Bill as Introduced

HB 263 – AS INTRODUCED

2003 SESSION

03-0581
01/09

HOUSE BILL ***263***

AN ACT establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

SPONSORS: Rep. Batula, Hills 58; Rep. Wendelboe, Belk 29; Rep. Boyce, Belk 31; Rep. French, Merr 34; Sen. Martel, Dist 18; Sen. O'Hearn, Dist 12; Sen. Boyce, Dist 4

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill establishes an oversight committee to review the allocation of funds to those persons on the developmental disabilities waitlist.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 263 – AS INTRODUCED

03-0581
01/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

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

1 New Section; Oversight Committee Established. Amend RSA 171-A by inserting after section 1-b the following new section:

171-A:1-c Oversight Committee; Establishment.

I. There shall be an oversight committee to review the allocation of funds to persons with severe developmental disabilities classified as priority A or B consisting of 6 members as follows:

(a) Three members of the house of representatives, one of whom shall be a member of the house health, human services and elderly affairs committee, appointed by the speaker of the house.

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

II. Membership on the oversight committee shall be for the biennium and shall be coterminous with membership in the general court.

III. The oversight committee shall have a chairperson who shall be chosen by vote from among the committee membership. The chairperson's term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by members of the committee. The clerk's term of office shall be for the biennium. The legislative members of the committee shall receive legislative mileage when in performance of their duties.

IV. The committee's duties shall include, but not be limited to:

(a) Reviewing the allocation of funds to persons with severe developmental disabilities classified as priority A or B.

(b) Making recommendations to the commissioner.

(c) Submitting quarterly reports, together with any recommendations for legislation, to the speaker of the house of representatives, the senate president, and the governor.

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

Committee Minutes

Date: April 2, 2003
Time: 1:55 p.m.
Room: 102 LOB

The Senate Committee on Executive Departments and Administration held a hearing on the following:

HB 263	establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

Members of Committee present:	Senator Prescott Senator Cohen Senator Estabrook Senator Kenney

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The Chair, Senator Russell Prescott, opened the hearing.

At this time I'd like to open up the Senate Executive Departments & Administration House Bill 263. It is a bill pertaining to establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist. We have the prime sponsor, Representative Peter Batula.

Representative Batula: Thank you Mr. Chairman and members of the committee. For the record, my name is Peter Batula and I represent Hillsborough #58.

Mr. Chairman, back in 1998 a bill (HB 1182) was passed by the House and Senate to form an oversight committee to address a growing Developmental Disability Waitlist for services. Because the state closed its only developmental disabilities institution, which was in Laconia, it obligated itself to take care of these individuals in non-institutional settings throughout the state. This would be a shared responsibility with the federal government.

Mr. Chairman, the Supreme Court has ruled that the state must comply by having two things, a plan and a plan that's working. The oversight committee through it's leadership and cooperation with the Department of Health and Human Services met a minimum of five times a year every year

since 1998 to continually monitor progress and to tweak, where necessary, changes that would be beneficial to the program. The leadership changed back and forth with the Senate and the House on a yearly basis. Chairman Wheeler and myself went back and forth for a number of years. We were doing quite well with the tracking or in this case the lack of tracking or lack of progress. Unfortunately the New Hampshire plan is in trouble, especially due to inadequate funding. Oversight of the program is vital to ensure that progress is happening and hopefully keep us out of court.

Currently we have a situation where:
1) The waitlist is growing and progress is not being made.
2) There is at least one New Hampshire lawsuit in the courts right now. I think perhaps two.
3) We have passed legislation as a House and Senate last year to, two years ago, to end the waitlist down to a 90-day wait in a 5-year period from the year 2000. We are no longer making progress at all toward that goal.

Mr. Chairman the last oversight committee has been sunsetted if that answers your question. This bill will be to reactivate an oversight committee to continue that work. I ask you to pass the legislation. As I see it, it is a committee that needs encouragement.

I'll take questions.

Senator Russell E. Prescott, D. 23: Any questions of the committee? Senator Estabrook.

Senator Iris Estabrook, D. 21: Thank you Mr. Chairman. Thank you for not making me think I was imagining that there had been an oversight committee. When you have the language in the bill that says the committee will review the allocation of funds. You mean that after those decisions are made so that you have a picture of how the funds are being used?

Representative Batula: We ask the department to come in to every meeting to justify their spending in this program. We will make recommendations or agree with their process probably on an every two-month basis.

Senator Iris Estabrook, D. 21: Thank you.

Senator Russell E. Prescott, D. 23: Are you a member of the prior committee?

Representative Batula: Yes, I chaired, Senator Wheeler and I went back and forth from year to year since 1998 to chair the committee. Yes.

Senator Russell E. Prescott, D. 23: Is this committee makeup the same as the previous committee?

Representative Batula: Yes

Senator Russell E. Prescott, D. 23: Duties the same?

Representative Batula: Duties the same. It's really just to reactivate the committee. Not necessarily that same committee but a committee. That will be up to the speaker and the Senate President.

Senator Russell E. Prescott, D. 23: The old committee had a sunset then?

Representative Batula: Yes and that got by everybody. Nobody, I shouldn't say, I didn't look and realize that there was a sunset in that bill.

Senator Russell E. Prescott, D. 23: This bill does not have a sunset?

Representative Batula: No.

Senator Russell E. Prescott, D. 23: Any other questions from the committee? Thank you very much Representative. Representative Barbara French.

Representative French: Thank you Mr. Chair and members of the committee. For the record my name is Barbara French representing Merrimack County, 34. I've been here since 1992 and we've always had a waitlist. It's gotten worse rather than better. I've had more mail and calls from people who are affected by this. Newspaper articles and here's somebody who was a former resident of Laconia State School and when the school closed they were dumped, I hate to say it but that's what happened. We developed a fantastic system of services for them. We have one of the best service structures in the country as far as I understand but we don't fund it.

I strongly support what Representative Batula is trying to do. I think it's a disgrace. Certainly we can keep an eye on it but to be very honest but I feel that until we change this tax structure, our general fund is always going to be low and we're always going to have these people waiting. So I certainly support funding and I certainly support doing something about the tax structure. I will certainly help. But I'm very concerned. I know a lot of these people when I was a school nurse in Concord. The people that we're taking about are the people I had were my students. Some of these people are now clients needing this help. Some of the parents of these clients are getting desperate. They're older and their children, obviously, are younger. We need

to help. There's lots of things that they need. I really feel that we can do this and we should.

Senator Russell E. Prescott, D. 23: Thank you very much for your testimony. Any questions of the committee? Thank you. Anyone else wish to speak on behalf of House Bill 263. Seeing none we'll close the hearing on House Bill 263. Thank you all very much for coming.

Hearing closed at 2:05 p.m.

Respectfully submitted.

Pamela Manocchi

Pamela Manocchi
April 10, 2003

Speakers

SENATE Executive Departments & Administration

Date 4/2/03 Time 1:55 Public Hearing on

Bill # HB 263 establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

(Please print) *Please check box(es) at left that apply.*

SPEAKING?	FAVOR	OPPOSED	NAME	REPRESENTING
☑	☑	☐	Rep. Peter Batula	Hillsboro #58
☑	☑	☐	Rep Barbara C. French	Merrimack 34
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Testimony

Testimony on HB 263,
establishing an oversight committee to review the allocation of funds disbursed for the Developmental Disabilities Waitlist.

Rep. Peter L. Batula, Prime Sponsor

Thank you, Mr. Chairman and members of the Committee. For the record, my name is Peter Batula and I represent Hillsborough #58.

Mr. Chairman, back in 1998 a bill (HB 1182) was passed by the House and Senate to form an oversight committee to address a growing Developmental Disability Waitlist for services. Because this State closed its only developmental disabilities institution, it obligated itself to take care of these individuals in non-institutional settings throughout the State. This would be a shared responsibility with the federal government.

Mr. Chairman, the Supreme Court has ruled that each state must have a plan to accommodate the waitlist and the plan must be working and making progress.

The oversight committee, through its leadership and cooperation with the Department of Health and Human Services, met a minimum of five times a year every year since 1998, to continually monitor progress and to tweak, where necessary, changes that would be beneficial to the program. The leadership changed back and forth with the Senate and the Legislature's Chairman of Health, and has worked very well in the tracking of progress - or lack thereof.

Mr. Chairman, unfortunately, the New Hampshire plan is in trouble, especially due to inadequate funding. Oversight of the program is vital to ensure that progress is happening and, hopefully, keep us out of the courts as a state.

Currently we have a situation where:

1. The waitlist is growing and progress is not being made.

2. There is at least one New Hampshire lawsuit in progress.

3. We have passed legislation to end the waitlist down to a 90-day period within five years (from 2000), and we are no longer making progress.

Mr. Chairman, the oversight committee has been sunsetted, and this bill is to reactivate an oversight committee to continue its work. I ask you to pass this legislation. As I see it, it is a committee that we must encourage.

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: April 2, 2003

THE COMMITTEE ON Executive Departments and Administration

to which was referred House Bill 263

AN ACT establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

VOTE: 4-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Russell E. Prescott
For the Committee

HB263 Docket

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Bill Title: establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

Date	Body	Description
1/9/2003	**H**	Introduced and ref to Health HS&EA; HJ8, p113
1/14/2003	**H**	Copy to Chairman on 1/14/2003
1/14/2003	**H**	Hearing Jan 22 1:00 RM205,LOB
1/22/2003	**H**	Maj Report OTP for Jan 30 (Vote 16-0;CC)
1/30/2003	**H**	Passed; HJ 12, p217 + 231
3/13/2003	**S**	Introduced and Ref. to Executive Departments & Administration; SJ 8, Pg.105
3/21/2003	**S**	Hearing; April 2, 2003, Room 102, LOB, 1:55 p.m.; SC15
4/4/2003	**S**	Committee Report; Ought to Pass, [04/10/03]; SC17
4/10/2003	**S**	Ought to Pass, MA, VV; OT3rdg; SJ 12, Pg.278
4/10/2003	**S**	Passed by 3rd Reading Resolution; SJ 12, Pg.311
4/17/2003	**H**	Enrolled; HJ 36, p1188
4/17/2003	**S**	Enrolled; SJ 13, Pg.329
4/22/2003	**H**	Signed by the Governor on 4/22/2003 Eff: 6/21/2003 Chap: 0010

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Docket Abbreviations