. Establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state fire marshal.

XXXIX. Establishes restrictions on certain appropriations for community mental health services.

XL. Extends a prior appropriation to the department of health and human services for a local access program.

XLII. Requires the New Hampshire vaccine association to pay to the state the amount of the increase in any year in which the total calculated cost to be received is less than the anticipated cost for vaccines.

XLIII. Requires the area agencies and community mental health programs to submit a cost containment report to the department of health and human services for each year of the biennium.

XLIV. Allows the commissioner of the department of health and human services to recover assistance costs furnished to children from the children's parents, and establishes eligibility criteria for the children's health plan.

XLV. Requires the department of health and human services to designate in its operating budget specific class lines for medicaid hospital outpatient services.

XLVI. Authorizes the department of health and human services to apply for federal funding to establish an electronic health information infrastructure and to enter into collaborative agreements with other departments and entities relative to the expanded use of information technology.

XLVII. Prohibits the department of health and human services from increasing expenditures for the Healthy Kids Silver program without additional appropriations from the general court.

XLVIII. Requires the commissioner of administrative services to deposit certain sums in the revenue stabilization reserve account. The bill also suspends payments by the state to the federal Medicare program, unless a court determines that provisions of Medicare Part D, popularly known as "the clawback" are constitutional.

XLIX. Establishes a care management pilot program for medicaid clients in the department of health and human services.

L. Requires the department of health and human services and the department of revenue to enter into a memorandum of understanding relative to information exchanged between the 2 agencies for purposes of public assistance eligibility and recovery.

LI. Suspends certain payments for indirect medical education for the biennium ending June 30, 2007.

LII. Requires the department of health and human services to explore strategies to integrate the medical care and mental health care of its medicaid recipients.

LIII. Requires the disclosure of pharmaceutical marketing to the secretary of state, and provides a civil penalty for failing to disclose.

LIV. Authorizes the commissioner of revenue administration to disregard sham transactions for purposes of assessing tax liability and shifts the burden of proof in determining whether a transaction is a sham based on the parties involved.

LV. Authorizes the commissioner of the department of health and human services to transfer funds collected from the medicaid supplemental rebate program for the purposes of start-up costs for the New Hampshire Rx plus program, if such program is enacted by the general court.

LVI. Imposes the same tax on loose tobacco as is currently imposed on tobacco products other than cigarettes.

LVII. Allows any county that surrenders the license for a bed at a county-owned nursing facility to reestablish and relicense that bed at the same facility without meeting certificate of need requirements.

LVIII. Provides for an amnesty period on payment of penalties and interest on unpaid real estate transfer taxes owed to the state.

LXIII. Repeals the communications tax exemption for the first \$12 of a residential customer's monthly telephone bill.

Floor amendment failed.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

Senator Barnes is in opposition to HB 2-FN-A.

HB 47, regulating the use of computer spyware. Finance Committee. Ought to Pass, Vote 6-0. Senator Boyce for the committee.

Senator Boyce offered a floor amendment.

Sen. Boyce, Dist. 4

June 8, 2005

2005-1854s

05/09

Floor Amendment to HB 47

Amend RSA 359-G:3 as inserted by section 1 of the bill by replacing it with the following:

359-G:3 Violation; Criminal Penalty. Any person who uses a computer program or spyware in violation of RSA 359-G:2 shall be guilty of a class A misdemeanor.

Amend RSA 359-G:5 as inserted by section 1 of the bill by replacing it with the following:

359-G:5 Enforcement; Information Gathering. The house standing committee responsible for science, technology, and energy issues, in consultation with the department of justice, may periodically review implementation and enforcement of this chapter and shall make such legislative recommendations as may be appropriate.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

2005-1854s

AMENDED ANALYSIS

This bill prohibits the use of spyware or similar computer programs to knowingly alter, take control of, or damage a consumer's computer or Internet access and establishes a criminal penalty for such conduct.

A division vote was requested.

Yeas: 14 - Nays: 10

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 102-FN-A, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. Finance Committee. Ought to Pass, Vote 4-2. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board. Finance Committee. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

HB 215-FN, relative to water management. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Odell for the committee.

Senate Finance

May 27, 2005

2005-1681s

06/01

Amendment to HB 215-FN

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

Amendment adopted.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 8, 2005

2005-1841s

09/01

Floor Amendment to HB 215-FN

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

AN ACT relative to water management and relative to the membership of the exotic aquatic weeds and species committee.

Amend the bill by replacing section 2 with the following:

2 Exotic Aquatic Weeds and Species Committee; Membership. Amend RSA 487:30, II(a)(2) to read as follows:

(2) [~~One member~~] **Two members** of the senate, appointed by the president of the senate.

3 Effective Date.

I. Section RSA 488:8 as inserted by section 1 of this act shall take effect January 1, 2007.

II. Section 2 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 2006.

2005-1841s

AMENDED ANALYSIS

This bill requires water users who withdraw, discharge, or transfer large amounts of water to register with the department of environmental services and measure and report the amount of water withdrawn, discharged, or transferred.

The bill also adds a senate member to the exotic aquatic weeds and species committee.

MOTION TO TABLE

Senator D'Allesandro moved to have HB 215-FN laid on the table.

Adopted.

LAIID ON THE TABLE

HB 215-FN, relative to water management.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 6-1. Senator Clegg for the committee.

Senate Finance

June 1, 2005

2005-1775s

06/01

Amendment to HB 433-FN-A

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

AN ACT relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor and relative to the location of certain boat docks.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Excavating and Dredging Permit; Certain Exemptions; Docks. Amend RSA 482-A:3, XIII(c) to read as follows:

(c) Notwithstanding the provisions of subparagraph (a), boat docking facilities may be located closer than 20 feet from an abutter's property line in **both tidal and** non-tidal waters [~~and 20 feet in tidal waters~~], if the owner of the boat docking facility obtains the written consent of the abutting property owner. Such consent shall be signed by all parties, notarized and filed with the dock application with the department of environmental services. ***Upon request of the property owner seeking the boat docking facil-***

ity, the commissioner may waive the requirement of the abutter's written consent after a finding of good cause. The request for waiver shall be made in writing to the commissioner and state the specific basis upon which the waiver is requested. The commissioner shall not waive the requirement of the abutter's written consent with respect to property developed for condominium ownership pursuant to RSA 356-B.

2005-1775s

AMENDED ANALYSIS

This bill appropriates \$1 for 2 plans, one for public access and recreational use and the other for road management in the Connecticut Lakes headwaters working forest.

This bill also authorizes the commissioner of environmental services to allow the location of a boat dock within 20 feet of a property line without an abutter's consent if the commissioner finds good cause.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission. Finance Committee. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

Adopted.

Ordered to third reading.

HB 450-FN-A, extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 6-0. Senator Larsen for the committee.

Senate Finance

June 1, 2005

2005-1759s

05/04

Amendment to HB 450-FN-A

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

AN ACT extending the commission to study child support and related child custody issues.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2005-1759s

AMENDED ANALYSIS

This bill extends the commission to study child support and related child custody issues established in 2003, 277.

Amendment failed.

The question is on the motion of ought to pass.

Adopted.

Ordered to third reading.

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications. Finance Committee. Ought to pass with amendment, Vote 6-1. Senator Odell for the committee.

Senate Finance

June 1, 2005

2005-1765s

03/09

Amendment to HB 460-FN

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

1 Enhanced 911 System; Coordination by Provider of Telephone Service; Reimbursement. Amend RSA 106-H:8 to read as follows:

106-H:8 Coordination by Provider of Telephone Service.

I. Every telephone utility authorized to do business in the state pursuant to RSA 374:22, I and every entity which provides commercial mobile radio service, as defined in 47 C.F.R. 20.3, and required by the Federal Communications Commission to provide 911 service, shall make available the universal emergency telephone number 911 for use by the public in seeking assistance from fire, police, and other related safety agencies through a single public safety answering point. Each telephone service provider shall assure that all requests for police, fire, medical, or other emergency services received by the provider or the provider's operator services shall be transferred to the public safety answering point. Such transfer shall include the calling party's telephone number in American Standard Code for Information Interchange (ASCII) in a format recommended for data exchange by the National Emergency Number Association (NENA).

II. For purposes of implementing this chapter, any provider of commercial mobile radio service shall be entitled to reimbursement from the bureau of the reasonable expenses incurred ***prior to the effective date of this paragraph*** to accomplish the provision of enhanced 911 service to the extent authorized by the Federal Communications Commission and approved by the enhanced 911 commission. The bureau may utilize the services of any other state agency or a consultant to assist in reviewing the requested reimbursement to insure that it is reasonable and may seek recovery of the expense of that review from the provider.

2 Review of Claims. The enhanced 911 commission shall approve and the bureau, as defined in RSA 106-H:2, III, shall pay, in a timely fashion, all reimbursement claims filed under RSA 106-H:8, II by providers of commercial mobile radio service for reasonable expenses incurred prior to the effective date of RSA 106-H:8, II to which the providers are entitled.

3 Effective Date. This act shall take effect 30 days after its passage.

2005-1765s

AMENDED ANALYSIS

This bill limits the reimbursement to providers of commercial mobile radio service by the bureau of emergency communications to expenses incurred prior to the effective date of this act.

Amendment adopted.

The question is on the adoption of the bill as amended.

A roll call was requested by Senator Burling.

Seconded by Senator Green.

The following Senators voted Yes: Green, Odell, Eaton, Foster, Clegg, Gatsas, Letourneau, D'Allesandro, Morse.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Burling, Flanders, Roberge, Bragdon, Gottesman, Larsen, Barnes, Martel, Estabrook, Hassan, Fuller Clark.

Yeas: 9 - Nays: 15

Motion failed.

Senator Burling moved re-refer.

Adopted.

HB 460-FN is re-referred to the Committee on Finance.

HB 477-FN, increasing registration fees for pesticides and commercial feeds. Finance Committee. Ought to Pass, Vote 4-3. Senator D'Allesandro for the committee.

Adopted.

Ordered to third reading.

HB 539-FN-A-L, relative to land and community heritage investment program administration. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Larsen for the committee.

Senate Finance
June 2, 2005
2005-1801s
09/05

Amendment to HB 539-FN-A-LOCAL

Amend RSA 227-M:8, III as inserted by section 1 of the bill by replacing it with the following:

III. Financial assistance to eligible applicants shall be provided through grants and block grants (grants to another organization for re-granting) *and loans. Up to 50 percent of financial assistance provided each year may be provided through loans. Principal and interest paid on such loans shall be deposited in the trust fund for the New Hampshire land and community heritage investment program established in RSA 227-M:7.* Financial assistance may only be expended on eligible resources for the following purposes:

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 611-FN, relative to small group insurers. Finance Committee. Inexpedient to Legislate, Vote 5-1. Senator D'Allesandro for the committee.

MOTION TO TABLE

Senator Hassan moved to have HB 611-FN laid on the table.

Adopted.

LAIID ON THE TABLE

HB 611-FN, relative to small group insurers.

HB 637-FN, relative to licensure of alcohol and drug abuse professionals. Finance Committee. Ought to Pass, Vote 5-2. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator D'Allesandro for the committee.

Senate Finance
June 2, 2005
2005-1802s
09/05

Amendment to HB 644-FN

Amend paragraphs I-III of section 1 of the bill by replacing them with the following:

I. As of July 1, 2005 there shall be established within the department of administrative services, division of plant and property management, a bureau of public works design and construction under the supervision of a classified public works project manager VII, who shall act as administrator of the bureau. The department of administrative services, division of plant and property management, bureau of public works design and construction, shall, through its officials, be responsible for all functions formerly performed by the department of transportation, its division of public works or its bureau of public works relating to the construction, reconstruction, alteration, or maintenance of any building, plant, fixture, or facility. The function of the construction, reconstruction, alteration, or maintenance of highways, bridges, or other items directly related to transportation, shall continue to be managed by, and shall be the responsibility of, the department of transportation.

II. As of July 1, 2005, all personnel in PAU 04-01-04-02 of the department of transportation, shall be transferred to the department of administrative services, division of plant and property management, bureau of public works design and construction, together with all of the books, papers, payroll, records, equip-

ment, unexpended appropriations for personnel and public works functions herein transferred, or other available or budgeted funds in any account or subdivision of any account of the department of transportation related to public works projects transferred to the department of administrative services, whether funded through capital or operating budgets. With regard to personnel, this paragraph is intended to transfer the personnel of the department of transportation who perform the functions herein transferred to the department of administrative services, with the exception of the department of transportation's director of public works (PAU 04-01-04-01), subject to paragraph III regarding funding for the director's position.

III. As of July 1, 2005, all salaries, funds and unexpended appropriations for, or amounts budgeted for, the position of the director of public works, department of transportation (PAU 04-01-04-01) as of July 1, 2005 shall be transferred to the department of administrative services, division of plant and property management, bureau of public works design and construction and shall initially fund the position of public works project manager VII specified in paragraph I.

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. As of July 1, 2005, the bureau of court facilities shall be established as a bureau of the department of administrative services, division of plant and property management and shall be under the supervision of a classified administrator.

Amend paragraph III of section 3 of the bill by replacing it with the following:

III. As of July 1, 2005, the department of administrative services, division of plant and property management, through its officials, shall be responsible for the care and maintenance, except for the interior maintenance and grounds of certain buildings pursuant to RSA 21-I:11, X, of all state-owned buildings located on the campus of the New Hampshire hospital as described in RSA 4:39-a.

Amend paragraph V of section 3 of the bill by replacing it with the following:

V.(a) Except as provided in subparagraph (b), as of July 1, 2005, all personnel under the supervision of the department of health and human services whose function it is to care for and maintain state-owned buildings on the New Hampshire hospital campus as described in RSA 4:39-a shall be transferred to the department of administrative services, division of plant and property management, together with all of the books, papers, payroll, records, equipment, unexpended appropriations for personnel and all building and grounds maintenance functions relating to the New Hampshire hospital campus, or other available funds in any account or subdivision of any account of the department of health and human services related to building and property care and maintenance at the New Hampshire hospital campus.

(b) Personnel under the supervision of the department of health and human services who provide patient care functions and maintenance inside the following buildings and personnel responsible for maintenance of the grounds of the following buildings shall not be transferred to the department of administrative services:

- (1) The acute psychiatric services building.
- (2) The Anna Philbrook center.
- (3) All transitional housing buildings, including the Howard recreation building.

Amend the bill by inserting after section 3 the following and renumbering the original section 4-30 to read as 5-31, respectively:

4 Review of Compensation of Director of Plant and Property Management. In view of the changes made by this act, the commissioner of the department of administrative services shall consult with the outside consulting group noted in RSA 21-I:13, XIII to obtain a recommendation as to adjustments to the compensation of the director of the division of plant and property management. The commissioner shall, upon review and evaluation, present his or her recommendations for any adjustments to the fiscal committee of the general court and, if approved by the fiscal committee, submit those recommendations to the governor and council for review in accordance with RSA 94:3-b.

Amend the introductory paragraph of RSA 21-I:12, V as inserted by section 7 of the bill by replacing it with the following:

V. A bureau of court facilities under the supervision of a classified administrator who shall be responsible for the following functions, in accordance with applicable laws:

Amend the introductory paragraph of RSA 21-I:12, VI as inserted by section 7 of the bill by replacing it with the following:

VI. A bureau of public works design and construction under the supervision of a classified public works project manager VII who shall act as administrator of the bureau and who shall be responsible for the following functions, in accordance with applicable law:

Amend RSA 21-I:81 as inserted by section 9 of the bill by replacing it with the following:

21-I:81 Public Works Appeals. Appeals by persons aggrieved by decisions of the individual functioning as the administrator of the bureau of public works design and construction relative to public works design and construction shall be to the director of the division of plant and property management or his or her designee. Appeals by persons aggrieved by decisions of the director of the division of plant and property management or his or her designee relative to public works design and construction shall be to the commissioner or his or her designee. Appeals by persons aggrieved by decisions of the commissioner or his or her designee relative to public works design and construction shall be to the transportation appeals board established by RSA 21-L:14.

Amend RSA 4:39-a as inserted by section 22 of the bill by replacing it the following:

4:39-a New Hampshire Hospital Real Estate.

[F.] The area in the city of Concord bounded by Pleasant, Fruit, Clinton, and South Spring streets, excluding any privately owned land and buildings, and known as the main campus of the New Hampshire hospital shall remain in its entirety the property of the state of New Hampshire, except such land as determined necessary for use by the city of Concord for approved municipal services may be conveyed in accordance with RSA 10:4 unless RSA 227-C:6 applies. If RSA 227-C:6 applies, such land shall be conveyed in accordance with RSA 227-C:9. The commissioner of administrative services, with the approval of the long range capital planning and utilization committee, shall designate the use of **and be responsible for maintaining, with the exception of the interior maintenance and maintenance of grounds of certain properties pursuant to RSA 21-I:11, X, and leasing** any buildings on the main campus of the New Hampshire hospital in accordance with the following priorities: (1) department of health and human services and its lessees, (2) state departments, and (3) other government or nonprofit organizations performing a state-related function.

~~[H. If any of the buildings of New Hampshire hospital which are under the jurisdiction of the department of health and human services are released to the department of administrative services after the effective date of this section, they shall not be occupied until they have been properly renovated for their new purposes, and such renovations have been approved by the commissioner of administrative services and the priority requirement established under paragraph I has been satisfied. The commissioner of administrative services may make an exception to this paragraph not to exceed a period of 2 years from the release date for occupancy of any such building. The commissioner shall adopt rules under RSA 541-A relative to the procedure to be followed for such exceptions.]~~

Amend RSA 135-C:4 as inserted by section 26 of the bill by replacing it with the following:

26 State Mental Health Facilities Other Than New Hampshire Hospital; Rules. Amend RSA 135-C:4 to read as follows:

135-C:4 State Facilities Other Than New Hampshire Hospital; Rules.

I. The commissioner shall have charge of the property and concerns of any facility owned by the state which provides, or which may be established to provide, care and treatment to persons who have mental illness or developmental disabilities, **other than those subject to the exception set forth in paragraph I-a, with regard to the care and maintenance of the grounds and buildings located at the facility in Concord, known as New Hampshire hospital.** Such facilities include, but are not limited to, facilities established at Glencliff known as Glencliff home for the elderly[;] **and** Laconia, known as Laconia developmental services[; ~~and Concord, known as New Hampshire hospital~~].

I-a. The commissioner shall have charge of the interior maintenance and grounds of the acute psychiatric services building, the Anna Philbrook center and all transitional buildings including the Howard recreation building, located on the campus of the New Hampshire hospital as described in RSA 4:39-a.

II. The commissioner may enter into contracts relative to services to clients, management, and operation of the facilities as he **or she** deems appropriate, **other than contracts regarding the care and**

maintenance of the grounds and buildings, or portions thereof, at the facility in Concord known as the New Hampshire hospital which have been assigned to the care of the department of administrative services, and may receive, appropriate, control, convey, hold in trust, or invest any funds or real or personal property given or devised to or owned by any facility in any manner as he *or she* deems expedient. [He] **The commissioner** may determine the name of, the services to be provided at, and the clients, whether under RSA 135-C or RSA 171-A, to be served by any facility.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to eligibility criteria and procedures for admission to state facilities.

Amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

Sen. Flanders, Dist. 7

June 9, 2005

2005-1887s

09/01

Floor Amendment to HB 644-FN

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

AN ACT transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services and relative to the joint legislative committee on small group health insurance reform.

Amend the bill by replacing section 31 with the following:

31 Duty Added. Amend RSA 420-G:14-c, I to read as follows:

I. There is hereby established a joint legislative oversight committee on small group health insurance reform. ~~[The committee shall review the reports filed by the commissioner pursuant to RSA 420-G:14-a; monitor the small group health insurance market in the state, and monitor the effect of SB 110 of the 2003 legislative session.]~~ The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include [3] **5** members of the house, appointed by the speaker of the house and [2] **5** senators, appointed by the president of the senate.

32 Effective Date.

I. Section 31 of this act shall take effect upon its passage.

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

2005-1887s

AMENDED ANALYSIS

This bill transfers responsibility for public works administration and state lease administration from the department of transportation and the department of health and human services, respectively, to the department of administrative services.

This bill changes the membership and the duties of the joint legislative oversight committee on small group health insurance reform.

Floor amendment adopted.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

June 9, 2005

2005-1893s

09/01

Floor Amendment to HB 644-FN

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

AN ACT transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services, relative to the joint legislative committee on small group health insurance reform, and establishing a joint legislative committee on healthy kids corporation reform.

Amend the bill by replacing section 31 with the following:

31 Duty Added. Amend RSA 420-G:14-c, I to read as follows:

I. There is hereby established a joint legislative oversight committee on small group health insurance reform. ~~[The committee shall review the reports filed by the commissioner pursuant to RSA 420-G:14-a; monitor the small group health insurance market in the state, and monitor the effect of SB 110 of the 2003 legislative session.]~~ The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include [3] **5** members of the house, appointed by the speaker of the house and [2] **5** senators, appointed by the president of the senate.

32 New Section; Legislative Oversight Committee on Healthy Kids Corporation Reform. Amend RSA 126-H by inserting after section 8 the following new section:

126-H:9 Legislative Oversight Committee.

I. There is hereby established a joint legislative oversight committee on healthy kids corporation reform. The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 5 members of the house, appointed by the speaker of the house and 5 senators, appointed by the president of the senate.

II. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house commerce committee and senate insurance committee on November 1 of each year.

33 Effective Date.

I. Section 31 of this act shall take effect upon its passage.

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

2005-1893s

AMENDED ANALYSIS

This bill transfers responsibility for public works administration and state lease administration from the department of transportation and the department of health and human services, respectively, to the department of administrative services.

This bill changes the membership and the duties of the joint legislative oversight committee on small group health insurance reform.

The bill also establishes a joint legislative oversight committee on healthy kids corporation reform.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Clegg.

The following Senators voted Yes: Gallus, Johnson, Boyce, Green, Flanders, Odell, Roberge, Eaton, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

The following Senators voted No: Kenney, Burling, Bragdon, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 14 - Nays: 10

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 647-FN, relative to restructuring the department of revenue administration. Finance Committee. Ought to Pass, Vote 6-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 651-FN-L, relative to federal lien registration. Finance Committee. Ought to Pass, Vote 5-1. Senator Odell for the committee.

Adopted.

Ordered to third reading.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities. Finance Committee. Ought to Pass, Vote 6-0. Senator Odell for the committee.

Senator Flanders offered a floor amendment.

Sen. Flanders, Dist. 7

May 25, 2005

2005-1601s

01/09

Floor Amendment to HB 681-FN

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Dealing in or Possessing Prescription Drugs. Amend RSA 318:42 by inserting after paragraph XIII the following new paragraph:

XIV. A nurse, licensed under RSA 326-B, who is an employee of an approved medical adult day program, licensed by the state of New Hampshire, and acting in the course of his or her employment, from organizing the prescription and non-prescription drugs of clients into containers designed to aid clients in carrying out prescriber's directions; provided, that the organizing of the drugs is documented in the client's nursing record and that the original proscriptions will be kept at the adult day program facility or client's home and the medication container is set up on a weekly basis.

6 Contingency. If HB 691-FN-LOCAL of the 2005 legislative session becomes law, then section 10 of that act, which amends RSA 318:42, XIII, shall not take effect.

7 Effective Date.

I. Section 5 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 2006.

2005-1601s

AMENDED ANALYSIS

This bill allows residential care facilities to establish proceedings for a quality assurance program. The bill authorizes the department of health and human services to provide training for persons who own or work in a residential care facility. This bill also grants a one-year waiver from annual inspections to certain facilities under certain conditions.

This bill also authorizes a licensed nurse who is an employee of a licensed medical adult day program facility to assist clients with medication.

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 692-FN-L, relative to the county department of corrections. Finance Committee. Ought to Pass, Vote 6-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 173, relative to food service and distribution. Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Martel for the committee.

Health and Human Services
June 2, 2005
2005-1786s
01/10

Amendment to HB 173

Amend the bill by replacing sections 4 and 5 with the following:

4 Food Service Licensure; Definition. Amend RSA 143-A:3, V to read as follows:

V. "Occasional food service establishment" means any food service establishment ~~[operated by a private or public organization or institution, whether profit or nonprofit, which prepares food or drink for sale or for service, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge, no more than 96 hours at no fewer than 3 hours a day during a 30-day period]~~ **where food is served or provided for the public on the premises of the establishment, whether or not there is a charge for such food, no more than 4 days during a 30-day period. Any part of a day shall be considered one full day for the purposes of this definition.**

V-a. "Occasional food service events" means events which are not regularly scheduled where food is provided to participants such as extracurricular school events, non-profit sporting events, and periodic events sponsored by religious or nonprofit organizations.

5 Exemptions. Amend the introductory paragraph of RSA 143-A:5 to read as follows:

The following establishments **and events** shall be exempt from licensure under this chapter:

6 Exemptions. Amend RSA 143-A:5, III to read as follows:

III. Temporary food service establishments and occasional food service establishments **and occasional food service events** which are not under the jurisdiction of city or town health officers under RSA 147:1 and RSA 47:17.

7 Effective Date. This act shall take effect 60 days after its passage.

2005-1786s

AMENDED ANALYSIS

This bill:

I. Amends the definition of "shellfish" to be in compliance with the U.S. Food and Drug Administration's model shellfish ordinance.

II. Corrects a reference which is no longer applicable to food safety classes.

III. Clarifies the definition of occasional food service establishment in the food service licensure statute.

IV. Adds an exemption from licensure for occasional food service events.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 439, relative to registration requirements for criminal offenders. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

HB 510, relative to financial affidavits in domestic relations cases. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

HB 511, relative to the confidentiality of records pertaining to the support of dependent children. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

HB 558, relative to the circumstances constituting sexual assault. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Foster for the committee.

Senate Judiciary

May 31, 2005

2005-1747s

04/09

Amendment to HB 558

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

1 Sexual Assault and Offenses; Sexual Assault. Amend RSA 632-A:4, I-II to read as follows:

I. A person is guilty of a class A misdemeanor under any of the following circumstances:

(a) When the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2.

(b) When the actor subjects another person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age to sexual contact where the age difference between the actor and the other person is 5 years or more.

~~[(b)]~~ ***(c)*** In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 3 years or less.

II. A person found guilty under subparagraph ~~[(b)]~~ ***I(c)*** of this section shall not be required to register as a sexual offender under RSA 651-B.

2 Registration of Criminal Offenders; Definition of "Sexual Offender." Amend RSA 651-B:1, III(a) to read as follows:

(a) RSA 632-A:2, 632-A:3, 632-A:4, I(a), ***632-A:4, I(b) if the actor was 21 years of age or older at the time of the offense***, 645:1, II, or 645:1, III; or

3 Effective Date. This act shall take effect January 1, 2006.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 567, relative to mediation in family law cases involving children. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Roberge for the committee.

Committee report of inexpedient to legislate is adopted.

HB 326, relative to motorcycle noise levels and mufflers. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Martel for the committee.

Transportation and Interstate Cooperation

June 2, 2005

2005-1785s

03/01

Amendment to HB 326

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Equipment of Vehicles; Prevention of Noise; Exhaust Modifications. Amend RSA 266:59 by inserting after paragraph III the following new paragraph:

IV. No person shall operate a motor vehicle with a straight pipe exhaust system; "straight pipe exhaust system" means any straight-through exhaust system that does not contain baffles or otherwise does not meet the definition of muffler in RSA 259:66. Any person who violates the provisions of this paragraph shall be guilty of a violation and shall be fined not less than \$100 for a first offense, not less than \$250 for a second offense in a calendar year, and not less than \$500 for a third or subsequent offense in a calendar year.

2005-1785s

AMENDED ANALYSIS

This bill clarifies that a person may not operate a motor vehicle with a straight pipe exhaust system. This bill also establishes fines for operating a motor vehicle with a straight pipe exhaust system and for exceeding permissible motorcycle noise levels.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator D'Allesandro moved to have HB 215-FN taken from the table.

Adopted.

HB 215-FN, relative to water management.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

June 9, 2005

2005-1909s

09/01

Floor Amendment to HB 215-FN

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

AN ACT relative to water management and relative to the membership of the exotic aquatic weeds and species committee.

Amend the bill by replacing section 2 with the following:

2 Exotic Aquatic Weeds and Species Committee; Membership. Amend RSA 487:30, II(a)(2) to read as follows:

(2) One member of the senate **and one public member**, appointed by the president of the senate.

3 Effective Date.

I. Section RSA 488:8 as inserted by section 1 of this act shall take effect January 1, 2007.

II. Section 2 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 2006.

2005-1909s

AMENDED ANALYSIS

This bill requires water users who withdraw, discharge, or transfer large amounts of water to register with the department of environmental services and measure and report the amount of water withdrawn, discharged, or transferred.

The bill also adds a public member, appointed by the president of the senate, to the exotic aquatic weeds and species committee.

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Burling moved to have HB 381-FN taken from the table.

Adopted.

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

Sen. D'Allesandro, Dist. 20

Sen. Martel, Dist. 18

June 8, 2005

2005-1853s

04/10

Floor Amendment to HB 381-FN

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

8 New Section; Powers of City Councils; School Board Vacancies. Amend RSA 47 by inserting after section 4 the following new section:

47:4-a School Board Vacancies. A city may amend its charter pursuant to RSA 49-B to call a special election to fill a vacancy on the school board when such vacancy occurs more than 6 months prior to the next city election. If the vacancy occurs less than 6 months prior to the next city election, the city council may either fill the position until the next regular city election or leave the position vacant.

2005-1853s

AMENDED ANALYSIS

This bill:

I. Permits the secretary of state to make voter database record data available to assist in the preparation of jury lists.

II. Permits certain special elections to coincide with regularly-scheduled elections.

III. Modifies state electioneering prohibitions.

IV. Makes technical changes to certain election laws.

V. Permits a city council to amend the city charter to allow a special election to fill a vacant school board position.

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Martel moved to have HB 585 taken from the table.

Adopted.

HB 585, relative to grounds for termination of parental rights.

The question is on the adoption of the committee amendment (1604).

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Kenney moved to have HB 383 taken from the table.

Adopted.

HB 383, relative to vital records administration.

The question is on the committee report of ought to pass.

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Gottesman moved to have HB 574-FN taken from the table.

Adopted.

HB 574-FN, requiring the reporting of burn injuries.

MOTION TO TABLE

Senator Foster moved to have HB 574-FN laid on the table.

Adopted.

LAIID ON THE TABLE

HB 574-FN, requiring the reporting of burn injuries.

MOTION TO REMOVE FROM THE TABLE

Senator Letourneau moved to have HB 84 taken from the table.

Adopted.

Motion failed.

SENATE RULES

Senator Clegg moved the passage of a new Senate Rule approved by the Committee on Rules and Enrolled Bills:

49. Any Senate member may make a request of the office of the Legislative Budget Assistant, budget division, for technical staff assistance in the areas of finance, accounting and budgeting. The budget division may respond to that request when doing so will not interfere with the budget division's principle responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.

Adopted by the necessary 2/3 vote.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 5, establishing a commission to study the state park system.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Currier, Irish, Sanders and Parkhurst.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 62-FN, allowing court fees to be paid by credit card.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Camm, Jasper, Hinkle and Almy.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 142, extending the reporting date of the commission to study issues relative to groundwater withdrawals. and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Currier, Goyette, Chris Christensen and Spang.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts.

SB 91-FN, relative to an increase in the co-payment for participation in the animal population control program.

SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security.

SB 125-FN, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism.

SB 214, relative to screening panels for medical injury claims.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 196, requiring a hearing when medical malpractice insurance rates change.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 21, relative to voluntary mediated agreements in adoptions.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 21, relative to voluntary mediated agreements in adoptions.

Senator Clegg moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults.

Senator Foster moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 52, establishing the state suggestion and extraordinary service award program.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 52, establishing the state suggestion and extraordinary service award program.

Senator Boyce moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operation officer to chief financial officer in the Department of Environmental Services.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operation officer to chief financial officer in the department of environmental services.

Senator Kenney moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 73, relative to market conduct record retention and production.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 73, relative to market conduct record retention and production.

Senator Flanders moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 74, making certain technical changes in the insurance laws.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 74, making certain technical changes in the insurance laws.

Senator Flanders moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 79, relative to the governance of the regional community-technical colleges.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 79, relative to the governance of the regional community-technical colleges.

Senator Bragdon moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees.

Senator Kenney moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 111, relative to persons conducting securities broker-dealer and investment advisor businesses.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 111, relative to persons conducting securities broker-dealer and investment advisor businesses.

Senator Flanders moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 115, relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 115, relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services.

Senator Johnson moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 132, relative to the board of marital mediator certification.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 132, relative to the board of marital mediator certification.

Senator Clegg moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 152, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for the enhanced 911 system.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 152, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for the enhanced 911 system.

Senator Kenney moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 168, relative to administration of estates.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 168, relative to administration of estates.

Senator Foster moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases.

Senator Foster moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 188, relative to the construction of buildings on properties without street frontage.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 188, relative to the construction of buildings on properties without street frontage.

Senator Roberge moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges.

Senator Kenney moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program.

Senator Odell moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers.

Senator Flanders moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SCR 1, endorsing a farm viability task force.

SENATE CONCURS WITH HOUSE AMENDMENT

SCR 1, endorsing a farm viability task force.

Senator Johnson moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 19, relative to qualifications to sell lottery, bingo and lucky 7 tickets.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 19, relative to qualifications to sell lottery, bingo and lucky 7 tickets.

Senator Foster moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: D'Allesandro, Letourneau, Green.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 28, relative to confidentiality and workers' compensation.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 28, relative to confidentiality and workers' compensation.

Senator Flanders moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Flanders, Clegg, Foster.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 43, relative to the administration of estates of persons presumed dead.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 43, relative to the administration of estates of persons presumed dead.

Senator Foster moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Foster, Green, Gottesman.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 61, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 61, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.

Senator Foster moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Foster, Letourneau, Clegg.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 70, relative to the powers of special corporations.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 70, relative to the powers of special corporations.

Senator Roberge moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Barnes, Larsen, Roberge.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case.

Senator Clegg moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Clegg, Foster, Gottesman.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests.

Senator Morse moved to nonconcur and requests a Committee of Conference.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.

Senator Johnson moved to nonconcur and requests a Committee of Conference.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 124, relative to the regulation of real estate brokers by the real estate commission.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 124, relative to the regulation of real estate brokers by the real estate commission.

Senator Roberge moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Gallus, Fuller Clark.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 127-FN, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 127-FN, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority.

Senator Clegg moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Clegg, Morse, D'Allesandro.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 153-FN, relative to the administration of certain programs by the department of environmental services.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 153-FN, relative to the administration of certain programs by the department of environmental services.

Senator Kenney moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Clegg, Flanders, D'Allesandro.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program.

Senator Morse moved to nonconcur and requests a Committee of Conference.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 179, requiring hunters to report the death or injury of domestic animals.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 179, requiring hunters to report the death or injury of domestic animals.

Senator Johnson moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Gatsas, Hassan.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 216, establishing a commission to study area agencies.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 216, establishing a commission to study area agencies.

Senator Martel moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Martel, Boyce, Burling.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 69, relative to large groundwater withdrawals.

HB 125, relative to ignition interlock devices.

HB 129-FN-L, establishing a high performance school incentive and relative to the use of system benefits charge funds for school building projects that promote indoor air quality or energy efficiency.

HB 132, relative to the grounds for dismissal of a teacher.

HB 158, relative to district courts.

HB 248, authorizing semi-annual payments of school building aid and relative to the purchase or lease-purchase of equipment designed to improve energy efficiency or indoor air quality in school buildings.

HB 257, relative to emergency medical and trauma service protocols and quality assurance program.

HB 269, establishing a statutory committee for the protection of human research subjects.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors, and relative to bonds and letters of credit for manufactured housing installation licenses.

HB 354, relative to the review, approval, and adoption of agency rules.

HB 415, excepting installation of gas furnace or boiler equipment from regulation by the electrician's board.

HB 478-FN-A, making an appropriation for "Newsline for the Blind."

HB 549, modifying notice requirements for the acceptance of unanticipated funds by a school district, city, town, or public library.

HB 557, relative to the submission of data to the department of education.

HB 597-FN-A, relative to the natural heritage inventory program.

HB 602-FN-A, relative to the unbundling of communications services for purposes of the application of the communications services tax.

HB 618-FN-L, relative to persons acting as volunteers to a state agency.

HB 628-FN, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 214, permitting the parents of a sexual assault victim to remain with the victim during trial proceedings.

HB 260-FN, relative to motor vehicle equipment and registration.

HB 288-FN, establishing a commission to effect the process for the town of Killington, Vermont to become part of the state of New Hampshire.

HB 421, relative to effective dates.

HB 430-FN-A, establishing a one-day resident fishing license.

HB 472, relative to the definition of recreational program.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 255, establishing a committee to study the pricing of milk.

HCR 2, declaring October 27 to be Boston Red Sox Day.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Dalrymple, Dexter, Francis Sullivan, Pilotte.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee.

Senator Roberge moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Morse, Larsen.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from the Senate:

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan County.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Burton Williams, Phinizy, O'Connell, Babson.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan County.

Senator Odell moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Flanders, Odell, Larsen.

RESOLUTION

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to third reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

Senator Gottesman moved that the committee on Rules and Enrolled Bills has reviewed the Enrolled Bill amendments received by the Clerk and approved the amendments to:

SENATE BILL 226 AND HOUSE BILL 259.

The Committee recommends Senate approval of these amendments.

May 23, 2005
2005-1534-EBA
08/09

Enrolled Bill Amendment to SB 226

The Committee on Enrolled Bills to which was referred SB 226

AN ACT relative to the regulation of snowmobiles and off highway recreational vehicles.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 226

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 226

Amend RSA 215-C:1, XVIII as inserted by section 1 of the bill by replacing line 3 with the following:

trails. When such vehicle is registered as a snowmobile trails maintenance vehicle, it shall not be

Amend RSA 215-C:3, II as inserted by section 1 of the bill by replacing line 2 with the following:

obtaining funds from the grant-in-aid program established under RSA 215-C:39, VII.

Amend RSA 215-C:32, II as inserted by section 1 of the bill by replacing line 4 with the following:

resources and economic development shall, at his or her discretion, also appoint bureau of trail area

Amend RSA 215-C:32, III as inserted by section 1 of the bill by replacing line 10 with the following:

official recreational or snowmobile trails.

Amend RSA 215-C:33, III as inserted by section 1 of the bill by replacing line 5 with the following:

provided, however, that from each fine collected by a municipal or district court, there shall be

Amend RSA 215-C:34, I(a)(1) as inserted by section 1 of the bill by replacing line 2 with the following:

damaged as a result of travel over his or her premises by such vehicles.

Amend RSA 215-C:34, VIII as inserted by section 1 of the bill by replacing line 3 with the following:

program, shall complete a snowmobile training program, at that person's own expense, within

Amend RSA 215-C:42, I as inserted by section 1 of the bill by replacing line 6 with the following:

may be requested on blanks to be furnished by the fish and game department or its

Amend RSA 215-C:50, I(b) as inserted by section 1 of the bill by replacing line 3 with the following:

VIII or RSA 215-A:23, VII, and \$7.50 shall be appropriated to the department of fish and game for the

Amend section 10 of the bill by replacing line 1 with the following:

10 Operation on Great Bay. Amend RSA 211:17-b to read as follows:

Amend RSA 215-A:1, XIII as inserted by section 12 of the bill by replacing line 4 with the following:

shall be considered [~~snow traveling vehicles~~] **snowmobiles** under this chapter. [~~For the purposes of this chapter, all~~]

Amend section 19 of the bill by replacing line 1 with the following:

19 OHRV Sound Test; Reference Deleted. Amend RSA 215-A:13, I to read

Amend section 23 of the bill by replacing line 1 with the following:

23 Penalties. Amend the introductory paragraph of RSA 215-A:19, IX to read as follows:

Adopted.

May 20, 2005
2005-1524-EBA
06/09

Enrolled Bill Amendment to HB 259

The Committee on Enrolled Bills to which was referred HB 259

AN ACT relative to medical assistance for home care for children with severe disabilities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 259

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 259

Amend RSA 167:3-f, VI(d) as inserted by section 2 of the bill by replacing line 1 with the following:

(d) The child's family or guardian has expressed a willingness and desire to assume

Amend RSA 167:3-g, VI as inserted by section 2 of the bill by replacing line 1 with the following:

VI. The joint medical review team shall determine that the degree of care provided by an

Adopted.

LATE SESSION

Third Reading and Final Passage

SCR 5, recognizing the increasing problem of exotic aquatic weeds and species.

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

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

HB 25-FN-A, making appropriations for capital improvements.

HB 47, regulating the use of computer spyware.

HB 102-FN-A, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor.

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board.

HB 170, relative to unemployment compensation.

HB 173, relative to food service and distribution.

HB 185, establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

HB 215-FN, relative to water management.

HB 279, relative to the classification of Spofford Lake in Chesterfield, New Hampshire.

HB 326, relative to motorcycle noise levels and mufflers.

HB 350, relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

HB 383, relative to vital records administration.

HB 404, permitting employees to request a wage deduction for contributions to a political action committee.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.

HB 439, relative to registration requirements for criminal offenders.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission.

HB 450-FN-A, extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor.

HB 477-FN, increasing registration fees for pesticides and commercial feeds.

HB 490, relative to law enforcement access to financial records under the New Hampshire right to privacy act.

HB 510, relative to financial affidavits in domestic relations cases.

HB 511, relative to the confidentiality of records pertaining to the support of dependent children.

HB 517, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste.

HB 539-FN-A-L, relative to land and community heritage investment program administration.

HB 542, making technical corrections to the uniform trust code.

HB 558, relative to the circumstances constituting sexual assault.

HB 585, relative to grounds for termination of parental rights.

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

HB 637-FN, relative to licensure of alcohol and drug abuse professionals.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

HB 647-FN, relative to restructuring the department of revenue administration.

HB 651-FN-L, relative to federal lien registration.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.

HB 692-FN-L, relative to the county department of corrections.

ANNOUNCEMENTS

RESOLUTION

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, sending and receiving messages, processing enrolled bill reports and amendments, and forming Committees of Conference.

Adopted.

In recess to the Call of the Chair.