

**HOUSE BILLS 2010****Updated 3-12-2010****FRIDAY**

<b>Leadership Level</b>	<b>Bill No.</b>	<b>Committee</b>	<b>Sponsor</b>	<b>Description</b>	<b>Center's Comments</b>	<b>Current Status</b>	<b>Center's Position</b>
	<b>HB 1431-FN</b>	Commerce and Consumer Affairs	Rep. Renzullo, Hills 27; Rep. Garcia, Rock 4; Rep. Ulery, Hills 27; Rep. Hogan, Hills 25; Rep. Coffey, Merr 6; Sen. Carson, Dist 14	authorizes individuals to purchase health insurance from out-of state health insurance carriers selected by the insurance commissioner. This bill grants rulemaking authority to the insurance commissioner for the purposes of the bill.	SB452 is similar and also authorizes businesses to purchase	House voice vote: Inexpedient to legislate	
	<b>HB 1545-FN</b>	Commerce and Consumer Affairs	Rep. Nord, Rock 1	health insurance carriers may not use group size when determining premiums to be charged by health insurance carriers when issuing small employer health coverage.		Committee voted inexpedient to legislate, 11-4 ; House floor debate March 17	

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	<b>HB 1488-FN</b>	Commerce and Consumer Affairs	Rep. Butler, Carr 1	<p>This bill requires certain health carriers which offer coverage in the small employer market to offer the basic wellness plan in addition to the standard wellness plan.</p> <p>This bill is a request of the insurance department. The Insurance Department states this bill requires health carries which offer coverage in the small employer (up to 50 'ees) market to offer the basic wellness plan in addition to the standard wellness plan.</p> <p><i>If a health carrier offers coverage in the small employer market in this state and had at least 1,000 covered lives in this market at the end of the prior calendar year, such carrier shall be required to offer the <b>basic wellness plan and the standard wellness plan</b> to small employers.</i></p> <p><i>V. The basic wellness plan requirements shall be established to promote wellness and preventive care through affordable insurance</i></p>	SB 455 is nearly identical	Passed House on voice vote	

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				<p><i>coverage. The basic wellness plan shall be designed so that the premium for the plan is comparable to or below the lowest cost major medical health insurance presently offered in the small group market that meets the definition of health coverage under RSA 420-G:2, IX.</i></p>			
	<p><b>HB 1597-FN</b></p>	<p>Commerce and Consumer Affairs</p>	<p>Rep. Hess, Merr 9</p>	<p>bill requires continuation of insurance coverage in the event of job loss until such time as the individual becomes eligible for other coverage or Medicare. This bill also prohibits denial of coverage for preexisting conditions.</p> <p>The Insurance Department states this bill allows individuals that are no longer eligible for group coverage would be entitled to a continuation in coverage until they become eligible for other group coverage or Medicare, broadens the scope and applicability of the preexisting condition limitation, and eliminates the preexisting condition waiting period that</p>		<p>Inexpedient to legislate, House voice vote</p>	

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				<p>may have been imposed on individuals insured under a group policy at the time the coverage is converted to individual coverage issued by a high risk pool.</p>			
	<b>CACR 30</b>	Commerce and Consumer Affairs	Rep. Renzullo, Hills 27; Rep. Hogan, Hills 25; Rep. Seidel, Hills 20; Rep. Ulery, Hills 27; Sen. Carson, Dist 14	<p>people may enter into private contracts with health care providers for health care services and to purchase health care coverage.</p> <p>And <i>The general court may not:</i></p> <p><i>(a) Require any person to participate in any health care system or plan;</i></p> <p><i>(b) Impose a penalty or fine upon a person who chooses to:</i></p> <p><i>(1) Obtain or decline health care coverage; or</i></p> <p><i>(2) Participate in any particular health care system or plan.</i></p>		Inexpedient to legislate, House voice vote	

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	<b>HB 1229-FN</b>	Executive Departments and Administration	Rep. Arsenault, Belk 4	bill exempts hawkers and peddlers doing temporary business in a town from the requirements for state licensure.		House voted inexpedient to legislate	
	<b>HB 1274-FN-A-LOCAL</b>	Finance	Rep. Jasper, Hills 27; Rep. Chandler, Carr 1; Rep. Hess, Merr 9	bill restores the revenue sharing to cites and towns that was repealed in 2009--\$25 MM in FY 2010 and same in FY 2011 .		House voted inexpedient to legislate	
	<b>HB 1128-FN-LOCAL</b>  Finance	Finance	Rep. Chandler, Carr 1; Rep. Bettencourt, Rock 4; Rep. Seidel, Hills 20; Sen. Bradley, Dist 3	bill repeals a provision which requires that the state treasurer fund the distribution of meals and rooms tax revenues to cities and towns for fiscal year 2011 at no more than the fiscal year 2009 level of distribution.		House passed	
	<b>HB 1339</b>	Health, Human Services and Elderly Affairs Health	Rep. DeJoie, Merr 11	bill grants the commissioner of the department of health and human services authority to designate by rules an individual or entity to operate and administer a program or facility which provides services to mentally ill or developmentally		House voted inexpedient to legislate	

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				impaired persons <i>rather than entering into a contract</i> for such services.			
	<b>HB 1284</b>	Judiciary	Rep. Merry, Belk 2; Rep. Tupper, Merr 6	draft minutes of meetings under the right-to-know law to be available within 5 business days in 2 public locations, one of which is always available for public viewing.		House voted inexpedient to legislate	Oppose
	<b>HB 1290</b>	Judiciary	Rep. Itse, Rock 9; Rep. Ingbretson, Graf 5	bill increases the limit on annual income that an unincorporated religious society may receive from donations, gifts, or grants from \$5,000 to \$500,000/yr.		Committee voted inexpedient to legislate ; Minority Committee Report  House floor debate 3/17/10	

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Leader	<b>HB 1356</b>	Judiciary	Rep. Watrous, Merr 12; Rep. Cloutier, Sull 4	bill requires certain nonprofit corporations to file a statement with the attorney general's office acknowledging that they are subject to the right-to-know law. Any <i>501(c)(3)</i> which receives 2/3 of its funding or \$50,000 per year, whichever is higher, from the state or a political subdivision or subdivisions of the state. Plus have to file annually w. AG that NP is subject to this law.	AMENDMENT: This bill makes 501(c)(3) nonprofits and their affiliates subject to the open records portion of the right-to-know law. It makes a "public agency" of any nonprofit that has annual revenues of \$100,000 and receives 50% of its funding from state and local government sources. The bill sponsor has said that federal funds that are passed through the state would	OTP w. amendm ent (10-8 vote)  3-17-10 House floor debate.	Oppose.

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					<p>be included in the calculation. Records exempt from the law include natural person donor records, client-attorney records, juvenile records. Other laws make other types of records exempt (HIPAA for example). Most "public agency" meetings are not subject to the open meetings portion of the right-to-know law, unless they hold</p>		

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					hearings.		
	<b>HB 1368</b>	Labor, Industrial and Rehabilitative Services	Rep. Goley, Hills 8; Rep. Craig, Hills 9; Rep. R. Holden, Hills 7; Rep. Baroody, Hills 13; Sen. DeVries, Dist 18; Sen. Cilley, Dist 6	bill clarifies the evidence required to establish the relationship between the employer and the person providing services under the workers' compensation law. <i>(c) Prima facie evidence that the criteria prescribed in subparagraphs (b)(1)(A)-(L) have been met may be established by a written agreement signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with each of the criteria. Nothing in this subparagraph shall require such an agreement to establish that the criteria have been met. If the commissioner finds that <del>the employer's use of such written agreement was intended to misrepresent</del> an employer has misrepresented the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500; in addition, such employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance.</i>		House voted ought to pass with amendment  Referred to Senate Commerce, Labor and Consumer Protection	
	<b>HB 1168</b>	Labor, Industrial and Rehabilitative Services	Rep. Donovan, Sull 4	bill clarifies the definition of gross misconduct for purposes of unemployment		House voted ought to	

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				<p>compensation.</p> <p><i>282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or [dishonesty] fraud connected with his or her work, shall suffer the loss of all wage credits earned prior to the date of such dismissal.</i></p>		<p>pass with amendm ent</p> <p>Referred to Senate Commerce, Labor and Consumer Protection</p>	
	<b>HB 1137</b>	Labor, Industrial and Rehabilitative Services	Rep. Daniels, Hills 6	<p>bill modifies the purposes for which employers may withhold a portion of an employee's wages.</p> <p>Basically for whatever 'er and 'ee agree to.</p>		<p>House voted ought to pass with amendm ent</p> <p>Referred to Senate</p>	

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						Commer ce, Labor and Consum er Protecti on	
	<b>HB 1403</b>	Labor, Industrial and Rehabilitative Services	Rep. Butynski, Ches 4	<p>This bill prohibits bullying in the workplace.</p> <p><i>1 Purpose Statement. Legal protection from abusive work environments should not be limited to behavior grounded in protected class status as provided for under employment discrimination statutes. Existing workers' compensation plans and common law tort actions are inadequate to discourage this behavior or to provide adequate relief to employees who have been harmed by abusive work environments. Therefore, it is the purpose of this subdivision to provide legal relief for employees who can demonstrate significant psychological, physical, or economic harm as a result of being deliberately subjected to abusive work environments, and to provide</i></p>		House voted inexpedi ent to legislate	

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				<i>legal incentive for employers to prevent and respond to abusive mistreatment of employees at work.</i>			
	<b>HB 1473</b>	Legislative Administration	Rep. Nixon, Hills 17; Rep. Rowe, Hills 6; Rep. Ramsey, Hills 8; Rep. DiFruscia, Rock 4	bill requires lobbyists to file an additional annual statement detailing the names of clients and consideration paid, and contributions to legislators and candidates.		House voted inexpedient to legislate	
	<b>HB 1621-FN</b>	Legislative Administration	Rep. Rowe, Hills 6; Rep. Gorman, Hills 23; Rep. W. O'Brien, Hills 4; Rep. Nixon, Hills 17; Sen. Letourneau, Dist 19	prohibiting a lobbyist from serving on a public agency or public body, as defined in RSA 91-A, where the lobbyist or the lobbyist's client or employer gains from the activity of the public agency or body. <i>Amend RSA 15:5 by inserting after paragraph II the following new paragraph: III. No person required to register as a lobbyist under this chapter who shall gain, or whose client or employer shall gain, from any activity, decision, action, or inaction, directly or indirectly, of a public agency or public body, as each are</i>		House voted inexpedient to legislate	Oppose

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				<i>defined in RSA 91-A:1-a, shall serve as a voting, advisory, alternate, or nonvoting member of the public agency or public body. A lobbyist shall not be prohibited from testifying or offering information to any public servant.</i>			
	<b>HB 1522</b>	Local and Regulated Revenues	Rep. Bettencourt, Rock 4; Rep. Chandler, Carr 1; Rep. Packard, Rock 3; Sen. Bragdon, Dist 11; Sen. Bradley, Dist 3; Sen. Carson, Dist 14; Sen. Gallus, Dist 1	bill authorizes cities and towns to adopt charter provisions establishing limitations on the growth of budgets and taxes:the annual city budget, the annual school budget if the school district is contained entirely within the city, or taxes assessed by the city. Any charter adopting such limitations shall authorize the elected body to override any such limitation by a 2/3 vote of all members of the elected body or a 2/3 vote of all members of the elected body present and voting.		House voted inexpedient to legislate	
	<b>HB 1138</b>	Local and Regulated Revenues	Rep. Schlachman, Rock 13; Rep.	bill removes the requirement that municipal transportation improvement funds be		House voted ought to	

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			Schuett, Merr 7; Sen. Merrill, Dist 21	expended only by the legislative body of the municipality.		pass, voice vote	
	<b>HB 1297-FN</b>	Local and Regulated Revenues	Rep. Vaillancourt, Hills 15; Rep. M. Smith, Straf 7; Sen. Roberge, Dist 9	bill requires racing and charitable gaming commission to establish annual fees for licensees conducting live racing to generate revenue to cover the costs of administration.		Committee voted inexpedient to legislate ; Minority Report, OTP  House floor 3/17/10	
	<b>HB 1335</b>	Local and Regulated Revenues	Rep. Vaillancourt, Hills 15; Rep. Kepner, Rock 15; Rep. Henson, Rock 13; Rep. T. Russe	bill allows municipalities to adopt a lower interest rate chargeable by towns and cities for late tax payments and a lower interest rate for redemptions and subsequent tax payments.		Committee voted ought to pass with amendment	

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			ll, Rock 13			(#0662h new title), 9-8; Minority Committee Report; House floor 3/17	
	<b>HB 1583</b>	Local and Regulated Revenues	Rep. Daniels, Hills 6	<p>bill clarifies the definition of charitable for purposes of the exemption from property taxation for organizations with charitable activities.</p> <p><i>Amend RSA 72:23-1 to read as follows:</i></p> <p><i>72:23-1 Definition of "Charitable." The term "charitable" as used to describe a corporation, society or other organization within the scope of this chapter, including RSA 72:23 and</i></p>		House voted ITL, voice vote	

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				<p><i>72:23-k, shall mean a corporation, society or organization established and administered for the purpose of performing, and obligated, by its charter or otherwise, to perform some service of public good or welfare advancing the spiritual, physical, intellectual, social or economic well-being of the general public or a substantial and indefinite segment of the general public that includes residents of the state of New Hampshire, with no pecuniary profit or benefit to its officers or members, or any restrictions which confine its benefits or services to such officers or members, or those of any related organization. <b>The determination of “charitable” purposes shall not include consideration of bad debt, receivables, or net revenue.</b> The fact that an organization's activities are not conducted for profit shall not in itself be sufficient to render the organization “charitable” for purposes of this chapter, nor shall the organization's treatment under the United States Internal Revenue Code of 1986, as amended. This section is not intended to abrogate the meaning of “charitable” under the common law of New Hampshire.</i></p>			

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	<b>HB 1489</b>	Local and Regulated Revenues	Rep. Cloutier, Sull 4; Rep. Donovan, Sull 4; Rep. Harris, Sull 4	allowing municipalities to adopt a volunteer incentive property tax credit for individuals volunteering for town or municipality if indiv. has less than \$25K/yr income or property worth <\$25K, etc., credit not to exceed \$750 off tax bill		House voted inexpedient to legislate  voice vote	
	<b>HB 1678-FN</b>	Local and Regulated Revenues	Rep. Gidge, Hills 24	relative to gaming in hotels and establishing a gaming oversight authority.  This bill:  I. Allows video machine lottery and table gaming in hotels.  II. Requires hotels desiring to host gaming to receive a license and municipal approval from the gaming oversight authority.  III. Establishes the gaming	Zero about charity gaming	House voted inexpedient to legislate  voice vote	

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				<p>oversight authority.</p> <p>IV. Collects certain revenues from gaming for the general fund and host municipalities.</p>			
	<b>HB 1267-LOCAL</b>	Municipal and County Government	Rep. Gandia, Hills 27	<p>This bill enables towns to ask for a criminal records check before granting a hawkers and peddlers license.</p> <p>The purpose of this bill is to enable municipalities to require federal and state background checks on those individuals who seek to obtain hawkers and peddler licenses. The intent of the bill's sponsor is to add a level of scrutiny to those individuals that apply for such licenses that would reveal any public safety concerns in their past. This bill adds language to RSA 320:8 that informs an applicant for a hawkers and peddler license from the secretary of state's office that a</p>		House voted ought to pass with amendment, voice vote	

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				<p>state and a federal background check may be conducted if the local ordinance concerning the granting of such a licenses so requires. The bill further adds language to RSA 31:102-a that requires an applicant to a municipality to provide a release form to the municipality authorizing the release of such a background check to the municipality and that the applicant further direct the department of safety to release the information to other municipalities listed by the applicant. The bill further directs that the results of the background check be sent to and be retained by local law enforcement agencies.</p>			
	<b>HB 1589-FN</b>	Public Works and Highways	Rep. Watters, Straf 4; Rep. M. Rollo, Straf 2; Sen. Fuller Clark, Dist 24	bill removes an exception for the university system of New Hampshire for payment to the state art fund for new buildings or major additions authorized in the capital budget. ½% of		House voted inexpedient to legislate, voice	

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				the first \$15 M bid price.		vote	
	<b>HCR 23</b> House Concurrent Resolution	State-Federal Relations and Veterans Affairs	Rep. Ulery, Hills 27; Rep. Haefner, Hills 27; Rep. Renzullo, Hills 27; Rep. Hogan, Hills 25; Rep. Villeneuve, Hills 18	calling on Congress to audit the Association of Community Organizations for Reform Now (ACORN) funding.		House voted inexpedient to legislate, roll call 181-133	
	<b>HB 1218</b>	State-Federal Relations and Veterans Affairs	Rep. Ulery, Hills 27; Rep. Haefner, Hills 27; Rep. Renzullo, Hills 27; Rep. Hogan, Hills 25; Rep. Villeneuve, Hills 18	requiring a report of payments by the State to (ACORN) the Association of Community Organizations for Reform Now.		House voted inexpedient to legislate, roll call 176-139	
	<b>HB 1262</b>	Transportation	Rep. C. Williams, Hills 14; Rep. L'Heureux, Hills 19	bill establishes a height requirement for disabled parking signs on public and private property to be at least 60 but not more than		House voted ought to pass with	

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				<p>120 inches from the ground and failure to comply--\$100 fine</p> <p><b>Amendment proposed by the Committee on Transportation - C</b></p> <p>Amend the bill by replacing all after the enacting clause with the following:</p> <p>1 Parking Signs; Disabled. Amend RSA 265:73-a to read as follows:</p> <p>265:73-a Parking Signs; Disabled. A parking space on private or public property that is reserved for persons who are disabled shall be marked by a sign affixed to a post or a building. Said sign shall be clearly visible to anyone directly approaching that particular space. <b><i>The bottom of the sign shall be at least 60 inches but not more than 120 inches from the ground. Failure to comply with the sign placement requirements of this section shall subject the property owner to a \$100 fine per parking space per day.</i></b></p> <p>2 Applicability. The sign</p>		amendment, voice vote	

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				<p>height requirements in RSA 265:73-a, as amended by section 1 of this act, shall apply to existing disabled parking signs beginning October 1, 2011.</p> <p>3 Effective Date. This act shall take effect January 1, 2011.</p> <p>2010-0346h</p>			
	<p><b>CACR 24</b></p> <p>CONSTITUTIONAL AMENDMENT</p> <p>CONCURRENT RESOLUTION <b>24</b></p>	Ways and Means	Rep. Itse, Rock 9	the state is authorized to raise funds from taxation of gambling and gambling winnings		House voted inexpedient to legislate, voice vote	
	<b>HB 1490</b>	Ways and Means	Rep. Bergin, Hills 6; Rep.	establishing a commission to analyze revenues and		House voted	

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			A. Peterson, Hills 3; Rep. Foose, Merr 1; Rep. Dokmo, Hills 6	<p>expenditures in the state budget.</p> <p><b>Amendment to HB 1490 Proposed by the Committee on Ways and Means - C</b></p> <p>Amend the title of the bill by replacing it with the following: AN ACT establishing a citizens task force to study state revenues and expenditures. Amend the bill by replacing all after the enacting clause with the following:</p> <p>1 New Subdivision; Department of Administrative Services; Citizens Task Force to Study State Revenues and Expenditures. Amend RSA 21-I by inserting after section 86 the following new subdivision: Citizens Task Force to Study State Revenues and Expenditures 21-I:87 Citizens Task Force Established; Membership. I. There is hereby established a citizens task force to study state revenues and expenditures. II. The citizens task</p>		ought to pass with amendment, voice vote	

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				<p>force shall be composed of the following 13 members:</p> <p>(a) Four members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the ways and means committee, one of whom shall be a member of the finance committee, and one of whom shall be a member of the public works and highways committee.</p> <p>(b) Two members of the senate, appointed by the president of the senate.</p> <p>(c) Seven public members with an expertise in finance and state government, appointed by the governor.</p> <p>III. Members of the task force shall serve without compensation, except that legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.</p> <p>IV. The chair of the task force shall be appointed by the governor and shall serve a 4-year term. Legislative members of the task force shall serve a</p>			

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				<p>term coterminous with their term in office. Non-legislative members of the commission shall serve 4-year terms, except that the initial appointments shall be for staggered terms of 2, 3, and 4 years. Subsequent appointments shall be made in the same manner as the initial appointment.</p> <p>V. The first meeting of the task force shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. Thereafter, the task force shall meet at the call of the chair. Seven members of the task force shall constitute a quorum.</p> <p>VI. The citizens task force may adopt rules of procedure for its meetings and hearings as it deems necessary and proper.</p> <p>21-I:88 Duties. The citizens task force shall:</p> <p>I. Analyze current state revenues and expenditures, consider the projected growth of state revenues and expenditures, and recommend future spending</p>			

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				<p>practices to maintain a balanced budget.</p> <p>II. Study the range of needs for government services in the state and determine what changes have occurred or may occur in the need for such services.</p> <p>III. Recommend changes in state expenditures and revenues in order to meet the existing and projected need for government services.</p> <p>IV. Solicit information and testimony from those individuals, agencies, and entities that may be of assistance to the task force in the performance of its duties.</p> <p>21-I:89 Reports. On or before December 1, 2010, and every year thereafter, the citizens task force shall make a report of its findings and recommendations, including any recommendations for future legislation, to the governor, the speaker of the house of representatives, president of the senate, and the state library. The task force also may submit recommendations for future</p>			

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				<p>legislation during any designated filing period of the general court or as otherwise permitted by legislative rule.</p> <p>2 Effective Date. This act shall take effect upon its passage.</p> <p>AMENDED ANALYSIS</p> <p>This bill establishes a citizens task force to study state revenues and expenditures.</p> <p>2010-0146h</p>			
	<b>HB 1611-FN-A-LOCAL</b>	Ways and Means	Rep. Shattuck, Hills 1	<p>This bill imposes a 2.25 percent retail sales tax. The bill also imposes a 2.25 percent use tax on the use or storage of property in New Hampshire when no sales tax has been paid. Use tax is imposed, for example, when a New Hampshire business buys property out of state tax-free and uses it in New Hampshire. It also applies when a business makes personal use of property that it has purchased for resale</p>	Revised fiscal note	House voted inexpedient to legislate, voice vote	

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				<p>or has manufactured for sale.</p> <p>Sales for resale, sales for delivery outside New Hampshire, casual sales, and sales of specific items such as gasoline, heating oil, food, medical supplies, and items of clothing under \$175 are all exempt from taxation.</p>			