# State of

# New Hampshire

# HOUSE RECORD

## Second Year of the 155th Session of the General Court

## Calendar and Journal of the 1998 Session

**Vol. 20 Concord N.H. Friday, May 8, 1998 No. 41**

Contains: Hearings, Notices and Work Sessions, Reports and Amendments for May 14

### HOUSE CALENDAR

### NOTICE

MEMBERS OF THE HOUSE:

The House will meet on Thursday, May 14th at 10:00 a.m. and Wednesday, May 20th at 10:00 a.m. Any unfinished business will be taken up on May 21st.

Last week we achieved a long-standing goal: All New Hampshire state laws are now online through *Webster,* the state's website at *www.state.nh.us* Just click on NH RSAs Online to access the statutes. (Because of copyright considerations the annotations will not be available on the Internet.) I know both members and the public will benefit from this easy access to these laws.

Donna Sytek, Speaker

### NOTICE

There will be a Republican Caucus on Thursday, May 14th at 9:15 a.m. in Representatives Hall.

Rep. Robert Wheeler, Majority Leader

### NOTICE

There will be a Democratic Caucus on Thursday, May 14 at 9:15 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

# NOTICE

There will be a Chairmen's and Vice Chairmen's meeting Tuesday, May 12th at 9:00 a.m. in Room 201, LOB.

Donna Sytek, Speaker

## Parliamentary Points to Ponder

**The presiding officers of both houses of the legislature, shall severally receive out of the state treasury as compensation in full for their services for the term elected the sum of $250, and all other members thereof, seasonably attending and not departing without license, the sum of $200 and each member shall receive mileage for actual daily attendance on legislative days, but not after the legislature shall have been in session for 45 legislative days or after the first day of July following the annual assembly of the legislature, which ever occurs first.**

**New Hampshire Constitution**

**Part 2 Article 15**

*This is the constitutional provision that sets our legislative salary and limits the payment of mileage to 45 session days each year or July 1st, whichever is reached sooner. So far we have used only 12 session days, with the average in recent years being 22 to 28 days. While we can meet anytime, we have generally completed our business by June 30, the end of the state fiscal year. In 1993 we met on July 1 (the last day mileage can be paid) and I can remember meeting at least once in earlier years on a later July date. I am optimistic that we will complete our work this year in a timely manner.*

Donna Sytek, Speaker

# THURSDAY, MAY 14

# CONSENT CALENDAR

## COMMERCE

**SB 336,** relative to small group and individual insurance. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce**:** This bill defines the term "credible coverage" as it relates to health insurance in the RSA. The Insurance Department requested this legislation to address federal regulation changes. The committee amendment clarifies the definition and changes grammatical errors. Vote 11-0.

**SB 340,** relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. REFER FOR INTERIM STUDY

Rep. Eric N. Lindblade for Commerce**:** This bill would require a filing fee only for funds offered for sale in New Hampshire. Filing fees are currently levied on all funds in a prospectus if that prospectus is distributed in New Hampshire. The committee felt that additional study was needed to determine how many funds would be affected and what impact this would have on the sale of funds in the state. Vote 13-2.

**SB 372,** relative to forms and rates for large scale commercial insurance policies. OUGHT TO PASS WITH AMENDMENT

Rep. George Hurt for Commerce**:** This legislation authorizes a limited program of commercial liability insurance deregulation to enable large scale commercial insurance customers, particularly businesses operating in several states, to purchase packages of liability insurance specially tailored to their specific needs, and at negotiated prices, without approval from the Insurance Department for forms and rates that may be included in such packages. Further, and equally important, is the issue of premium tax payments. Large scale insurance customers will now be able to purchase affordable insurance without sacrificing coverage offered by insurance companies licensed to operate in this state. Moreover, this legislation now will encourage those large scale insurance customers to keep their businesses in New Hampshire and attract commercial insurance companies to underwrite these risks, thus enhancing the premium tax base. To the extent this legislation authorizes the Insurance Department to issue a

bulletin to insurers in assisting the implementation of this program, it further requires that the Insurance Department monitor said program and report their results to the General Court within 6 months after the expiration of four years following the effective date of this act. Vote 10-1.

**SB 393,** relative to health insurance deductibles. OUGHT TO PASS

Rep. David T. Mittelman for Commerce**:** This bill provides a mechanism to preserve deductibles accrued by an insured in the event the insured's health carrier terminates business operations in the state. Vote 11-0.

**SB 399,** correcting a reference in the insurance laws. OUGHT TO PASS

Rep. Keith R. Herman for Commerce**:** This bill is a request of the Insurance Department. The bill simply changes a reference to current RSA. There was no opposition to this change. Vote 11-0.

## ELECTION LAW

**SB 333,** allowing any registered voter who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Election Law**:** This bill, as amended, clarifies existing law by specifying that a voter absent from town ***during polling hours*** may have an absentee ballot. Vote 10-0.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**SB 423-FN,** relative to eligibility for cost of living adjustments for retired members or beneficiaries in the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration**:** This bill will make supplemental allowances, authorized by the fiscal committee, payable on the anniversary of a member's retirement starting 24 months after the members retirement. Vote 17-0.

**SB 501-FN-A,** relative to authorizing an attorney for prosecutions by the board of medicine and making an appropriation therefor. OUGHT TO PASS

Rep. Nancy C. Stickney for Executive Departments and Administration**:** This bill will provide a full time attorney for the Board of Medicine. At present, the board has a backlog of over 50 cases awaiting adjudication. This backlog could be potentially dangerous because some of the practitioners are still in practice. The costs associated with this position will be funded by the Board of Medicine. Vote 14-0.

## FINANCE

**SB 497,** relative to disbursement of tobacco settlement funds received by the state. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Finance**:** The purpose of SB 497 as amended is to ensure that any tobacco-related funds from settlements with tobacco companies, or from taxes imposed by the Congress that come to the states, would require the legislature to appropriate these funds before they could be expended. This ensures that the executive branch would not gain access to major unappropriated funds, without legislative participation and approval. The amendment replaces the entire bill. As originally passed in the Senate, the only settlement funds referenced were the $368.5 billion in the 1997 proposed settlement between the tobacco companies and the states' attorneys general. The amendment broadens the language to include the previously referenced funds and any additional tobacco-related payments whether they come from a settlement or new federal legislation. Vote 24-0.

## LOCAL AND REGULATED REVENUES

**SB 328,** allowing liquor and beverage licensees and other liquor and beverage industry members not licensed in New Hampshire to furnish draft beer equipment and representatives to dispense and promote their beverages at licensed beer festivals. OUGHT TO PASS

Rep. Stephen G. Avery for Local and Regulated Revenues**:** This bill allows liquor and beverage licensees and other liquor and beverage industry members, not licensed in New Hampshire, to furnish draft beer equipment and representatives to dispense and promote their beverages at licensed beer festivals. Vote 12-0.

**SB 356-L,** relative to the bond required as a condition for filing an intent to cut or receiving a permit to cut. OUGHT TO PASS

Rep. Stephen G. Avery for Local and Regulated Revenues**:** This bill allows the assessing officials in a municipality to require an owner, who owns land in the town where the owner intends to cut, to post a bond as a condition for filing an intent to cut or receiving a permit to cut, if the owner is delinquent on town timber taxes or property taxes. Vote 11-1.

## MUNICIPAL AND COUNTY GOVERNMENT

**SB 415,** relative to the authority of zoning boards of adjustment to grant variances from certain zoning ordinances. OUGHT TO PASS WITH AMENDMENT

Rep. Paul A. McGuirk for Municipal and County Government**:** When this bill is enacted, zoning boards of adjustment will be empowered to grant variances to zoning ordinances for a person or persons having a recognized physical disability. However, any variances granted under RSA 674:33 V will survive only so long as the particular person has a continuing need to use the premises. Other variances or special exceptions, once granted, go with the property. Vote 12-0.

**SB 492,** amending the charter of the union school district of Keene OUGHT TO PASS WITH AMENDMENT

Rep. Robert A. Lockwood for Municipal and County Government**:** This bill amends the charter of the Union School District of Keene to allow the City Clerk to facilitate the official ballot election of the second session of the annual meeting, and to provide for the coordination of ballots between the School District and the City of Keene. The committee amendment restores the bill to its original language as requested by the sponsors and the Clerk of the School District. Vote 15-0.

# THURSDAY, MAY 14

# REGULAR CALENDAR

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**SB 444-FN,** requiring the New Hampshire real estate commission to notify licensees of proposed rules and any changes adopted to rules. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration**:** This bill, as amended, will require the Real Estate Commission to distribute a newsletter to all licensees regarding any changes to statutes or rules, as they pertain to real estate issues. This will provide greater information to licensees, similar to other major licensing boards. Vote 14-1.

Rep. Robert K. Dodge for the Minority of Executive Departments and Administration**:** The committee recognizes the intent of the legislation, however, RSA 541-A-6III does allow the agency to notify the licensees of any rulemaking proceedings, by various means at their disposal. In addition "Webster" http://www.state.nh.us will be carrying the rulemaking register. The rulemaking register RSA 541-A-9III is available upon request at prices fixed by the director of legislative services to cover mailing and publication costs.

## FINANCE

**HB 1075-FN-A-L,** implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance**:** This bill as amended establishes a legislative response to the Claremont II decision. It proposes a profound change in the way in which New Hampshire defines, delivers and finances primary and secondary public education. This change reflects the shared vision of the House Education and Finance committees.

> There are three basic parts to the new education policy. First, an adequate education is defined as the essential knowledge and skills we expect high school graduates to have so they can pursue higher education and participate

successfully in the workforce. These include English, mathematics, science, government, economics, geography, history, arts, languages, literature, wellness and technology.

Second, performance and accountability measures are established that continue local control. School districts must file local improvement and assessment plans with the Department of Education, which can comment on the plans but has no authority to approve them. An annual "report card" will rank districts and schools on statewide assessment and other tests. This will provide benchmarks for local school districts. As now, minimum standards must be met. Technical assistance is made available both to school districts which request it and to school districts which have been designated by the Department of Education as not meeting quality standards.

Third, the state will ensure that every school district has the funds necessary to provide an adequate education. A new statewide, uniform property tax will provide most of the necessary resources. The tax rate will be computed by dividing the total cost of providing an adequate education in the state by the total equalized property value in the state. Supplemental state aid will be provided to school districts that cannot raise the revenue necessary for an adequate education through the uniform education property tax rate. Communities where the amount raised by the tax rate exceeds the cost of an adequate education will receive abatements. A severability clause provides that, if these abatements are declared unconstitutional, the rest of the bill, other than certain study commissions, will be invalid. As a result, no funds will be redistributed from property-rich to property-poor school districts. The bill appropriates the funds necessary to make the supplemental payments.

The uniform education property tax will be phased in. For the tax year beginning April 1, 1999, a total of $161 million (including $95 million in new funds) will be distributed under the current foundation aid formula, primarily to property-poor school districts. The bill as amended appropriates this sum. Meanwhile, a study commission will report to the next session of the General Court its recommendations on a formula to determine the cost of an adequate education and the method of distributing grants to school districts. $50,000 is appropriated to the commission to pay for necessary consultants. On the basis of the report, it is expected that an appropriate formula will be adopted by the General Court, and the uniform education property tax will be implemented in the tax year beginning April 1, 2000.

Should that not happen, the bill as amended contains a back-up formula which would go into effect at that time. In general terms, the back-up formula establishes a per pupil cost of an adequate education at the elementary, middle and high school levels. State grants to school districts are based on the number of pupils at each level. The grants include the costs of special education, vocational education, pupil support services, instructional support services, plant operations and administration costs. In addition to those grants, the back-up formula provides for the continuation of catastrophic aid, building aid and kindergarten aid. The current foundation aid program is terminated, but no district will receive less money under the back-up formula than it will under the 1998/9 foundation aid distribution. The back-up formula requires a total of $189 million (including $123 million in new funds) in supplemental state aid. The bill as amended appropriates this sum.

Other important parts of the bill as amended allow school districts to spend more money than is required to provide an adequate education. School districts are not required to provide programs or services identical to other districts, but they must appropriate at least the amount required to provide an adequate education. However, appropriations for current operational expenses (including contingency accounts) and transfers to reserves or trust funds count, and appropriations to contingency, which are not in fact spent, lapse to surplus. This reduces the property tax rate the next year.

Several significant study and oversight mechanisms are established. A legislative oversight committee will continually examine the goals, operation and financing of the program and report its findings every two years. Another committee will study special education issues and report by December 1, 1998. A study of public school facilities and the distribution of building aid will be commissioned. A report on new school accounting standards will be made by December 1, 1999. And an on-going review of minimum standards will be undertaken.

Finally, the bill as amended makes appropriations to administer its provisions. Two positions are established in the Department of Education this biennium at a cost of $115,000 to carry out financial and educational reporting requirements. And the Department of Revenue Administration is appropriated $240,000 to fulfill its additional responsibilities this biennium. Vote 19-6.

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**SB 409-FN,** relative to long-term care and extending the moratorium on new nursing home beds. OUGHT TO PASS

Rep. Lawrence A. Emerton for Health, Human Services and Elderly Affairs**:** This bill is a result of over two years of work by the health and human services department and considerable work by the Senate. After extensive deliberation by our committee at several meetings, the numerous interested parties proposed over 40 amendments. The committee felt that the bill would be better if kept intact, rather than add amendments at this time.

This legislation is an initial step towards rebalancing the long term care continuum by adding more resources and support to the home and community based service infrastructure to make it more responsive to increased consumer demand. The long term care system, which provides a variety of personal care and other supportive services to the frail elderly and physically disabled or chronically ill adult populations, needs to be rebalanced. To a great extent, the current system relies on nursing facilities to provide this kind of care. While the quality of care provided in New Hampshire's nursing facilities is superior to other states, an increasing elderly and disabled population and decreasing public financial resources are causing the state to re-evaluate how long term care services are provided. Moreover, many long term care consumers and potential consumers have expressed that they prefer to be cared for at home or in other less acute settings. Because we spend far more on nursing facility care than on home and community based care, there is an inherent dichotomy between the state's present long term care system and consumer choice.

The major components of this very complex bill are: 1) A determination by the department of health and human services of the most cost effective and clinically appropriate level of residential long-term care services. The assessment shall be voluntary for all applicants, except for those who have applied for or have been determined to be eligible for medicaid benefits. 2) Extends the moratorium on new nursing homes from December 31, 1998 to December 31, 2001. 3) Establishes an adult family care program to provide services to elderly and disabled persons. 4) Changes the ratio of reimbursement funds required by the counties and state for nursing home care. 5) Requires the department of health and human services to establish an acuity-based reimbursement system for nursing homes.

Finally, this bill provides that the new long term care reimbursement system between the state and county will "sunset" in five years. Vote 16-1.

## LOCAL AND REGULATED REVENUES

**HB 1677-FN-A-L,** authorizing towns and cities to determine the method of local taxation used to support public education. INEXPEDIENT TO LEGISLATE

Rep. John J. O'Connell for Local and Regulated Revenues**:** While some members of the committee felt the legislation had merit, the majority of the committee believes this bill would most likely create confusion in the individual towns and cities of New Hampshire. Vote 9-3.

**SB 324-FN,** relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Local and Regulated Revenues**:** This bill lowers the minimum age for entertainers in cocktail lounges and dining rooms licensed to sell liquor from 17 to 15 years, with the exception that dancers must have attained the age of majority. The bill also establishes criminal penalties for the manufacture, sale and possession of false photographic identification cards which purport to be official government documents. Vote 12-0.

## RESOURCES, RECREATION AND DEVELOPMENT

**SB 403,** relative to mooring on Spofford Lake. INEXPEDIENT TO LEGISLATE

Rep. Loren J. Jean for Resources, Recreation and Development**:** The input in the public hearing on this bill was roughly 5-1 opposed. Testimony was heard by safety and law enforcement personnel that did not support the safety concerns cited by the sponsor. The Committee felt that the mooring laws should be revisited as a whole, but this bill was not a timely vehicle to accomplish this. The Resources, Recreation and Development Committee will visit the mooring laws and lack of mooring laws on all bodies of water held in the public trust. Vote 12-5.

## NOTICE

**LEGISLATIVE ETHICS COMMITTEE**

**AVAILABILITY OF NEW FINANCIAL DISCLOSURE FORM**

Copies of the revised "Financial Disclosure Form" are available at the House Clerk's Office. For the 1998 session, members may use the form as an addendum to the disclosure form already filed.

Representative Jeb E. Bradley, Chairman

# COMMITTEES OF CONFERENCE

**HB 170**, exempting temporary, demountable, plastic-covered greenhouses from property taxation. (Reps. Hess, Teschner, Noyes and Coes)

**HB 385**, relative to reporting and registration requirements for lobbyists and employees of lobbyists. (Reps. Wheeler, Lozeau, Hager and A. Merrill)

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. (Reps. Dokmo, Stone, Brundige and Fraser)

**HB 1123,** relative to the control of wolf hybrids. (Reps. Mock, MacNeil, R. Rogers and L'Heureux)

# HOUSE BILLS AMENDED BY THE SENATE

**HB 170,** exempting temporary, demountable, plastic-covered greenhouses from property taxation. (House Nonconcurred; C-of-C 5/7/98)

**HB 177,** increasing the wild bear license and tag fee. (House Concurred 4/10/98)

**HB 385,** relative to reporting and registration requirements for lobbyists and employees of lobbyists. (House Nonconcurred; C-of-C 4/10/98)

**HB 497,** excluding domestic septage from regulation as sludge or biosolids. (House Concurred 5/7/98)

**HB 517**, relative to aggravated felonious sexual assault. (House Concurred 3/5/98)

**HB 529,** relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. (House Nonconcurred; C-of-C 5/7/98)

**HB 544,** relative to dwellings which extend over public waters. (House Concurred 3/19/98)

**HB 697,** establishing a homeless coordination council. (House Concurred 5/7/98)

**HB 707,** relative to municipal taxation of telecommunications poles and conduits. (SJ 10)

**HB 1112,** relative to the placement of articles on the official ballot. (SJ 13)

**HB 1119,** relative to the town line between the towns of Groton and Plymouth, New Hampshire. (House Concurred 3/5/98)

**HB 1120,** establishing a commission to study the effects of and jurisdiction over alternative agricultural products. (House Concurred 5/7/98)

**HB 1123,** relative to the control of wolf hybrids. (House Nonconcurred; C-of-C 5/7/98)

**HB 1126,** relative to municipal debt limits. (House Concurred 4/23/98)

**HB 1128,** relative to space heaters. (House Concurred 5/7/98)

**HB 1131,** relative to the sale of liquor and beverages and relative to enforcement of the liquor laws. (House Concurred 5/7/98)

**HB 1158,** changing the process for designating a part-time district court justice a full-time district court justice. (House Concurred 4/23/98)

**HB 1165,** relative to the incorporation, management, branching and merger of banks. (House Concurred 5/7/98)

**HB 1175,** relative to authorizing the state board of education to adopt rules on teacher education programs, teacher certification fees, and recertification standards. (SJ 11)

**HB 1189,** increasing the limits of direct off-premises sales from breweries and brew pubs. (SJ 12)

**HB 1245,** relative to the management of New Hampshire retirement system funds by the board of trustees. (SJ 10)

**HB 1328,** extending the exemption period for motor vehicle titles and modifying the process for obtaining a duplicate motor vehicle certificate. (SJ 12)

**HB 1330,** naming the bridge over the Newfound River on route 104 west in the town of Bristol, New Hampshire, the Richard W. Musgrove bridge. (House Concurred 4/23/98)

**HB 1374,** relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding and relative to contracts for major capital projects of the department of fish and game and resources and economic development. (SJ 13)

**HB 1428,** establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach to a broad range of students including exceptional learners. (SJ 13)

**HB 1430**, relative to political expenditure limitation amounts. (SJ 8)

**HB 1468,** clarifying the legal status of home brewers of beer. (House Concurred 5/7/98)

**HB 1536,** establishing a committee to study women's health care. (House Concurred 5/7/98)

**HB 1627,** relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation. (House Concurred 5/7/98)

**HB 1652,** establishing a pilot program relative to the administration of medications in residential care facilities. (SJ 13)

**HCR 21,** encouraging the designation of the Connecticut River as an American Heritage River. (House Concurred 3/19/98)

## LAID ON TABLE

***HB 643-FN***, establishing an industry average performance system for air pollution control and establishing certain pollution control funds. (Pending question is the adoption of the committee amendment.)

***HB 1577-FN-A,*** relative to campaign finance expenditure and contribution reform. (Pending question is the adoption of the committee report.)

## COMMITTEE HEARINGS

## MONDAY, MAY 11

**PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB**

9:00 a.m. Regular meeting.

**PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2), Director's Conference Room, Fish and Game Department, 2 Hazen Drive, Concord**

10:00 a.m. Regular meeting.

# TUESDAY, MAY 12

**COMMERCE, Room 302, LOB**

9:30 a.m. Subcommittee work session on ***SB 490,*** relative to life and accident and health insurance and relative to certain salaries and ***SB 472-FN-L,*** relative to filing security interests under the Uniform Commercial Code.

10:00 a.m. Subcommittee work session on ***SB 494,*** establishing the voluntary small employer health insurance purchasing alliance.

10:30 a.m. Subcommittee work session on ***SB 354,*** requiring insurance coverage for hospitalization and anesthesia for dental procedures for certain patients.

11:00 a.m. Subcommittee work session on ***SB 358-L,*** relative to the term physician in health care provider contracts.

11:30 a.m. Subcommittee work session on ***SB 344,*** clarifying requirements regarding certain trusts.

11:45 a.m. Subcommittee work session on ***SB 377,*** authorizing the organization of merchant banks to provide equity financing and related services to small businesses and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws.

2:30 p.m. Executive session on pending legislation.

**CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB**

10:00 a.m. Subcommittee work session on ***SB 471-FN,*** creating the presumption that a juvenile charged with a driving while intoxicated felony offense, shall be certifiable as an adult.

10:00 a.m. Executive session on pending legislation.

10:15 a.m. Subcommittee work session on ***SB 387,*** expanding the attorney general's authority to record communications in criminal investigations.

**ELECTION LAW, Room 308, LOB**

1:00 p.m. Executive session on pending legislation.

**ETHICS COMMITTEE (RSA 14-B:2), Room 304, LOB**

8:30 a.m. Regular meeting.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB**

10:00 a.m. Executive session on pending legislation.

**FINANCE AND EDUCATION COMMITTEES, Rooms 210-211, LOB**

1:00 p.m. Briefing for House members on ***HB 1075-FN-A-L***, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

**FINANCE - (DIVISION I), Room 212, LOB**

10:00 a.m. WORK AND EXECUTIVE SESSION ON

***HB 1663-FN***, relative to rulemaking under the administrative procedures act and the responsibilities of the office of legislative services and the department of administrative services, and establishing a committee to study procedures in administrative rulemaking. (A)

***SB 417-FN***, continuing the court modernization fund and its source of funding from penalty assessments.

***HB 1680-FN-A-L***, relative to administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor. (A)

***SB 504-FN,*** relative to members of predecessor systems of the New Hampshire retirement system. (A)

**FINANCE - (DIVISION II), ROOM 209, LOB**

10:00 a.m. WORK AND EXECUTIVE SESSION ON ***HB 1681-FN-A***, increasing the tobacco tax on all tobacco products and designating the increase in revenue for the advancing better classrooms program.

**JUDICIARY AND FAMILY LAW, Room 208, LOB**

10:00 a.m. Executive session on pending legislation.

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB**

10:00 a.m. Rescheduled executive session on pending legislation.

**MUNICIPAL AND COUNTY GOVERNMENT, LOB Lobby**

7:30 a.m. Subcommittee field trip on excavation of bedrock.

**TRANSPORTATION, Room 203, LOB**

10:00 a.m. Executive session on pending legislation.

## WEDNESDAY, MAY 13

**CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Rooms 201-203, LOB**

9:00 a.m. Special meeting. Pursuant to the provisions of Chapter 119:3, Laws of 1997, the committee is meeting to review written comments submitted prior to the meeting, and to review and act on the proposal submitted by the Commissioner of the Department of Resources and Economic Development relative to the state-owned ski areas.

**COMMERCE, Room 302, LOB**

10:00 a.m. Executive session on pending legislation.

**CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB**

10:00 a.m. Executive session on pending legislation.

**EDUCATION, Room 207, LOB**

10:00 a.m. Executive session on pending legislation.

**FINANCE - (DIVISION I), Room 212, LOB**

10:00 a.m. WORK AND EXECUTIVE SESSION ON

***HB 1663-FN***, relative to rulemaking under the administrative procedures act and the responsibilities of the office of legislative services and the department of administrative services, and establishing a committee to study procedures in administrative rulemaking. (A)

***HB 1680-FN-A-L***, relative to administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor. (A)

***SB 504-FN,*** relative to members of predecessor systems of the New Hampshire retirement system. (A)

**FINANCE - (DIVISION II), ROOM 209, LOB**

10:00 a.m. WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

***SB 391-FN-A,*** exempting personal property which is subject to taxation under the legacies and successions tax from the 2 percent tax on transfers of personal property of nonresident decedents.

***SB 447-FN,*** exempting siblings of a decedent who are unable to engage in substantial gainful employment from the legacies and successions tax.

***SB 483-FN,*** exempting certain businesses from the electronic filing requirement under the meals and rooms tax.

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Concord Hospital, Conrad Conference Center, Concord**

5:30 p.m. Public forum on New Hampshire labor laws.

**MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

10:00 a.m. Executive session on pending legislation, if needed.

**RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB**

11:00 a.m. Executive session on pending legislation.

**SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB**

10:00 a.m. Informational briefing by New England Independent Systems Operator.

**STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 301, LOB**

1:30 p.m. ***SCR 7,*** supporting economic security in retirement of all Americans.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

## FRIDAY, MAY 15

**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

9:00 a.m. Regular meeting.

**BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB**

10:00 a.m. Complaint hearings.

## MONDAY, MAY 18

**HEALTH AND HUMAN SERVICES OVERSIGHT (RSA 126-A:13), Room 205, LOB**

9:30 a.m. Regular meeting.

**NUCLEAR DECOMMISSIONING FINANCE COMMITTEE (RSA 162-F:15), Room 307, LOB**

1:30 p.m. Regular meeting.

## WEDNESDAY, MAY 27

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, City Hall, Laconia**

7:00 p.m. Public forum on New Hampshire labor laws.

## THURSDAY, MAY 29

**COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), Room 103, State House**

9:00 a.m. Legal subcommittee.

10:00 a.m. Administration subcommittee.

11:00 a.m. Marketing subcommittee.

1:30 p.m. Regular meeting.

## MONDAY, JUNE 1

**OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB**

9:30 a.m. Regular meeting.

**WATER QUALITIES ISSUES STUDY (HB 693, Chapter 213, Laws of 1997), Room 305, LOB**

1:00 p.m. Regular meeting.

## FRIDAY, JUNE 5

**OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 103, LOB**

9:00 a.m. Regular meeting.

## MONDAY, JUNE 8

**PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB**

9:00 a.m. Regular meeting.

**PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2), Director's Conference Room, Fish and Game Department, 2 Hazen Drive, Concord**

10:00 a.m. Regular meeting.

## FRIDAY, JUNE 19

**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

9:00 a.m. Regular meeting.

## FRIDAY, JUNE 26

**COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), Room 103, State House**

1:30 p.m. Regular meeting.

## MONDAY, JUNE 29

**OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB**

9:30 a.m. Regular meeting.

# OFFICIAL NOTICES

### COUNTY DELEGATION NOTICE

Belknap County Delegation will meet on May 11 at 7:00 p.m. at Belknap County Courthouse for a hearing on the Gunstock proposed budget for 1998.

Rep. Gordon E. Bartlett, Chairman

Belknap County Delegation

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On House session days and committee days Representatives who do not have reserved LOB or reserved street parking please park in the Storrs Street Parking Garage.

Rob Johnson, Sergeant-at-Arms

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### REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 111, 177, 204, 256, 443, 467, 485, 552, 559, 565, 579, 587, 605, 606, 651, 670, 676, 686, 697, 707, 717, 730, 734, 736, 747, 749, 753, 774, 784, 1000, 1011, 1100, 1115, 1121, 1141, 1189, 1193, 1211, 1224, 1259, 1280, 1284, 1291, 1298, 1300, 1303, 1328, 1330, 1331, 1336, 1337, 1338, 1350, 1354, 1374, 1377, 1384, 1387, 1396, 1399, 1400, 1456, 1473, 1490, 1509, 1513, 1517, 1541, 1543, 1545, 1555, 1573, 1579, 1582, 1588, 1593, 1594, 1598, 1599, 1600, 1601, 1602, 1603, 1617, 1636, 1639, 1644, 1660, 1662, 1663, 1664, 1668, 1671, 1673, 1674, 1676, 1679, HJR 24 and SB 485.

Leo J. Callahan, Assistant Clerk

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When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses so that their colleagues who so desire may send cards and greetings.

Gordon B. Flint, 21 Lincoln Terrace, Newport, New Hampshire 03773-1410

Robert W. Foster, PO Box 602, Moultonborough, New Hampshire 03254-0602

Richard Noyes, PO Box 75, N. Salem, New Hampshire 03073-0075

Leo P. Pepino, 73 Walnut Street, Manchester, New Hampshire 03104-4848

Paul W. Taylor, 214 Harris Road, Nashua, New Hampshire 03060-3708

Karen O. Wadsworth, Clerk of the House

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# MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

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I would like to remind members that you may have your mileage checks deposited directly into your bank account. The Direct Deposit program is convenient for you and saves the State considerable money as well. You will continue to receive a mock check with your attendance dates listed for your record keeping. Please see Carol Dunning in the Speaker's Office for details.

Donna Sytek, Speaker

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Plan now to enjoy a relaxing, fun-filled Day-on-the-Range at the Annual Legislative Shoot, sponsored by the Gun Owners of New Hampshire. This is a Firearms Orientation and Safety Program at the Sunset Mountain Fish and Game Club in Canterbury which gives both novices and those with firearms experience an opportunity to spend a day with GO- NH members to assist them. Starting at 10:00 a.m., wake-up coffee and lunch are provided. For further details, please call Rep. Frances Riley. Space is limited, so please reserve early. Monday, May 11 is the date, rain or shine, as shelter is available. All equipment is provided by GO-NH, or bring your own if you wish.

Rep. Frances L. Riley

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The Executive Departments and Administration Committee reunion is scheduled for Tuesday, May 12. All present and former members are invited. Governor Walter Peterson, Hon. Stewart Lamprey, Hon. Marshall Cobleigh, Hon. Walter Raiche and the Hon. George Roberts are just a few of the notables who plan to attend. How about you?

Rep. Howard C. Dickinson, Jr.

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There will be a presentation on Tuesday, May 12 at 2:00 p.m. in Rooms 201-203, LOB by DRED Commissioner Robb Thomson and Okemo Mountain on Commissioner's recommendation to lease the winter operations at Mt. Sunapee State Park.

Rep. Gene G. Chandler

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The Legislative Caucus for Young Children will meet on Tuesday, May 12 from 2:00-5:00 p.m. in the Upham Walker House.

Reps. Julie M. Brown, Iris W. Estabrook, Mary Stuart Gile and James P. Pilliod

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The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 9:00 a.m. on Wednesday, May 13th and Wednesday, May 27th. Refreshments will be served.

Rep. Robert K. Boyce

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May is National Osteoporosis Prevention Month. The Osteoporosis Advisory Council is sponsoring an event for Representatives and Senators on May 14 in Room 103, State House from noon to 1:00 p.m.(or at lunch break from Session). Please come and join us.

Rep. Barbara C. French

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The biennial "How to Get Elected" seminar sponsored by the New Hampshire Hospital Association will be held on Monday, May 18 at 1:00 p.m. at the Hospital Association's Conference Center at 125 Airport Road, Concord. The program is a free, non-partisan workshop and will cover a wide variety of topics, including how to file as a candidate, proven campaign techniques and what is involved once you're elected. If you are interested in participating or know of someone interested in running for the legislature, please contact Miriam Watson at 225-0900 for more information.

Reps. Robert L. Wheeler and Peter H. Burling

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The New Hampshire Women's Lobby will hold its SPRING CELEBS '98 award celebration on Tuesday, May 19, 4:30-6:00 p.m. at the Holiday Inn. This years recipients include Rep. Elizabeth Hager for Women in Leadership, Rep. James Pilliod and Sen. James Squires for Meritorious Service Awards and Sandy Smith of the Concord Monitor for the Media Award among others. $10 donation. Cash bar and light refreshments. Tickets may be purchased from Reps. Sandra Keans, Barbara French or Sen. Katherine Wheeler.

Rep. Sandra B. Keans

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*The Friends of Donna Sytek* will be hosting a reception for the Speaker of the House on Wednesday, May 20th at 6:30 p.m. at The Center of NH, Manchester. The evening will include dinner, music and dancing. Tickets are available for $35.00 each. Tables of 10 are available for $350. Pick up tickets from Rep. Chandler or Rep. Wheeler in the Majority Office.

Reps. Robert L. Wheeler and Gene G. Chandler

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The Professional Fire Fighters of New Hampshire invite all legislators and legislative staff to a 1st annual "Legislature Five Alarm Chili" luncheon (three alarm and false alarm versions will also be available) on Thursday, May 21 at noon at the Historical Society, corner of State Street and Park Street in Concord (across from the Legislative Office Building).

Reps. Robert L. Wheeler and Peter H. Burling

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The State House softball team is organizing for its 1998 season. Games are scheduled from late April through June and take place at DOT field on Hazen Drive. Contact Curtis Barry in the Majority Office.

Rep. Robert L. Wheeler

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The Second Annual Deep Sea Fishing and Whale Watch Trip will be held on Friday, May 29. Leaving from Smith and Gilmore Pier, Hampton at 7:30 a.m. and returning at approximately 4:00 p.m. $30 per person. Limited to 40 people. Open to legislators, staff and friends of the process. See Rep. Terry Pfaff for reservations.

Rep. Terry R. Pfaff

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A benefit golf tournament and dinner for the NH Veterans Home will be held on May 30th at the Lochmere Country Club in Tilton on Route 3. The tournament will be followed by a tour of the Veterans Home to meet and recognize residents. The day's event will be capped off at the Home by a choice of lobster or steak dinner, entertainment and award ceremonies. Golf tournament fee is $100 per person which includes dinner. Dinner tickets $30 per person. Donations for NH Veterans Home $1 each/6 for $5. For further information regarding this event contact Donna Long, Community Affairs Director, NH Veterans Home (603)286-4412 or contact Reps. Joe Kenney, Robert Laflam or Betsey Patten.

Rep. Betsey L. Patten

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For those members of the House who would like to express their appreciation for the many contributions that Charles Ferguson has made to the legislature, memorial donations may be made to the Charles W. Ferguson Memorial Scholarship Fund, CFX Bank, South Street, Milford 03055.

Rep. Suzan L.R. Franks

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The Governor is going to recognize with a proclamation all New Hampshire cities and towns which have consistently celebrated "Old Home Day (OHD)," not missing a year, from 1899 to the present. Such towns will have their 100th OHD this summer. Please let me know of any city or town eligible for this honor. (Tel/fax: 786-9562/9463).

Rep. John R.M. Alger

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The New Hampshire Federation of Republican Women will be holding its annual Lilac Luncheon on June 1st at the Castleton in Windham. The guest speaker will be United States Senator John McCain (Arizona). Tickets are $25 and available from Reps. Joan Tate, Cynthia Dokmo and Susan Durham.

Rep. Joan C. Tate

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On June 26, 1996 the then Veterans Affairs and Public Safety Committee (now the Criminal Justice and Public Safety Committee) held a hearing to express concerns regarding fire training mandates and perceptions. At that time, the committee promised a follow-up hearing. The hearing is now scheduled for Wednesday, June 10th at 7:00 p.m. at the Richard M. Flynn Fire Academy, 222 Sheep Davis Road (Route 106), Concord to give New Hampshire Fire Service members the opportunity to air their thoughts and concerns regarding fire training in the State. Written testimony will be appreciated even if it formalizes verbal testimony. This will assure the most accurate record keeping of the evening's proceedings. All New Hampshire Fire Service members are invited to attend and participate.

Rep. David A. Welch

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The Belknap County Republican Committee will hold its annual picnic and barbecue on June 13 at the Smith Meeting House in Gilmanton. For tickets call Rep. John Thomas at 528-5112.

Rep. John Thomas

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The Department of Transportation will hold the following meetings:

May 19 - Woodsville Emergency Services Building, Route 10, Woodsville, 7:00 p.m. Public informational meeting, Haverhill, NH-Newbury, VT replacement of US 302 bridge.

May 20 - Newport Town Hall/Opera House, 20 Main Street, Newport, 7:00 p.m. Public informational meeting, Claremont-Newport widening of NH Route 11.

June 4 - Troy Elementary School Gymnasium, 44 School Street, Troy, 7:00 p.m. Public hearing (special committee), Troy, NH Route 12.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

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Pursuant to RSA 228:93, the New Hampshire Department of Transportation and the Department of Safety will be conducting the following 1998 Regional Safety Conferences on highway related issues in each county, except Coos and Hillsborough where two are scheduled. The purpose of these conferences is to receive comments from representatives of local police, the public works department and the general public on highway issues such as speed limits, highway markings, traffic lights, highway signs, intersections, and other safety concerns relative to the State highway system.

| **Date Location Time** |
|---|
| May 27 Hillsboro County #1 - Manchester 10:00 a.m. |
| Southern NH Planning Commission |
| 438 Dubuque Street, Manchester |

| |
|---|
| June 2 Cheshire County - Keene Recreational Center 10:00 a.m. |
| 312 Washington Street, Keene |
| June 2 Sullivan County - Newport 2:00 p.m. |
| Sugar River Savings Bank Community Room |
| 10 North Main Street, Newport |
| June 4 Coos County #1 - Berlin City Hall 10:00 a.m. |
| 168 Main Street, Berlin |
| June 4 Carroll County - Ossipee Town Hall 2:00 p.m. |
| 55 Main Street, Ossipee |
| June 10 Coos County #2 - Lancaster Town Hall 10:00 a.m. |
| 25 Main Street, Lancaster |
| June 10 Grafton County - Haverhill Town Hall 2:00 p.m. |
| Main Street, Haverhill |
| June 16 Hillsborough County #2 - Nashua Public Library 10:00 a.m. |
| 2 Court Street, Nashua |
| June 18 Rockingham County - Exeter Town Hall 10:00 a.m. |
| 10 Front Street, Exeter |
| June 23 Belknap County - Laconia City Hall 10:00 a.m. |
| 45 Beacon Street East, Laconia |
| June 23 Merrimack County - Concord City Council 2:00 p.m. |
| 35 Green Street, Concord |
| June 25 Strafford County - Dover City Hall 10:00 a.m. |
| 288 Central Avenue, Dover |
| Rep. Gene G. Chandler |

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As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of school groups visiting the State House in May, 1998. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Please contact the Visitors' Center for further information. Thank you for your continued participation with our School Visitation Program.

Kenneth Leidner, Director

| ***DATE*** | ***TIME*** | ***GROUP*** | ***CLASS/Size*** |
|---|---|---|---|
| 5/11 | 9:00 | Kimball Elem. - Concord | 4 / 20 |
| 5/11 | 10:00 & 11:15 | Rochester Catholic | 4 / 40 |
| 5/11 | 1:00 | Henniker Elem. | 4 / 19 |
| 5/12 | 9:00 | Kimball Elem. - Concord | 4 / 20 |
| 5/12 | 10:00 | New Franklin - Portsmouth | 4 / 45 |
| 5/12 | 12:00 | Dondero - Portsmouth | 4 / 42 |
| 5/13 | 8:30 | Concord Christian | 4 / 20 |
| 5/13 | 9:45 & 10:45 | Campton Elem. | 4 / 42 |
| 5/13 | 12:00 | Deerfield Community Sch. | 4 / 18 |
| 5/13 | 12:00 | Webster Elem. | 4 / 17 |
| 5/14 | 9:30 & 10:30 | Epsom Central | 4 / 45 |
| 5/14 | 1:00 | Berlin Middle | 8 / 40 |
| 5/15 | 9:30 & 10:30 | Henry Moore - Candia | 4 / 48 |
| 5/15 | 12:30 | Maple Street Elem. - Contoocook | 4 / 40 |
| 5/15 | 1:30 | Homeschool Group - Alexandria | 2-9/15 |
| 5/15 | 1:30 | Lighthouse Christian - Rochester | K-12/19 |
| 5/18 | 10:00 & 12:00 | Garrison Elem. - Dover | 4 / 50 |
| 5/18 | 1:00 | Faith Christian - Bedford | 4 / 18 |
| 5/18 | 1:00 | SE NH Christian Academy - Somersworth | 4 / 10 |
| 5/19 | 10:00 & 12:00 | Garrison Elem. - Dover | 4 / 50 |
| 5/19 | 1:00 | Grace Christian - Merrimack | 4 / 9 |
| 5/19 | 1:00 | Salem Christian - Salem | 4 / 17 |
| 5/20 | 9:30 & 11:00 | Thorton's Ferry - Merrimack | 4 / 50 |
| 5/20 | 1:30 | Northwood Area Schoolers | 1-6/15 |
| 5/21 | 9:30 & 11:00 | Thorton's Ferry - Merrimack | 4 / 50 |
| 5/21 | Tentative | Kingswood Regional HS - Wolfeboro | HS/50 |

| | | | |
|---|---|---|---|
| 5/22 | 9:30 & 11:00 | Thorton's Ferry - Merrimack | 4 / 50 |
| 5/26 | 10:00 & 11:00 | Fred C. Underhill - Hooksett | 3 / 50 |
| 5/26 | 12:30 | Dunbarton Elem. | 4 / 35 |
| 5/27 | 10:00;11:00;12:00 | DJ Bakie School - Kingston | 4 / 90 |
| 5/28 | 10:00 & 11:15 | DR. H.O. Smith - Hudson | 4 / 50 |
| 5/28 | Tentative | Kingswood Regional HS - Wolfeboro | HS/50 |
| 5/29 | 10:00 & 11:15 | DR. H.O. Smith - Hudson | 4 / 50 |
| 5/29 | 12:30 | Antrim Elem. | 4 / 37 |

## NOTICE

The **25th Annual Bill White Memorial Legislative Golf Tournament** is scheduled for Friday, June 19 at the John Cain Golf Club in Newport. The entry fee for this annual tourney is $55 per person and includes greens fee, cart, dinner and prizes. A *shot-gun* start is scheduled for 9:00 a.m. The format is "Captain and Crew." Sign-up as a foursome or sign-up by yourself and be placed in a foursome. A maximum of 120 players will be allowed. Please return your entry and payment no later than June 5th to Sandy Wheeler at the LOB Lobby desk. (Checks should be made payable to David S. Saltmarsh.)

Reps. Gene G. Chandler and Peter H. Burling

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**25th Annual Bill White Memorial Legislative Golf Tournament**

Names (1)_(2)

(3)_(4)

Telephone No: _____ Amount Enclosed: _____

## THURSDAY, MAY 14

## AMENDMENTS

**(LISTED IN NUMERICAL ORDER)**

1998-1631h

**Amendment to HB 1075-FN-A-LOCAL**

**Proposed by the Committee on Finance**

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

1 Preamble.

In December 1997, the New Hampshire supreme court declared that the right to an adequate education is a fundamental right of all New Hampshire children. Furthermore, the supreme court determined that it is the state's duty to define and to provide a constitutionally adequate education. The supreme court held that, under part II, article 5, of the New Hampshire constitution, all taxes levied by the state, with respect to funding a constitutionally adequate education, must be proportional in substance and just and reasonable in application. The supreme court reaffirmed that, under the principles of separation of powers, the

legislature has wide latitude in choosing the means by which the funding of a constitutionally adequate education is to be achieved.

An educated populace is essential to the long-term health and prosperity of the state. Recognizing that it is the state's obligation to provide a constitutionally adequate education, this act establishes a framework to ensure that the children of New Hampshire will have the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in society.

Local control of public schools is the best method of ensuring parental and community involvement in the education of the children of New Hampshire. The use of property value as a base for the calculation of the contribution of New Hampshire citizens to support their schools encourages and nurtures local and parental interest and participation in the education of children. That participation is a crucial component of effective schools. The roles of the state board of education and the state department of education are to work with local officials, parents, and other members of the community to ensure that the public schools provide children with the best education possible.

The use of the total statewide equalized value of real property is reasonable to establish the base rate of a tax on property to fund a constitutionally adequate education for all public school students of the state. Any legislative application of the supreme court's decision that uses real property taxed at an equal base rate must, in order to be just and reasonable, include a constitutionally valid state tax policy which incorporates and provides exemptions for the elderly, veterans, the legally blind, and the totally and permanently disabled; abatements to avoid inequitable tax burdens; and assessments for current use to support the conservation of our precious land. Rational exceptions dictated by sound public policy will minimize the effect of the single tax rate and will avoid undue and unjust burdens on New Hampshire's citizens.

Furthermore, the state recognizes that the provision of a constitutionally adequate education to the children in the cities and towns whose property base is insufficient to support the funding of such an education is an obligation of all citizens of the state of New Hampshire, and not solely the responsibility of the citizens of those cities and towns whose property base is more than sufficient to provide such an education. Accordingly, this act provides state grants in order to ensure each child a constitutionally adequate education funded in a just, fair, and reasonable manner.

2 New Chapter; Providing Constitutionally Adequate Public Education to All the Students of New Hampshire. Amend RSA by inserting after chapter 193-D the following new chapter:

CHAPTER 193-E

ADVANCING BETTER CLASSROOMS

193-E:1 Policy and Purpose.

I. It is the policy of the state of New Hampshire that public elementary and secondary education shall provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government, now and in the years to come; an education that is consistent with the curriculum and student proficiency standards specified in state school approval rules and New Hampshire curriculum frameworks.

II. Respecting New Hampshire's long tradition of community involvement, it is the purpose of this chapter to ensure that appropriate means are established to provide a constitutionally adequate education through an integrated system of shared responsibility between state and local government. In this system, the state establishes, through school approval and student proficiency standards and curriculum guidelines, the framework for the delivery of educational services at the local level. School districts then have flexibility in implementing diverse educational approaches tailored to meet student needs.

193-E:2 Criteria for a Constitutionally Adequate Education. A constitutionally adequate education shall provide all students with the opportunity to acquire:

I. Skill in reading, writing, and speaking English to enable them to communicate effectively and think creatively and critically.

II. Skill in mathematics and familiarity with methods of science to enable them to analyze information, solve problems, and make rational decisions.

III. Knowledge of the biological, physical, and earth sciences to enable them to understand and appreciate the world around them.

IV. Knowledge of civics and government, economics, geography, and history to enable them to participate in the democratic process and to make informed choices as responsible citizens.

V. Grounding in the arts, languages, and literature to enable them to appreciate our cultural heritage and develop lifelong interests and involvement in these areas.

VI. Sound wellness and environmental practices to enable them to enhance their own well-being, as well as that of others.

VII. Skills for lifelong learning, including interpersonal and technological skills, to enable them to learn, work, and participate effectively in a changing society.

193-E:3 Methodology for Calculating the Per Pupil Cost of an Adequate Education.

I. In this section:

(a) "Total statewide aggregated cost" means the total of the costs of delivering an adequate education at the elementary school level as calculated in subparagraph II(a).

(b) "Adjusted total statewide aggregated cost" means the total statewide aggregated cost at the elementary school level adjusted by deducting certain revenue as explained in subparagraph II(b).

(c) "Statewide total average daily membership in residence" means the state total number of students as calculated in RSA 189:1-d, IV.

(d) "Elementary school" has the same meaning as in RSA 189:25.

(e) "Recognized middle or junior high school" has the same meaning as in RSA 189:25.

(f) "High school" has the same meaning as in RSA 194:23.

II.(a) For the biennium beginning July 1, 1999, the department of education shall calculate the statewide per pupil cost of an adequate education at the elementary school level based on district-level financial information reported to the department of education for the 1996-1997 school year and aggregated for the state as a whole. The cost factors to be aggregated shall be: instruction, including regular, special, and vocational education; pupil support services; instructional support services; other support services; operations and maintenance of plant; and administrative costs capped at 8 percent of the total costs. This amount shall be designated the total statewide aggregated cost. The following formula represents this calculation:

Total statewide aggregated cost = [total cost of instruction + total cost of pupil support services + total cost of instructional support services + other support services + total cost of operations and maintenance of plant] ÷ 0.92.

(b)(1) The total statewide aggregated cost shall be adjusted by deducting the amount of the following revenues attributable to the elementary school level:

(A) Tuition fees counted as revenue by receiving districts.

(B) Other revenue from local sources, except food service revenue and sale of fixed food service assets.

(C) Revenue from state except for foundation aid, school building aid, vocational school transportation, vocational school building, and child nutrition.

(D) Cost of operating restricted federal grant programs except child nutrition deducted on the basis of revenue.

(E) Unrestricted grants and other revenue from the federal government.

(2) This amount shall be designated the adjusted total statewide aggregated cost. The following formula represents this calculation:

Adjusted total statewide aggregated cost = total statewide aggregated cost - [tuition fees + other revenue from local sources except food service revenue and sale of fixed food service assets + revenue from state except for foundation aid, school building aid, vocational school transportation, vocational school building, and child nutrition + revenue from federal sources except revenue for child nutrition].

(c) The statewide per pupil cost of an adequate education at the elementary school level for the biennium shall be calculated by dividing the adjusted total statewide aggregated cost by the state total average daily membership in residence at the elementary school level calculated by the department of education for the 1996-1997 school year. The following formula represents this calculation:

Statewide per pupil cost of an adequate education at the elementary school level = adjusted total statewide aggregated cost ÷ statewide average daily membership in residence at the elementary school level.

III. For each subsequent biennium, the statewide per pupil cost of an adequate education at the elementary school level shall be adjusted by the change in the New England Consumer Price Index.

IV. In calculating the state education tax rate pursuant to RSA 76:3-a and in determining the state grants to municipalities for education under RSA 193-E:7, the average daily membership in residence shall be adjusted in accordance with the weights calculated by the department of education which reflect the proportional costs determined using the same cost factors and methodology provided in paragraph II for educating students at the elementary, recognized middle or junior high, and high school levels.

V.(a) The governing body of each school district or the board of trustees of approved public academies shall ensure that the information needed by the department of education, as specified in RSA 198:4-d and RSA 189:28, to calculate the statewide per pupil cost of an adequate education is submitted to the department of education and to the department of revenue administration on or before September 1 of each year.

(b) When a school district is audited by an independent public accountant, the information required under this section shall be reviewed during the school district's annual audit and shall be commented on by the auditor.

VI. The commissioner of the department of education shall report the figures for the statewide per pupil cost of an adequate education, the statewide average daily membership in residence, and the average daily membership in residence for each municipality to the commissioner of the department of revenue administration by December 1 of each year.

193-E:4 Delivery of a Constitutionally Adequate Education. In order to implement NewHampshire's policy of providing all students with the opportunity to acquire a constitutionally adequate education, each school district shall implement the following quality standards:

I. By June 30, 2000, and every 3 years thereafter, each school district, through a process involving parents, teachers, employers, and other community members, shall prepare and implement a local education improvement and assessment plan and file such plan with the department of education. The department of education shall comment to the district on the plan in a timely fashion. Districts may reference the statewide education improvement and assessment plan established in RSA 193-E:5, I, in preparing the district plan. At a minimum, the plan shall include:

(a) Curriculum and achievement standards for all students.

(b) School and district performance goals based on reported data on educational indicators listed in paragraph II.

(c) Procedures for aligning curriculum, instructional practices, and student and programmatic assessments, including annual reporting of results.

(d) Local assessment measures which focus on individual student performance.

(e) Role of support services and programs.

(f) Role of instructional leadership.

(g) Strategies to promote family and community involvement.

(h) Staff supervision and evaluation and performance-based professional development.

II. By April 1, 2000, and annually thereafter, each school district shall report to the department of education its data for the previous 12 months on its school and district performance indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education.

(a) Performance indicators shall include the following areas:

(1) Attendance and drop-out rates.

(2) School environment indicators, such as safe-schools data.

(3) Proportion of graduating students going on to post-secondary education, military service, and the workplace.

(4) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

(c) These indicators and assessment measures shall be reported along with other data collected and analyzed by the department of education in the annual report on the condition of education established in paragraph V.

III. Each elementary, middle, junior high, and/or high school in the school district shall meet the standards for school approval adopted by the state board of education.

IV. Beginning December 1, 2001, and annually thereafter, the commissioner of education shall determine the extent to which each school district is meeting the quality standards established in paragraphs I, II, and III. Any school district that does not meet the quality standards shall be designated by the commissioner of education as a district in need of assistance. The commissioner of education, annually, shall provide a report of such determinations to the department of revenue administration.

V. No later than December 1, 2000, and annually thereafter, the department of education shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall include demographic and student performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, data provided under paragraph II, as well as other relevant statistics. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

VI. Within 45 days of the issuance of the annual report on the condition of education, each school district shall provide an opportunity for public discussion of the report at a meeting of the governing body called for the exclusive purpose of reviewing the report. At least 7 days advance public notice shall be given.

VII. A school district that meets or exceeds the quality standards shall receive formal recognition from the state board of education and the governor. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board of education and the governor. Such school districts, schools, or teachers may be eligible to receive funds from a special projects and district improvement fund administered by the department of education. Such funds shall be used to disseminate best practices throughout the state.

VIII.(a) A school district, in response to the annual report on the condition of education, may request from the department of education the assistance available under paragraph IX.

(1) If a school district requesting assistance has not been designated as a school district in need of assistance pursuant to paragraph IV, then the assistance requested under this section and provided by the department of education shall be based on availability of resources as determined by the commissioner of education.

(2) If a school district requesting assistance has been designated as a district in need of assistance, then that school district shall receive the assistance it requests from the department of education in accordance with subparagraph IX(a)(3).

(b) If a school district has received notice pursuant to paragraph XI, then that school district shall receive assistance from the department of education in accordance with subparagraph IX(a)(3).

IX. The department of education and the state board of education shall work cooperatively with either a school district requesting assistance or a school district designated as a district in need of assistance as follows:

(a)(1) Within one month of a school district's request for assistance pursuant to subparagraph VIII(a)(1), the commissioner of

education may appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(2) Within one month of a school district's request for assistance pursuant to subparagraph VIII(a)(2), the commissioner of education shall appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(3) Within one month of the issuance of a notice to a school district pursuant to paragraph XI, the commissioner of education shall appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan. If the state board of education does not approve a corrective action plan, then the commissioner of education shall work with the school district to revise its corrective action plan. If the school district fails to revise its corrective action plan or the state board of education does not approve the revised corrective action plan, then the commissioner of education shall submit a corrective action plan, including methods for implementing it, to the state board of education for approval without further action of the school district.

(b) If an approved corrective action plan includes the use of a technical assistance advisor, then the commissioner of education shall appoint a technical assistance advisor who is authorized to access the state special projects and district improvement fund to provide assistance to the local school district staff in the implementation of the corrective action plan until the goals of the corrective action plan are met.

(c) If an approved corrective action plan includes the use of a peer review team, then the commissioner of education shall name a peer review team consisting of an appointee of the local school district, an appointee of the state board of education, and a third member chosen by the local and state appointees to advise the school district's superintendent and the local school board relative to the implementation of the corrective action plan until the goals of the corrective action plan are met.

X. If, by the time of the annual school district meeting in a town or by April 30 in a city, the governing body of a school district that has been designated a district in need of assistance in accordance with paragraph IV has not submitted a request for assistance under paragraph VIII, then the legislative body of the school district may vote to direct the governing body to submit a request for assistance under paragraph VIII. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with paragraphs VIII and IX.

XI. A school district shall have one year from the date of the designation as a district in need of assistance pursuant to paragraph IV to remedy identified problems at the local level. If a school district is designated as a district in need of assistance and that school district does not request assistance under paragraph VIII within one year of that designation, then on December 1 of the year following the designation, if that school district continues to be designated as a district in need of assistance, the commissioner of education shall issue a notice to that school district and shall initiate a process for assistance pursuant to subparagraph IX(a)(3), without further action of the school district.

XII. School districts are authorized to dedicate additional resources to schools and to develop educational programs beyond those required for a constitutionally adequate public education.

XIII. Nothing in this chapter shall be construed to entitle any student to educational programs or services identical to those received by students in the same or any other school district.

193-E:5 Assistance to Local School Districts. In order to assist local school districts, the department of education shall implement the following:

I. By June 30, 2000, and every 3 years thereafter, the state board of education shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department of education will help schools and school districts improve student achievement, through a process that provides opportunities for public input from parents, employers, educators, and other citizens. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

II.(a) Notwithstanding any other provision of law, no later than June 30, 2001, and every 5 years thereafter, the state board of education shall review and update school approval standards based on input from parents, employers, educators, and other citizens.

(b) The state board of education shall work with a joint select committee of the house and senate education committees, whose members shall be appointed by the speaker of the house and the president of the senate, to identify amendments that should be made to the school approval standards to reflect the provisions of RSA 193-E. Further, any proposed amendments should be reviewed by the house and senate education committees, which may submit comments on the proposed amendments to the state board of education. The state board of education shall consider such comments in revising proposed amendments to the school approval standards.

III. Beginning no later than January 1, 1999, the commissioner of education shall ensure that the state curriculum frameworks adopted pursuant to RSA 193-C shall be reviewed on a staggered, 5-year cycle such that no more than 2 frameworks are being reviewed at the same time.

IV. No later than June 30, 1999, the state board of education shall adopt rules establishing the requirements for data keeping and the form of the report as required in RSA193-E:4, II.

V. No later than December 1, 2001, the state board of education shall adopt rules for the approval of corrective action plans as required in RSA 193-E:4, IX(a).

VI. The department of education shall implement credible procedures to review compliance with school approval standards.

VII. A special projects and district improvement fund shall be established in the department of education and continually appropriated to the department. The department of education shall use moneys appropriated for this fund to provide grants pursuant to RSA 193-E:4, VII. The department of education shall also use moneys appropriated for this fund to support the implementation of corrective action plans. The technical assistance advisor assigned to work in these school districts shall be authorized to access this fund in accordance with procedures established by the department of education.

193-E:6 Definition. As used in RSA 193-E:7-9, "municipality" means a city, town, or unincorporated place.

193-E:7 State Grants to Municipalities for Education.

I. Except for municipalities that constitute school districts which provide education to their pupils by paying tuition to other institutions, the state shall pay annually to each municipality an amount of money that is the greater of zero and the average daily membership in residence for the municipality determined pursuant to RSA189:28 times the statewide per pupil cost of an adequate education at the elementary school level as adjusted pursuant to RSA193-E:3, IV minus the amount of state education tax apportioned to it pursuant to RSA76:8.

II. For municipalities that constitute school districts which provide education to their pupils by paying tuition to other institutions, the state shall pay annually to each municipality the lesser of the following 2 calculations:

(a) The amount calculated in accordance with paragraphI; and

(b) The total amount paid for items of current education expense minus the amount of state education tax apportioned to the municipality pursuant to RSA76:8; provided, however, that the amount shall not be less than zero.

193-E:8 Commissioner's Report; Appropriation; Timing of Payments.

I. The commissioner of revenue administration shall report to the governor, the house of representatives, and the senate, on or before the February1 immediately preceding the beginning of a biennium, the amount to be paid to each municipality pursuant

to RSA193-E:7.

II. The general court is constitutionally obligated to fund the cost of an adequate education, and there are hereby appropriated the funds necessary to make the payments required by RSA193--E:7. The governor is authorized to draw a warrant for such sums out of any money in the treasury not otherwise appropriated.

III. The payments required by RSA193-E:7 shall be made over the biennium in 4 approximately equal installments. Installment payments shall be made on or before November1 and April1 of each year of the biennium.

IV. The payments required under RSA 193-E:7 shall be made to the municipalities. Each municipality receiving a payment shall, within 10 days of receipt, pay the money over to the municipality's school district or districts.

193-E:9 Use of Funds for Education Purposes.

I. Annually, each school district shall appropriate an amount that equals or exceeds the amount necessary to fund a constitutionally adequate education for the pupils in that district, as determined under RSA193-E:3. Notwithstanding any other provision of law, in the event a school district fails to appropriate at least the required amount, that amount shall be assessed and collected by the municipality, paid over to the school district, appropriated to the school district and expended for educational purposes in accordance with paragraph IV without a vote of the school district.

II. On or before June30 of each year, the individual with fiscal responsibility in each municipality shall submit a statement to the commissioner of education that the funds collected by the municipality pursuant to RSA76:8 and the funds received from the state pursuant to RSA193-E:7 have been paid over to the municipality's school district or districts and have not been used for any other purpose except as provided in paragraph IV. The statement shall include the following: *"I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete."*

III. If a municipality uses any part of the funds collected pursuant to RSA76:8 and received pursuant to RSA193-E:7 for non-educational purposes, the municipality shall pay to the school district an amount equal to the portion of funds used for such non-educational purposes.

IV. The funds collected by municipalities pursuant to RSA76:8 and the funds received from the state pursuant to RSA193-E:7 shall be appropriated by a school district only for current education expenses or transfers to reserves or trust funds and shall not be used for any other purpose.

V. On or before June30 of each year, the individual with fiscal responsibility in each school district shall submit a statement to the commissioner of education that an amount of money that equals the amount necessary to fund an adequate education for the pupils in that district as determined under RSA193-E:3 was used in accordance with paragraph IV. The statement shall include the following: *"I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete."*

193-E:10 Legislative Oversight Committee.

I. An oversight committee shall be established consisting of:

(a) The chairperson of the house education committee, or a designee.

(b) The chairperson of the senate education committee, or a designee.

(c) One member of the house of representatives, appointed by the speaker of the house.

(d) One member of the senate, appointed by the senate president.

(e) One member of the house finance committee, appointed by the speaker of the house.

(f) One member of the senate finance committee, appointed by the senate president.

II. The chair of the oversight committee shall rotate biennially between the chairperson of the house education committee and the chairperson of the senate education committee. The first chairperson shall be the chairperson of the house education committee. A member shall only serve while a member of the general court. The members shall not be compensated but shall receive mileage at the legislative rate when carrying out their duties.

III. The oversight committee shall examine the goals, purposes, organization, operation, and financing of the state's program to provide a constitutionally adequate education, and it shall evaluate and make recommendations for the continued provisions and improvement of the program.

IV. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy.

V. The oversight committee shall submit a report to the general court by June 30, of each even-numbered year. Copies of the report shall be submitted to the governor, the senate finance and education committees, the house finance and education committees, the department of education, the department of revenue administration and to any other individual or organization as the committee deems advisable.

3 Creation of a Commission to Study Costs of Providing an Adequate Education and Methods of Distributing Grants to Municipalities.

I. Within 14 days after the effective date of this section, a commission shall be established to undertake a rigorous and complete review of both the methodology used to calculate the cost of a constitutionally adequate education and the formula used to distribute grants to municipalities. The department of justice shall provide the commission with such legal assistance as the commission deems necessary.

II. The issues considered shall include, but not be limited to, education system delivery efficiencies and geographic and demographic factors.

III.(a) The voting members of the commission shall be:

(1) Three members of the house of representatives, appointed by the speaker of the house.

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

(3) Three individuals appointed by the governor.

(b) The nonvoting members of the commission shall be:

(1) The commissioner of the department of education, or designee.

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

(c) The commission shall elect its own chairperson from among the membership of the commission.

IV. The commission shall issue its report and recommendation to the speaker of the house, the senate president, the house clerk, the senate clerk, the state library, and the governor no later than December 1, 1998. Any legislative changes to the cost methodology or the method for distributing the state grants for education under RSA 193-E:7 shall be implemented for the fiscal year beginning July 1, 2000.

V. The sum of $50,000 for the fiscal year ending June 30, 1999, is hereby appropriated for the purposes of this section. The governor is authorized to draw a warrant for this sum out of any money in the treasury not otherwise appropriated.

4 Creation of a Commission to Study Special Education Issues.

I. Within 14 days after the effective date of this section, a commission shall be established to review and analyze special education issues. Such issues shall include, but not be limited to, identification of students with disabilities, delivery of special education and educationally-related services, unique needs or circumstances of individual districts, and costs and funding of services. The department of justice shall provide the commission with such legal assistance as the commission deems necessary.

II.(a) The voting members of the commission shall include:

(1) Three members of the house of representatives, appointed by the speaker of the house.

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

(3) Three individuals appointed by the governor.

(b) The commissioner of the department of education, or designee, shall serve as a nonvoting member of the commission.

(c) The commission shall elect its own chairperson from among the membership of the commission.

III. The commission's final report shall be filed with the speaker of the house, the senate president, the senate clerk, the house clerk, the state library, and the governor by December1,1998.

IV. The sum of $5,000 for the fiscal year ending June 30, 1999, is hereby appropriated for the purposes of this section. The governor is authorized to draw a warrant for this sum out of any money in the treasury not otherwise appropriated.

5 Interim State Grants to Municipalities for Education.

I. Notwithstanding the calculation for the state grants to municipalities for education in RSA 193-E:7 and in lieu thereof, for the fiscal year beginning July 1, 1999, distributions shall be made pursuant to this section and RSA 198:36.

II. The distribution provided for in paragraph I shall be paid at the time provided for under RSA 198 and shall be in lieu of the amounts provided therein.

III. No municipality shall receive less money under the distribution provided for in paragraph I than it would under the foundation aid formula funded at the level provided for in fiscal year 1999.

IV. No expenditure of funds received by a municipality under paragraph I in excess of the level provided for in the state biennial budget for the fiscal years 1998-1999 shall be made unless approved by the legislative body of the local school district to which such funds are apportioned. Notwithstanding RSA 197:3, a special school district meeting may be held pursuant to RSA 197:2 for this purpose without court approval.

V. There are hereby appropriated the funds necessary to make the payments required under this section. The governor is authorized to draw a warrant for such sums out of any money in the treasury not otherwise appropriated.

6 Commission Study Concerning Public School Facilities and the Distribution of Building Aid. By July 1, 1999, the state board of education shall commission a statewide qualitative study to determine the adequacy and condition of all New Hampshire public school facilities and to review the current method for distributing school building aid. Based on this study, the board shall make recommendations to the legislature and the governor by September 1, 2000.

7 Transition During Fiscal Year Beginning July 1, 2000. For the fiscal year beginning July 1, 2000, if the foundation aid apportioned to a municipality for fiscal year 1999 under RSA198:27 through RSA198:37 exceeds the amount calculated under RSA193-E:7, the amount paid to that municipality in each year shall be the fiscal year 1999 foundation aid apportionment.

8 Repeal. RSA 198:27 through 198:37, relative to foundation aid and alternative foundation aid, are repealed.

9 State Education Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 State Education Tax. An annual state education tax at the rate specified for the biennium in RSA76:3-a is hereby imposed on all persons and property taxable pursuant to RSA 72 and 73, except such property subject to tax under RSA 82.

10 New Section; State Education Tax Rate. Amend RSA 76 by inserting after section3 the following new section:

76:3-a State Education Tax Rate. The state education tax rate for each biennium shall be that calculated by the commissioner of revenue administration pursuant to the authority granted in RSA21-J:35, I-a. Such rate shall be calculated by the commissioner on or before December 15 of the year immediately preceding the biennium.

11 What Taxes Assessed. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the [~~state~~] ***commissioner of revenue administration*** and county treasurers respectively; all taxes duly voted in their towns; and all school[~~, schoolhouse,~~] and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33.

12 Commissioner's Warrant. RSA 76:8 is repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall calculate for the biennium the proportion of state education tax to be raised by each town by multiplying the state education tax rate by the total equalized value of all property in the town as determined under RSA 21-J:3, XIII, and used to calculate the biennial rate.

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I, less any amount specially abated according to RSA76:16-e, to the selectmen of each town on or before September1 directing them to assess such sum and pay to the town for the use of the school district or districts such sums and at such times as may be prescribed for other taxes assessed by such selectmen.

13 Commissioner's Report. RSA 76:9 is repealed and reenacted to read as follows:

76:9 Commissioner's Report. The commissioner of revenue administration shall report to the governor, the house of representatives, and the senate, each year on or before October 1, a statement of the state education tax warrants issued for the previous year.

14 Information Required. Amend RSA 76:11-a, I to read as follows:

I. The tax bill which is sent to every person taxed, as provided in RSA 76:11, shall show the rate for municipal, [~~school~~] ***local education, state education,*** and county taxes separately, the assessed valuation of all lands and buildings for which said person is being taxed, and the right to apply in writing to the selectmen or assessors for an abatement of the tax assessed as provided under RSA76:16. The department of revenue administration shall compute for each town and city the rates which are to appear on the tax bills and shall furnish the required information to the appropriate town or city.

15 New Section; Special Abatement. Amend RSA 76 by inserting after section 16-d the following new section:

76:16-e Special Abatement. The amount of state education tax apportioned to each town pursuant to RSA76:8, I, in excess of the product of the statewide per pupil cost of an adequate education at the elementary school level times the average daily membership in residence for the town determined pursuant to RSA189:28, as adjusted pursuant to RSA 193-E:3, IV, shall be abated by the commissioner in each year of assessment.

16 Statistical Reports. Amend RSA 189:28 to read as follows:

189:28 Statistical Reports. School boards of every school district or city, and the board of trustees of approved public academies, shall, on or before September 1 in each year, submit to the department of education those statistical reports necessary to compute the average daily membership of pupils attending each school district, and the average daily membership of pupils resident in each school district. Information relating to the [~~operation of each school district~~] ***fall enrollment, teacher and administrator census, and average teacher salary***, as of October 1 of each school year, shall be submitted to the department of education on or before October 15. ***Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete." The statistical report shall also include a certification, signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academies, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete."***

17 Reports Required. Amend RSA 198:4-d, III to read as follows:

III. A financial report for each city and school district shall be filed showing the summary of receipts and expenditures, according to uniform classifications, during the preceding fiscal year, and a balance sheet showing assets and liabilities at the close of the year. This report shall be submitted on or before September 1 of each year[~~, unless the filing date is extended by the commissioner of education for just cause. Failure to file may subject the noncomplying city or school district to the penalty provided in RSA 198:4-f~~]. ***Each statistical report submitted under this section shall include a certification signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academies that states: "I certify, under the pains and penalties of perjury, to the best of my knowledge and belief, that all of the information contained in this document is true, accurate and complete."***

18 New Paragraph; School Accounting Standards. Amend RSA 198:4-d by inserting after paragraph III the following new paragraph:

III-a. The department of education and the department of revenue administration together shall develop and recommend school accounting standards. The departments shall report to the speaker of the house, the senate president, and the governor

concerning such accounting standards on or before December 1, 1999.

19 Copies of Audited Financial Statements. Amend RSA 198:4-d, V to read as follows:

V. [~~If~~] ***When*** a city or school district is audited by an independent public accountant, it shall submit a copy of the audited financial statements in accordance with RSA 21-J:19, III ***and RSA 193-E:3, V(b)***.

20 Gender Reference Change. Amend the introductory paragraph of RSA 21-J:3 to read as follows:

In addition to the powers, duties, and functions otherwise vested by law, including RSA 21-G, in the commissioner of the department of revenue administration, [~~he~~] ***the commissioner*** shall:

21 Duties of Commissioner. Amend RSA 21-J:3, V to read as follows:

V. Exercise general supervision over the administration of the assessment and taxation laws of the state, ***the appraisal for ad valorem taxation purposes of property within the state,*** and over all assessing officers in the performance of their duties, except the board of tax and land appeals, to the end that all assessments of property be made in compliance with the laws of the state.

22 Duties of Commissioner. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually the valuation of the property in the several towns, cities, and unincorporated places in the state by adding to or deducting from the aggregate valuation of the property [~~as assessed~~] in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27; and 73:11 through 16 inclusive, which were relieved from taxation by the laws of 1970, 5:3; 5:8; 57:12; and 57:15, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes ***or payments in lieu of taxes*** as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. ***In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.***

23 New Paragraph; Duties of Commissioner. Amend RSA 21-J:3 by inserting after paragraph XXIV the following new paragraph:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16 - 19 whenever, in the commissioner's belief, the valuation of property for equalization purposes in a particular city, town, or unincorporated place is disproportional to the valuation for equalization purposes in other cities, towns, or unincorporated places in the state.

24 Division of Property Appraisal; Department of Revenue Administration. RSA 21-J:9 is repealed and reenacted to read as follows:

21-J:9 Division of Property Appraisal. There is established within the department the division of property appraisal, under the supervision of a classified director of property appraisal who shall be responsible for the following functions, in accordance with applicable laws:

I. Assisting and supervising municipalities and appraisers in appraisals and valuations as provided in RSA 21-J:10 and RSA 21-J:11.

II. Appraising state-owned forest and recreation land under RSA 227-H and RSA 216-A.

III. Annually determining the total equalized valuation of properties in the cities and towns and unincorporated places according to the requirements of RSA21-J:9-a.

IV. Preparing a standard appraisal manual which may be used by assessing officials, and holding meetings throughout the state with such officials to instruct them in appraising property.

25 New Section; Equalization Procedure. Amend RSA 21-J by inserting after section 9 the following new section:

21-J:9-a Equalization Procedure. The following procedures shall apply in determining the equalization of property within the

cities, towns, and unincorporated places as required by RSA21-J:3, XIII:

I. The commissioner shall annually conduct a sales-assessment ratio study which shall include arm's length sales or transfers of property that occurred 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made.

II. In determining the arm's length sales or transfers that are included in the sales-assessment ratio study, the commissioner may use a randomly selected sample of such sales and transfers the size of which shall be determined by the total taxable parcels in the city, town, or unincorporated place.

III. If less than 2 percent of the total taxable parcels in a city, town, or unincorporated place has been transferred by an arm's length sale or transfer during the 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made, the commissioner may choose one or more of the following options:

(a) Include appraisals of any of the taxable property of such city, town, or unincorporated place in the sales-assessment ratio study. Such appraisals shall be based on full and true market value pursuant to RSA 75:1 and shall be performed by department appraisers. The property to be appraised shall be selected by the commissioner.

(b) Consider recent equalization ratio activity in adjoining cities, towns, or unincorporated places.

(c) Include arm's length sales or transfers in the city, town, or unincorporated place, within 2-1/2 years preceding April 1 of the year preceding the tax year for which such equalization is made.

IV. The commissioner shall use the inventory of property transfers authorized by RSA74:18 in determining the equalized value of property and may consider such other evidence as may be available to the commissioner on or before the time the final equalized value is determined.

26 Appraisals of Property for Ad Valorem Tax Purposes. RSA 21-J:11 is repealed and reenacted to read as follows:

21-J:11 Appraisals of Property For Ad Valorem Tax Purposes.

I. Every person, firm, or corporation intending to engage in the business of making appraisals on behalf of a municipality for tax assessment purposes in this state shall notify the commissioner of that intent in writing. No person, firm, or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall enter into any contract or agreement with any town, city, or other governmental division without first submitting the proposed contract or agreement to the commissioner for examination and approval and submitting to the commissioner evidence of financial responsibility and professional capability of personnel to be employed under the contract.

II. The commissioner, at no expense to the municipality, shall monitor appraisals of property and supervise appraisers as follows:

(a) Assure that appraisals comply with all applicable statutes and rules;

(b) Assure that appraisers are complying with the terms of any appraisal contract;

(c) Review the accuracy of appraisals by inspection, evaluation, and testing, in whole or in part, of data collected by the appraisers; and

(d) Report to the governing body on the progress and quality of the municipality's appraisal process.

III. The commissioner shall adopt rules under RSA 541-A relative to the provisions required of all contracts for appraisal services and the methodology for inspection, evaluation, and testing of data for the purposes of appraisal monitoring.

27 Reports Required. Amend the introductory paragraph of RSA 21-J:34 to read as follows:

The governing body of each city, town, unincorporated town, unorganized place, school district, and village district, and the clerk of each county convention shall submit to the commissioner of revenue administration the following reports necessary to compute and establish ***the state education tax rate and*** the tax rate for each city, town, unincorporated town, unorganized place, school district, village district***,*** and county. The commissioner shall adopt rules under RSA 541-A establishing the form and content of these reports:

28 New Paragraph; Reports Required. Amend RSA 21-J:34 by inserting after paragraph XIV the following new paragraph:

XV. A report filed by the assessing officials of each city, town, and unincorporated place shall certify sales-assessment information necessary for the department to conduct the annual sales-assessment ratio study required by RSA21-J:9-a. This report shall be filed within 45 days after receipt from the department.

29 New Paragraph; Setting of Tax Rates by Commissioner. Amend RSA21-J:35 by inserting after paragraph I the following new paragraph:

I-a. The commissioner shall calculate the biennial state education tax rate as follows:

(a) Multiply the statewide per pupil cost of an adequate education at the elementary school level as determined under RSA 193-E:3, II, by the average daily membership in residence for the state for the most recent school year determined pursuant to RSA 189:28, as adjusted pursuant to RSA 193-E:3, IV;

(b) Divide the total state educational adequacy funding calculated in subparagraph(a) by the total equalized value as determined in RSA 21-J:3, XIII, and reported in the most recent annual report of the department of revenue administration.

30 Department of Education; Findings; Policy Statement. Amend RSA 21-N:1, I to read as follows:

I. The general court finds that the students, parents, general citizenry, local school teachers and administrators, local governments, local school boards, school administrative units, and state government have a [~~joint and~~] shared responsibility for the quality of education delivered through the public education system in the state of New Hampshire.

31 Department of Education; Findings; Policy Statement. Amend RSA 21-N:1, II(c) to read as follows:

(c) The paramount goal of the state shall be to provide [~~quality~~] ***an adequate*** education for all school-age children in the state, [~~to the end that each such child shall be provided the opportunity to reach the child's full educational potential and shall have been exposed to the widest possible variety of educational and cultural experiences~~] consistent with [~~sound basic education~~] ***RSA193-E***.

32 Department of Education; Findings; Policy Statement. Amend RSA 21-N:1, II(e) to read as follows:

(e) ***In accordance with RSA 193-E,*** the department shall work to establish credible processes for measuring and rating schools[~~, monitoring continued performance, and approving schools based upon measurable elements known to be related to instructional effectiveness. In the process of monitoring and evaluating schools, department personnel shall strive to operate in a nonintrusive fashion in order to minimize disruption of daily classroom routine~~].

33 Duties of Commissioner; Department of Education. Amend RSA 21-N:4, VIII to read as follows:

VIII. Administer the provisions of RSA 193-C relative to the statewide educational improvement and assessment program ***and RSA 193-E, relative to advancing better classrooms***.

34 Repeal. RSA 21-N:6, V, relative to standards for approving elementary and secondary schools, is repealed.

35 New Subparagraph; Rulemaking. Amend RSA 21-N:9, II by inserting after subparagraph (y) the following new subparagraph:

(z) The provision of an adequate education as authorized by RSA193-E:5.

36 Board of Tax and Land Appeals; Authority. Amend RSA 71-B:5, II to read as follows:

II. To hear and determine [~~any~~] appeals ***by towns*** relating to the [~~equalization of valuation performed~~] ***equalized valuation of property determined*** by the commissioner of revenue administration pursuant to RSA 21-J:3, XIII. Any town aggrieved by [~~an~~] ***its*** equalized valuation as determined by the commissioner of revenue administration must appeal to the board in writing within 30 days of [~~the town's notification~~] ***notice*** of [~~the~~] ***its final*** equalized valuation by the commissioner. ***The board shall hear and make a final ruling on such appeal within 45 days of its receipt by the board. The board's decision on such appeal shall be final and not appealable.***

37 New Paragraph; Order for Reassessment. Amend RSA 71-B:16, IV to read as follows:

IV. When a complaint is filed with the board alleging that all of the taxable real estate or taxable property in a taxing district should be reassessed or newly assessed for any reason, provided that such complaint must be signed by at least 50 property

taxpayers or 1/3 of the property taxpayers in the taxing district, whichever is less[.]***; or***

V. ***When the commissioner of revenue administration files a petition with it pursuant to RSA 21-J:3, XXV.***

38 New Section; Inventory of Property Transfers. Amend RSA 74 by inserting after section 17 to following new section:

74:18 Inventory of Property Transfers.

I. In order to properly equalize the value of property under RSA 21-J:3, XIII, an inventory of property transfers shall be filed with the department of revenue administration and with the municipality where the property is located for each transfer of real estate or interest in real estate. Each form may include the following information:

(a) The buyer and seller's names and post transaction addresses and the name and address of a contact person if the buyer or seller is a trust or corporation.

(b) A description of the exact location of the property by town, street, and the assessor's map, lot, and block number.

(c) The acreage included in the sale.

(d) An accurate description of the property included in the sale, the neighborhood where the property is located, and the type and style of the property sold.

(e) The buyer's ownership interest in the property.

(f) The sale price, date of transfer, and the amount mortgaged.

(g) The description of the type of transfer that has taken place.

(h) The amount of personal property included in the sale price.

(i) Whether the property was previously occupied and whether the property will serve as the buyer's primary residence.

(j) The financing arrangements made to purchase the property to be answered at the option of the buyer.

(k) Whether any concessions were made in the sale.

(l) Whether the property was in current use.

(m) Whether land use taxes were considered in the sale.

(n) The buyer's dated signature certifying that the information indicated on the form is true.

II. The inventory of property transfers required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the purchaser, grantee, assignee, or transferee, no later than 30 days from the recording of the deed at the register of deeds or transfer of real estate, whichever is later. Persons required to file the inventory of property transfers who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. No deed, recording a transfer of real estate or any interest in real estate, executed before October 1, 1995, shall be required to comply with this section.

IV. Failure to comply with this section shall not be construed to cloud title.

V. Any information provided to the department pursuant to this section shall be exempt from the right-to-know law, RSA 91-A.

39 Repeal. RSA 78:20, relative to the prohibition on imposing a state tax, is repealed.

40 Repeal. RSA 78-B:10-a, relative to the real estate transfer questionnaire, is repealed.

41 Repeal. RSA 83-D, relative to the tax on nuclear station property, is repealed.

42 Duties of State Board of Education. Amend the introductory paragraph of RSA 186:11 to read as follows:

The state board of education shall, in addition to the duties assigned by [~~RSA 21-N:9~~] ***RSA21-N:11***:

43 Repeal. RSA 186:11, XI, relative to local funds, is repealed.

44 Appropriations; How Listed. Amend the introductory paragraph of RSA 186:13 to read as follows:

***Except for money provided pursuant to RSA 193-E:6-9,*** all ***other*** money appropriated by the legislature for general educational purposes, in addition to the literary fund and all other funds created for the purposes enumerated in this section, shall be used for the following purposes:

45 Educational Improvement. Amend RSA 186:13, III to read as follows:

III. [~~EQUALIZATION AND GENERAL AID. For equalizing educational opportunity and improving the~~] ***EDUCATIONAL IMPROVEMENT. For educational improvement for*** public elementary and high schools.

46 Repeal. RSA 186:13, IX, relative to tuition, is repealed.

47 Policy and Purpose. Amend RSA 186-C:1 to read as follows:

186-C:1 Policy and Purpose. It is hereby declared to be the policy of the state that all children in New Hampshire be provided with equal [~~educational opportunities~~] ***access to an adequate education***. It is the purpose of this chapter to insure that the state board of education and the school districts of the state provide a free and appropriate public education for all educationally disabled children.

48 Days of School. Amend RSA 189:1 to read as follows:

189:1 Days of School. The school board of every district shall provide [~~standard~~] ***approved*** schools for at least 180 days in each year[~~, at such places in the district as will best serve the interests of education and give to all the pupils within the district as nearly equal advantages as are practicable~~].

49 Duty to Provide Education. Amend RSA 189:1-a to read as follows:

189:1-a Duty to Provide Education. It shall be the duty of the school board to provide[~~, at district expense,~~] ***an adequate*** elementary and secondary education [~~to~~] ***for*** all pupils who reside in the district until such time as the pupil has acquired a high school diploma or has reached age 21, whichever occurs first; provided, that the board may exclude specific pupils for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school; and further provided, that this section shall not apply to pupils who have been exempted from school attendance in accordance with RSA 193:5.

50 Reduction of Time. Amend RSA 189:2 to read as follows:

189:2 Reduction of Time. If the school board of any district shall decide that, by reason of special conditions or circumstances, the maintenance of [~~standard~~] ***approved*** schools for 180 days in said district is undesirable, said school board may so represent in writing to the state board. If, upon hearing, the state board, or the commissioner when authorized by the state board, shall be of the opinion that the representation is true, it may reduce the time of maintaining such schools in said district to such limits as it may deem wise. Provided, however, that the state board, or the commissioner if authorized, shall not reduce the days during which schools shall be in session, as provided in RSA 189:1, on account of workshops, conventions or teachers' institutes.

51 Repeal. RSA 189:3, relative to other modifications, is repealed.

52 Repeal. RSA 189:4, relative to decisions of the state board, is repealed.

53 Repeal. RSA 189:12, relative to fuel and repairs, is repealed.

54 Approved School. Amend RSA 189:24 to read as follows:

189:24 [~~Standard~~] ***Approved*** School. [~~A standard~~] ***An approved*** school***, in addition to meeting school approval standards adopted by the board of education pursuant to RSA541-A,*** is one maintained for at least 180 days in each year, in a suitable and sanitary-building, [~~equipped with approved~~] ***supplied with*** furniture, books, [~~maps~~] and other [~~necessary appliances, taught~~] ***necessary instructional equipment and materials approved by the local school board, staffed*** by teachers, directed and supervised by principal and superintendent, each of whom shall hold valid educational credentials issued by the state board of education, with suitable provision for the care of the health and physical welfare of all pupils.

55 Repeal. RSA 189:29, relative to the penalty for failing to file statistical reports, is repealed.

56 Duty of Parent; Compulsory Attendance by Pupil; Change in Reference. Amend RSA193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and [~~RSA 198:27-37~~] ***RSA193-E:6-9***.

57 Statement of Purpose. Amend RSA 193-C:1, VI to read as follows:

VI. The purpose of the statewide education improvement and assessment program is not to establish a statewide curriculum. It is, rather, to establish what New Hampshire students should know and be able to do and to develop and implement effective methods for assessing that learning and its application so that local decisions about curriculum development and delivery can be made ***and assessment data can be used in accordance with RSA 193-E***.

58 Program Established; Goals. Amend the introductory paragraph of RSA 193-C:3, IV to read as follows:

IV. The assessment system shall generate data [~~which may~~] ***to*** be used:

59 Local Education Improvement and Assessment Plan; Assistance Program. Amend the introductory paragraph of RSA 193-C:9, I to read as follows:

I. Each school district in New Hampshire [~~is encouraged to~~] ***shall*** develop a local education improvement and assessment plan which builds upon and complements the goals established for the program, including:

60 New Subparagraph; Local Education Improvement and Assessment; Assistance Program. Amend RSA 193-C:9, I by inserting after subparagraph (d) the following new subparagraph:

(e) The components specified in RSA 193-E:4, I.

61 Local Education Improvement and Assessment Plan; Assistance Program. Amend RSA193-C:9, II(c) and (d) to read as follows:

(c) A strong emphasis shall be placed on identifying [~~model teachers in the areas included in the statewide education improvement and assessment program~~] ***distinguished educators*** and providing them with opportunities to share their expertise and enthusiasm with local educators and community members [~~in developing local education improvement and assessment plans~~].

(d) ***The department shall work with local districts to improve the capacity of teachers and administrators to design and implement instructional programs to help all students reach high standards. Therefore, funds may also be used to implement statewide professional development initiatives including, but not limited to, mentoring programs for beginning educators and leadership development academies for teachers, administrators, and school board members.***

***(e)*** In implementing this program, the department may enter into grants or contracts with ***school districts, school administrative units,*** institutions of higher education, regional consortia, and ***organizations and*** private businesses. Grant recipients and contractors shall work in coordination with, and under the broad supervision of, the department of education.

62 Repeal. RSA 194:20, relative to establishment of high schools, is repealed.

63 Contracts with Schools. Amend RSA 194:22 to read as follows:

194:22 Contracts With Schools. Any school district may make a contract with an ***approved public*** academy[~~,~~] ***or public*** high school [~~or other literary institution~~] located in this ***state*** or, when distance or transportation facilities make it necessary, in another state, and raise and appropriate money to carry the contract into effect. If the contract is approved by the state board***,*** the school with which it is made shall be deemed a high school maintained by the district.

64 Repeal. RSA 194:23-c, relative to standards and uniformity, is repealed.

65 Repeal. RSA 194:23-d, relative to state financial aid, is repealed.

66 Registers; Reports. Amend RSA 194:31 to read as follows:

194:31 Registers; Reports. All academies, private schools and public schools shall be furnished with copies of the school register, and shall make an annual statistical report to the department of education by September 1 ***as required in RSA 189:28***. [~~The school board of every school district or city, and the board of trustees of approved public academies shall have a 30-day grace period if it fails to file the report due under this section by September 1. At the end of 30 days the commissioner of the department of education shall notify the governing body that all state aid to education for the upcoming fiscal year shall be withheld until the report is filed.~~]

67 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, VIII to read as follows:

VIII. For the purposes of determining the ***statewide*** per-pupil [~~portion of foundation aid~~], ***cost of an adequate education, the state education tax rate pursuant to RSA 76:3, and the state grants for education under RSA 193-E:6-9,*** all resident pupils shall be counted, regardless of which public school they may attend.

68 Charter Schools; Operations; Curriculum. Amend RSA 194-B:13, III to read as follows:

III. The board of trustees, in consultation with teachers and the principal, shall ***develop the charter school's annual budget and shall*** determine the charter school's curriculum [~~and develop the school's annual budget~~] ***including the components to be used to provide pupils with the opportunity to acquire an education consistent with RSA 193-E:2***.

69 Superintendent Services. Amend 194-C:4, II(d) to read as follows:

(d) Compliance with laws, regulations, and rules regarding special education, Title IX, the Americans with Disabilities Act, ***delivery of an adequate education,*** home education, minimum standards, student records, sexual harassment, and other matters as may from time to time occur.

70 Annual School Meetings. Amend RSA 197:1 to read as follows:

197:1 Annual. A meeting of every school district shall be held annually between March 1 and March 25, inclusive, or in accordance with RSA 40:13 if that provision is adopted in the district, for raising and appropriating money***, in accordance with RSA 193-E:9,*** for the support of schools for the fiscal year beginning the next July 1, for the transaction of other district business and, in those districts not electing their district officers at town meeting, for the choice of district officers.

71 Repeal. RSA 198:1, relative to an annual tax, is repealed.

72 Repeal. RSA 198:2, relative to expenditures, is repealed.

73 Repeal. RSA 198:3, relative to a penalty, is repealed.

74 Repeal. RSA 198:4, relative to estimates, is repealed.

75 Repeal. RSA 198:4-f, relative to a penalty for failing to file report, is repealed.

76 Assessment. Amend 198:5 to read as follows:

198:5 Assessment. The selectmen of the town, in their next annual assessment, shall assess upon the taxable property of the district a sum sufficient to meet the obligations above enumerated, [~~with such alterations thereof~~] ***appropriated pursuant to RSA 193-E:9 and such other sums*** as may be voted by the district, and shall pay the same over to the district treasurer as the school board shall require for the maintenance of schools.

77 Payment in Lieu of Taxes. Amend RSA 227-H:17 to read as follows:

227-H:17 Payment in Lieu of Taxes. The commissioner of revenue administration shall adopt rules, pursuant to RSA541-A, relative to forms for application to the commissioner of revenue administration for payment for lost taxes. [~~In any year in which no state tax is levied,~~] Any town in which national forestlands and land held by the state for operation and development as state forestlands, as defined by the department for the purposes of this section, are situated, whether acquired by gift, devise, purchase, or in any other manner, may apply, by its selectmen, to the commissioner of revenue administration on forms provided by the commissioner, annually before September1, for the payment of an amount not exceeding the taxes for all

purposes which such town might have received from taxes on such lands in such year had such lands been taxable. In the event that the amount appropriated in any biennium shall be insufficient for the purposes under this section, then the towns entitled to benefits under this section shall be reimbursed proportionately, unless otherwise subsequently ordered by the legislature.

78 Special Fund for Moneys Received from Sweepstakes Commission. RSA 284:21-j is repealed and reenacted to read as follows:

284:21-j Special Fund for Moneys Received from Sweepstakes Commission. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which the state treasurer shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in said special fund after such expenses are paid shall be continually appropriated to the department of education for the sole purpose of funding state aid to education under RSA 193-E:7.

79 Positions Established; Appropriations.

I. To carry out the financial and educational reporting requirements of this act, there are hereby established within the department of education the following permanent, full-time classified positions:

(a) Technical support specialist III; and

(b) Technical support specialist V.

II. The sum of $115,000 for the biennium ending June30, 1999, is hereby appropriated to the department of education to fund the establishment of the 2 positions created in paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of $240,000 for the biennium ending June30, 1999, is appropriated to the department of revenue administration to fund the costs necessary to implement this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

80 Footnote Removed. Amend the totals of 1997, 350:1, 01, 07, 01, 03 to read as follows:

FY 1998 FY 1999

TOTAL 1,458,027 1,500,790

ESTIMATED SOURCE OF FUNDS FOR

PROPERTY APPRAISAL

07 AGENCY INCOME [~~*~~] 770,000 770,000

08 AGENCY INCOME ** 48,858 47,358

[~~*~~

~~IN THE EVENT THAT REVENUE, AND COSTS ASSOCIATED WITH STATE APPRAISALS, LEASE NEGOTIATIONS, AND LEASED FACILITY BUILD-OUT COMPLIANCE MONITORING, IS LESS THAN BUDGETED, THE TOTAL APPROPRIATION SHALL BE REDUCED BY THE AMOUNT OF THE SHORTFALL IN EITHER ACTUAL OR PROJECTED BUDGET REVENUE. THE AGENCY HEAD SHALL NOTIFY THE BUREAU OF ACCOUNTS FORTHWITH, IN WRITING, AS TO PRECISELY WHICH LINE ITEM APPROPRIATION AND IN WHAT SPECIFIC AMOUNTS REDUCTIONS ARE TO BE MADE IN ORDER TO FULLY COMPENSATE FOR THE TOTAL REVENUE DEFICIT.~~]

**

REVENUE IN EXCESS OF THE ESTIMATE MAY BE EXPENDED WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE AND THE APPROVAL OF THE GOVERNOR AND COUNCIL. THESE FUNDS SHALL NOT LAPSE UNTIL THE DEBT ON THE C.A.M.A. PROJECT HAS BEEN PAID IN FULL.

TOTAL 1,458,027 1,500,790

81 Authority. The attorney general has authority to enforce any and all provisions of this act, in accordance with New Hampshire law, through appropriate civil and equitable proceedings, including but not limited to injunctive relief.

82 Severability. If any provision of this act or the application thereof to any person or circumstance is deemed invalid, the invalidity does not affect the other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable; provided, however, that if section 15 is deemed invalid, all other section of this act shall be invalid except sections 3, 4, and 6.

83 Removing Reference to the Tax on Nuclear Station Property. Amend RSA77-A:5-a to read as follows:

77-A:5-a Tax Expenditure Report. On or before February 1 of every calendar year the commissioner shall certify to the general court and the governor an analysis of each of the past year's credits allowed under RSA77-A, RSA 77-E, RSA83-C, [~~RSA 83-D,~~] and RSA 400-A against the business profits tax imposed by this chapter and the apportionment factors under RSA 77-A:3, II(a).

84 Removing Reference to Foundation Aid. Amend RSA 198:21, V to read as follows:

V. No pupil counted by any school district for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be [~~included in average daily membership for the purposes of foundation aid or~~] counted for the purposes of grants pursuant to RSA 198:22.

85 Removing Reference to Foundation Aid. Amend RSA 198:22, V to read as follows:

V. No pupil counted by any school for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be [~~included in average daily membership for the purposes of foundation aid or~~] counted for the purpose of grants pursuant to RSA 198:21.

86 District Foundation Aid. Amend RSA 198:36, IV to read as follows:

IV. The foundation amount shall be [~~$4,000~~] ***$5,250*** per weighted pupil.

87 Contingency Fund. Amend RSA 198:4-b to read as follows:

198:4-b Contingency Fund. Every school district usually by an article in the warrant, and the governing body of a city upon recommendation of the school board, when the operation of the schools is by a department of the city, may establish a contingency fund to meet the cost of unanticipated expenses that may arise during the year. [~~Such fund shall not exceed one percent of the amount appropriated for school purposes, exclusive of capital expenditures and amortization of debt, during the preceding year.~~] A detailed report of all expenditures from the contingency fund shall be made annually by the school board and published with their report.

88 Repeal. The following are repealed:

I. RSA 21-J:3, XXIII, relative to the commissioner of revenue administration's duty to determine local per capita income for purposes of foundation aid.

II. RSA 21-J:13, XI, relative to the form and content of the real estate transfer questionnaire.

89 Effective Date.

I. Section 80 of this act shall take effect on June 30, 1998.

II. Sections 41 and 83 of this act shall take effect March 31, 1999.

III. Sections 8, 67, 78, and 84-85 of this act shall take effect July 1, 2000.

IV. Section 86 of this act shall take effect July 1, 1999.

V. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Establishes the criteria necessary for an adequate education.

II. Creates a methodology for calculating the per pupil cost of an adequate education.

III. Requires each school district to prepare and implement a local education improvement assessment program.

IV. Establishes a special projects and district improvement fund to provide grants to school districts that meet or exceed quality standards.

V. Establishes a formula for the distribution of state grants to be funded, in part, by a state education tax on property and sweepstakes revenues.

VI. Establishes a commission to study costs of providing an adequate education and methods of distributing grants to municipalities.

VII. Establishes a commission to study special education issues.

VIII. Repeals the nuclear station property tax and foundation aid and alternative foundation aid.

1998-1360h

**Amendment to SB 324-FN**

**Proposed by the Committee on Local and Regulated Revenues - R**

Amend the bill by replacing section 1 with the following:

1 Entertainers and Dancers. Amend RSA 179:19 to read as follows:

179:19 Entertainment and Entertainers.

I. ***In this section:***

***(a) "Dancer" means a person or group of people who, with or without compensation, perform in the premise approved to sell alcoholic beverages. "Dancer" shall not be construed to mean a person or group of individuals who perform dances based upon ethnic, cultural, or historical customs.***

***(b) "Entertainer" means a person, paid or unpaid, who performs on a premise licensed to sell alcoholic beverages for the benefit of the licensee.***

***II.*** On-sale licensees may provide entertainment and dancing, in clearly defined areas on their licensed premises, provided they have received written authorization by the town or city and they have provided the commission with a copy of that authorization. A cover charge may be assessed to cover the cost of live entertainment. ***Notwithstanding any other provision of law, paragraphs III and IV shall not be construed to permit a person under the age of majority to perform, paid or unpaid, as a dancer in any licensed premise.***

[~~II.~~] ***III.*** No person licensed to sell liquor or beverage under RSA 178 may employ as an entertainer any person who is under [~~17~~] ***15*** years of age in a cocktail lounge where liquor or beverages are sold.

[~~III.~~] ***IV.*** A person under [~~17~~] ***15*** years of age may serve as an entertainer in a licensed dining room.

[~~IV.~~] ***V.*** On-sale or off-sale licensees may install amusement machines on their premises. Nothing in this paragraph shall be construed in any way to limit the powers of municipalities under RSA 31:41-d to adopt bylaws relative to licensing amusement machines and to determining the number, location, and types of machines allowed in the municipality.

[~~V.~~] ***VI.*** Licensees shall not allow gambling or wagering on their premises.

[~~VI.~~] ***VII.*** The use of darts shall be allowed in clearly defined areas.

Amend RSA 179:62, I as inserted by section 2 of the bill by replacing it with the following:

I. No person shall knowingly manufacture, sell, advertise for sale, solicit orders for, deliver or cause to be delivered, or produce in any manner any photographic identification card that purports to be an official document issued by a local, state, or federal government, or any political subdivision thereof, which contains false or inaccurate information regarding the name, address, date of birth, or height and weight characteristics of the cardholder. A person who violates this paragraph shall be guilty of class

B felony.

Amend RSA 179:62, III as inserted by section 2 of the bill by replacing it with the following:

III. Interests in any tools, instruments, computer or computerized records, products, and equipment of any kind, or other paraphernalia used in the manufacture, sale, advertising for sale, delivery, or solicitation of any order for sale, of a false identification card, shall, upon petition of the attorney general, be subject to forfeiture to the state and shall be vested in the state.

AMENDED ANALYSIS

This bill lowers the minimum age for entertainers in cocktail lounges and dining rooms licensed to sell liquor to sell liquor from 17 to 15 years, with the exception that dancers must have attained the age of majority. The bill also establishes criminal penalties for the manufacture, sale and possession of false photographic identification cards which purport to be official government documents.

The bill was requested by the liquor commission.

1998-1629h

**Amendment to SB 333**

**Proposed by the Committee on Election Law - C**

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

AN ACT relative to absentee voting.

Amend the bill by replacing sections 1-2 with the following:

1 Absentee Voting; Eligibility; Unable to Appear Causes Added. Amend RSA 657:1 to read as follows:

657:1 Absence, Religious Observance, and Disability Absentee Voting. Any person who is absent ***during polling hours*** on the day of any state election from the city, town***,*** or unincorporated place in which [~~he~~] ***the person*** is registered to vote or who cannot appear in public on any election day because of [~~his~~] ***the person's*** observance of a religious commitment or who is unable to vote there in person by reason of physical disability***,*** may vote at such elections as provided in this chapter.

2 Town Elections; Official Ballot; Absentee Voting; Unable to Appear Causes Added. Amend RSA 669:26 to read as follows:

669:26 Absentee Voting. Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any registered voter or armed services voter who is absent from such a town ***during polling hours*** on the day of a town election, or who cannot appear in public on election day because of [~~his~~]***the person's*** observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA669:27-29.

AMENDED ANALYSIS

This bill provides that a registered voter who is absent from the city, town, or place during polling hours may vote by absentee ballot.

1998-1273h

**Amendment to SB 336**

**Proposed by the Committee on Commerce - C**

Amend RSA 420-G:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Creditable coverage" means any public or private health insurance or health benefit plan, whether insured or self-insured, unless that coverage consists solely of benefits excluded from the definitions of "health coverage" in paragraph IX or "individual health coverage" in paragraph XI. ***Notwithstanding the exclusion in paragraph IX, short-term, nonrenewable individual policies for medical, hospital, or major medical coverage issued pursuant to RSA 415:5, III or other law***

***shall be considered "creditable coverage."***

1998-1376h

**Amendment to SB 372**

**Proposed by the Committee on Commerce - C**

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

1 New Paragraph; Exemption from Approval of Form. Amend RSA 412:2 by inserting after paragraph I the following new paragraph:

I-a.(a) The requirements of paragraph I shall not apply to policies covered by RSA 412:1 which are issued to a large scale commercial insured. The form of any policy issued to a large scale commercial insured pursuant to this paragraph shall be kept available by the insurer for inspection by the insurance commissioner, upon request.

(b) For the purposes of this paragraph, a large scale commercial insured is an insured certifying that it presently pays annual aggregate insurance premiums of $500,000 or more and meets any of the following additional criteria:

(1) Generates annual net revenues or sales in excess of $100,000,000.

(2) Employs more than 500 employees per individual insured or is a member of an affiliated group employing more than 1000 employees in the aggregate.

(3) Procures its insurance through use of a full time employee acting as an insurance manager or buyer, or through the services of a regularly and continuously retained qualified insurance consultant.

(4) Possesses a net worth in excess of $50,000,000.

(5) Is a not-for-profit organization or a public body or agency generating annual budgeted expenditures of at least $45,000,000.

(6) Is a municipality with a population in excess of 50,000 persons.

(c) Policies issued pursuant to this paragraph shall contain a disclaimer in language similar to the following: "The form of this policy has not been filed with or approved by the New Hampshire insurance department."

(d) The provisions of this paragraph shall not apply to policies governed by RSA 412:8.

(e) The insurance department may issue a bulletin to assist in and to monitor implementation of this paragraph, without limiting the provisions thereof.

2 New Paragraph; Exemption from Rate Filing Requirement. Amend RSA414:4 by inserting after paragraph X the following new paragraph:

XI.(a) The requirements of this section shall not apply to policies of insurance which are issued to a large scale commercial insured. Information relating to classifications, rules and rates applicable to any policy issued to a large scale commercial insured pursuant to this paragraph shall be kept available by the insurer for inspection by the insurance commissioner, upon request.

(b) For the purposes of this paragraph, a large scale commercial insured is an insured certifying that it presently pays annual aggregate insurance premiums of $500,000 or more and meets any of the following additional criteria:

(1) Generates annual net revenues or sales in excess of $100,000,000.

(2) Employs more than 500 employees per individual insured or is a member of an affiliated group employing more than 1000 employees in the aggregate.

(3) Procures its insurance through use of a full time employee acting as an insurance manager or buyer, or through the services of a regularly and continuously retained qualified insurance consultant.

(4) Possesses a net worth in excess of $50,000,000.

(5) Is a not-for-profit organization or a public body or agency generating annual budgeted expenditures of at least $45,000,000.

(6) Is a municipality with a population in excess of 50,000 persons.

(c) Policies issued pursuant to this paragraph shall contain a disclaimer in language similar to the following: "The rates provided for in this policy have not been filed with or approved by the New Hampshire insurance department."

(d) The provisions of this paragraph shall not apply to policies governed by RSA 412:8.

(e) The insurance department is authorized to issue a bulletin to insurers to assist in and to monitor implementation of this paragraph, without limiting the provisions thereof.

3 Report of Insurance Department. Within 6 months after the expiration of 4 years following the effective date of this act, the commissioner of insurance shall report to the speaker of the house and president of the senate with recommendations on whether RSA 412:2, I-a and RSA 414:4, XI should be amended.

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

AMENDED ANALYSIS

This bill exempts policies issued to large scale commercial insureds from certain form and rate filing requirements.

The bill also requires the insurance department to report to the legislature 4 years after the effective date of this act concerning the changes made by this act.

1998-1463h

**Amendment to SB 415**

**Proposed by the Committee on Municipal and County Government - C**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Zoning Board of Adjustment; Variances. Amend RSA674:33 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding subparagraph I(b), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

AMENDED ANALYSIS

This bill allows zoning boards of adjustment to grant variances to zoning ordinances for a person or persons having a recognized physical disability, which may be granted for as long as the particular person has a need to use the premises.

1998-1594h

**Amendment to SB 423-FN**

**Proposed by the Committee on Executive Departments and Administration - C**

Amend RSA 100-A:41-a, I as inserted by section 1 of the bill by replacing it with the following:

I. [~~On July 1, 1994, and on every July 1 thereafter,~~] Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 24 months, or any beneficiary of such member who is receiving an

allowance, shall be entitled to receive supplemental allowances, also known as cost of living adjustments or COLA's***, on the retired member's latest anniversary date***. The amount of such supplemental allowances shall be limited to from one percent to 5 percent, with increments of no less than 1/2 of one percent.

AMENDED ANALYSIS

This bill allows retired members or their beneficiaries in the retirement system to receive cost of living adjustments on the retired member's latest anniversary date.

1998-1630h

**Amendment to SB 444-FN**

**Proposed by the Majority of the Committee on Executive Departments and Administration - R**

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

AN ACT requiring the New Hampshire real estate commission to notify licensees of proposed rules changes, changes in adopted rules, and changes in New Hampshire law.

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

1 New Paragraph; Real Estate Commission; Notice of Changes to Rules and Law. Amend RSA331-A:7 by inserting after paragraph VI the following new paragraph:

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

2 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill requires the real estate commission to notify licensees in a publication of the commission of any proposed rules, changes in adopted rules, or changes in New Hampshire law.

1998-1563h

**Amendment to SB 492**

**Proposed by the Committee on Municipal and County Government**

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

1 Second Session Official Ballot. Amend 1967, 566:2 as amended by 1971, 186:1, and 1977, 309:1 to read as follows:

566:2 Elections.

***I.*** [~~After the effective date of this act,~~] The district shall elect its district officers, except the treasurer and 3 trustees of trust funds, annually at the regular municipal election for the city of Keene held in November in odd numbered years and at the regular biennial election held in said city in November in even numbered years. The election officials for said city shall conduct the election for school district officers under the same provisions that govern the election of city officials. All members of the school board shall be elected at large.

***II. The official ballot election for the second session of the annual meeting as may be required under RSA 40:13 shall be conducted by the district clerk who in cooperation with city election officials shall employ such officials and equipment as are necessary for the second session.***

2 Preparation of School District Ballot; Coordination of School District Ballot With City Election. Amend 1967, 556:4 as amended by 1977, 229:1, and 1995, 40:1 to read as follows:

556:4 Declarations of Candidacy; Ballots. A candidate for school district office shall file a declaration of candidacy for the office with the district clerk during the same filing period as is established for a non-partisan town election. [~~The district clerk shall prepare ballots for the election of said officials in the same form as nearly may be, as is presently used for ballots for the election of school officials for the union school district of Keene, except that such ballots shall be designed to be folded.~~] ***The district clerk and the city clerk of the city of Keene shall coordinate the preparation of ballots for the election of said officials with such other voting materials as are in use for the election and may combine school district and city ballots. The costs of the preparation of such combined ballots shall be divided as the city and school district clerks shall determine. If the clerks do not coordinate the preparation of a combined city and school ballot, then the school district clerk shall prepare ballots for the election of school district officials in an appropriate form as will enable city election officials to handle the ballots and count them efficiently.*** The district clerk shall deliver said ballots to the city clerk of the city of Keene, who shall deliver the same to the election officials in the several wards at the same time the ballots for the election of city or state officials are delivered.

3 Referendum. The clerks of the union school district of Keene and the city of Keene shall prepare referendum ballots for use by the voters at the municipal election of the city of Keene to be held in November, 1998, upon which shall be printed the question: "Are you in favor of amending the charter of the union school district of Keene to permit the school district and city clerks to coordinate the preparation of ballots for the municipal election; and shall the provisions of an act entitled "An act amending the charter of the union school district of Keene" enacted by the 1998 session of the legislature be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with an oval immediately opposite each such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted. Ballots cast on said question shall be counted and the results announced by the city election officials in the manner prescribed in RSA 659. Ward moderators shall forthwith certify the results of said vote in their respective wards to the district clerk; and the district clerk shall within 10 days after said election certify to the secretary of state the result of the vote on said question.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3.

II. The remainder of this act shall take effect July 1, 1998.

AMENDED ANALYSIS

This bill amends the charter of the union school district of Keene to allow the school district clerk to facilitate the official ballot election of the second session of the annual meeting, and to provide for the coordination of ballots between the school district and the city of Keene.

1998-1622h

**Amendment to SB 497**

**Proposed by the Committee on Finance**

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

AN ACT relative to disbursement of tobacco-related funds received by the state.

Amend the bill by replacing section 1 with the following:

1 New Section; Disbursement of Tobacco-Related Funds. Amend RSA 124 by inserting after section 13-a the following new section:

124:13-b Disbursement of Tobacco-Related Funds. Any tobacco-related funds, including funds from settlements and grants, received by the state shall be subject to the same department and agency planning requirements as federal block grants under this subdivision. No tobacco-related funds shall be expended until specifically appropriated by the legislature. This section shall not apply to tobacco-related funds raised by the state of New Hampshire.

AMENDED ANALYSIS

This bill establishes requirements for the expenditure of any tobacco-related funds received by the state.