

State of
New Hampshire
HOUSE RECORD

**First Year of the 158th Session of the General Court
Calendar and Journal of the 2003 Session**

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Friday, May 30, 2003

No. 44

Contains: Governor’s Veto Message on HB 60, Reports and Amendments for June 5, Instructions for Committees of Conference, Unsigned Sponsor List, Meetings, Work Sessions and Notices

**HOUSE CALENDAR
NOTICE**

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, June 5, and Tuesday, June 24, at 10:00 a.m. to act on Senate Bills and Committee of Conference reports as required in our rules. Please reserve Thursday, June 19, as a possible session day.

June 5 is National Hunger Awareness Day. Non-perishable food items will be collected in the back of Representatives Hall on Thursday and delivered to the New Hampshire Food Bank. The bank is specifically looking for packages of macaroni & cheese and tuna fish. All members and staff are encouraged to participate in this effort.

Chairmen and Vice Chairmen will meet on Tuesday, June 3, at 9:00 a.m. in Room 201 LOB.

Gene G. Chandler, Speaker

NOTICE

The House Rules Committee will meet on Wednesday, June 4 at 1:00 p.m. in Room 100 SH for purposes of holding a public hearing on proposed deadlines for the 2004 session. The House will be asked to vote on proposed deadlines during the session on June 24 so that there are deadlines in place when we meet in January. At this point the suggested deadlines up to “crossover” are:

- | | |
|------------------|--|
| January 7, 2004 | First session day |
| January 29, 2004 | Last day to report retained bills and supplemental House bills going to a second committee |
| February 5, 2004 | Last day to act on retained bills and supplemental House bills going to a second committee |

March 4, 2004

Last day to report all remaining retained bills and supplemental House bills

March 11, 2004

CROSSOVER. Last day to act on all remaining retained bills and supplemental House bills.

The committee will also discuss an extension from June 13 to June 20 to sign off on all supplemental bills.

Gene G. Chandler, Chairman

NOTICE

There will be a Republican Caucus on Thursday, **June 5** at 9:15 a.m. in Representatives Hall.

Rep. David W. Hess, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, **June 5** at 9:00 a.m. in Rooms 306-308 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

NOTICE

Legislators are invited to attend an informational session by the Department of Health and Human Services entitled Department of Health and Human Services Overview and Reorganization Plan – A Time to Get Answers.

DATE: Wednesday, June 4

TIME: 12:30 to 2:30 p.m.

PLACE: Rooms 201-203, LOB

Gene G. Chandler, Speaker

NOTICE

House Continuing Education

TOPIC: HAVA - Help America Vote Act of 2002

PRESENTER: Honorable David M. Scanlan
Deputy Secretary of State Office

DATE: Thursday, June 5, 2003

TIME: After Session

PLACE: Rooms 206 - 208, LOB

Deputy Secretary of State David M. Scanlan will discuss the New Hampshire State Plan for compliance with the Help America Vote Act of 2002. The State Plan describes how New Hampshire is planning to comply with these federal requirements. This information will be very helpful to legislators and their constituents. The public is invited to review the plan, pose questions, make comments, or recommend improvements. The State public comment period runs from May 16, 2003 and ends on Monday June 16, 2003.

Representative Terri C. Dudley
Representative Sandra C. Harris
Representative Paul D. Spiess
Coordinators

THURSDAY, JUNE 5

CONSENT CALENDAR

ELECTION LAW

SB 15, relative to Election Day registration. **INEXPEDIENT TO LEGISLATE**

Rep. Harriet E. Cady for Election Law: The sponsors of this bill believe another bill, HB 627 is a more comprehensive law and includes the intent the sponsors had regarding election day registration. This bill would have provided another form for voter registration, which was not as comprehensive as the House passed bill. **Vote 12-0.**

SB 17, relative to incompatible offices. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Election Law: This bill addresses the same issue as HB 394, which passed the House on March 20th and is far more inclusive. The prime sponsor of this bill is a co-sponsor of HB 394 and agrees that this bill is no longer necessary. **Vote 12-0.**

FINANCE

SB 16-FN, establishing the governor's incentive and reward program. **OUGHT TO PASS**

Rep. Joseph E. Stone for Finance: In the 2004 and 2005 budget as passed by the House, the Governor has an incentive and reward program funded by his salary transferred to this program. In 1983, RSA 99:E became law and it established an incentive program for extraordinary employee service and original suggestions for improving government operation, safety and efficiency. Under the program the total of awards granted in any fiscal year could not exceed \$10,000. SB 16 which upon passage repeals RSA 99:E, has the same objectives, however, the financial rewards are either \$10,000 or 10% of the cost savings in the first year of implementation for each award. The funding for the program comes from the savings brought forth by the recommendation of the employee. Furthermore, upon passage, the Finance Committee recommends the executive branch make a concentrated effort to notify all state employees of the program. **Vote 18-0.**

SB 23-FN, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill will increase state restricted expenditures (retirement funds) by \$5,000 each year and has no impact on local, county, or state expenditures. **Vote 18-0.**

SB 46-FN, repealing the meat inspection account and the poultry inspection account. **OUGHT TO PASS**

Rep. Frederick W. King for Finance: This bill retires the meat inspection special account. New Hampshire does not conduct inspections of slaughterhouses and has not done so for the past 30 years or more. This special account is no longer needed. **Vote 22-0.**

SB 58-FN-A, relative to the net operating loss under the business profits tax. **OUGHT TO PASS**

Rep. Kenneth L. Weyler for Finance: States compete with each other to attract businesses. Most of New Hampshire's taxes make us very competitive. However, our business taxes are in the higher echelon. Many states allow a discount from taxes paid, or owed, when a company suffers a loss in a tax year. Our existing law mirrored federal tax code by requiring losses to be carried back against the previous three years profits before any remaining losses could be carried forward as a credit against future profit. Carry-backs make revenue estimates difficult. When the business cycle is in decline, not only are revenues reduced from estimates, but the state must also write rebate checks from taxes that have already been spent. This would be a double hit. The Department of Revenue Administration dealt with this by prohibiting amended returns. The result was that carry back losses became "phantom" losses, and no allowances against taxes could be taken. This bill removes the contradiction between law and rule, and allows losses to be carried forward progressively increasing to as many as ten years after 2007 to a maximum of one million. This shifts credits to the upside of the business cycle, delaying incremental revenue loss until there is a positive trend in revenue. **Vote 19-0.**

SB 69-FN-A, combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: This is an important change in our postsecondary education laws. The committee made no change in the \$1 appropriation. The committee of conference on the budget may revisit this amount. **Vote 21-0.**

SB 80, relative to vocational education and the automotive technology curriculum. **OUGHT TO PASS**

Rep. Marjorie K. Smith for Finance: There are currently 18 regional career and technical education centers that offer courses in automotive technology. Each of the centers is trying to obtain certification from the national body which would make it possible for those who complete these secondary level courses to move on to postsecondary level courses. After satisfactory completion at the postsecondary level, graduates could be certified in a field which is currently significantly understaffed. The bill supports the importance of this training, establishes operational frameworks and the ability to accept matching funds already offered by the NH Automobile Dealers Association. A maximum of \$90,000 in state funding would be required but no state funds are appropriated by this bill. **Vote 21-0.**

SB 85-FN, making certain revisions to the special education laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: This bill came about as the result of a 2000 federal audit. It makes certain changes in the language of state special education laws to clarify existing policy or conform with state law. There is no impact on state, county, or local revenue or expenditures. **Vote 21-0.**

SB 86-FN, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: This bill requires the Department of Health and Human Services to disclose certain information on abuse and neglect cases if there has been a fatality or near fatality. It also extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton County. The finance committee amendment makes changes affecting the section that requires the Department of Health and Human Services to submit a plan to obtain accreditation by the Council of Accreditation for Children and Family Services by July 1, 2007. The amendment removes the requirement that we qualify for accreditation by July 1, 2007 but directs the Department to bring additional information that would also demonstrate outcomes as well as what the cost of meeting the accreditation standards would be to the state. The bill as presented would have set the state on the path to accreditation regardless of cost or outcomes. The committee also deleted a section dealing with the LBA auditing compliance to meet the 2007 deadline because the deadline was removed. **Vote 21-0.**

SB 90-FN, increasing the cap for relocation assistance for businesses in eminent domain proceedings. **OUGHT TO PASS**

Rep. Robert K. Dodge for Finance: This bill increases the cap for businesses in eminent domain proceedings from \$10,000 to \$100,000. The amount is for actual reasonable expenses necessary to reestablish a displaced farm, non-profit organization or small business at a new site, subsequent to eminent domain proceedings. **Vote 21-0.**

SB 161, relative to procedures in eminent domain proceedings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert K. Dodge for Finance: This bill allows condemnees subject to property acquisition to have a reasonable opportunity to have their property appraised by an independent qualified appraiser, employed by the condemnees, and reimbursed by the condemnor up to \$1,000 for each property. The condemnors shall review any independent appraisals before formulating a notice of offer. The amendments made by the committee were for clarity and legal interpretation. **Vote 19-0.**

SB 179-FN-A, relative to positions in the banking department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill provides for the recommendation of a recent LBA audit and review of the Consumer Credit Division within the Banking Department to come to fruition. Additional positions are required to allow the commissioner to comply with current statutes and the funds are contained in the budget bill. The committee passed this bill to authorize the positions in the event of complications to the budget bill and amended it to take effect upon passage. **Vote 18-0.**

SB 197-FN, relative to extended unemployment benefits and making an appropriation therefor. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill provides 13 weeks of additional benefits to those who have exhausted benefits under the state Unemployment Compensation Program during the period from 6/1/02 to 12/28/03. The source of funding is federal dollars from the Reed Act in the amount of \$38 million. There is no direct cost to New Hampshire employers. The current balance of the Unemployment Trust Fund (as of 5/03) is \$268 million. **Vote 18-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 77, relative to bond votes in school districts with official ballot voting procedures, and relative to adoption of revisions and the budget process in city charters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Theberge for Municipal and County Government: Official ballot voting has become a way of life in some municipalities and school districts, which are also statutorily called political subdivisions. If any political subdivision adopted the official ballot voting type of government under RSA 40:13, also known as SB 2, any change needed had to come to the legislature to be enacted and then the change would automatically happen at the local level. When the statute (RSA 33:8) was changed in 1997, a 3/5 vote for bonds and notes was all that was needed in those political subdivisions. In contrast, any political subdivision that adopted official ballot voting type of government under RSA 49D, also known as HB 141 charter process, a 2/3 vote for bonds and notes was required. Any updates, changes or adoption of a charter have to be voted upon by the legislative body of the political subdivision. One of the amendments to SB 77 allows these political subdivisions to determine whether a 3/5 or a 2/3 vote for bonds or notes will be required. Sections 2, 3 and 4 are non-germane amendments that had the required posting and public hearing prior to decisions made by the Committee. Section 2 adjusts the Coos County Apportionment for 2002 for Wentworth Location to correct an error in the Department of Revenues' calculation of the county tax. Section 3 ratifies the 2003 Hampton Beach Village District annual meeting because the posting of the warrant was one day later than required by state law. **Vote 12-2.**

THURSDAY, JUNE 5
REGULAR CALENDAR

COMMERCE

SB 21, relative to health insurance riders. OUGHT TO PASS WITH AMENDMENT

Rep. Donald H. Flanders for Commerce: This bill affects only health insurance for individuals and follows up on changes made two years ago to the rules for the individual market. Similar to what SB 110 does for the small group market, community rating was repealed two years ago in the individual market and health insurance companies are now allowed to "underwrite" their non-group or individual coverage. Unlike SB110, the individual market does not have guaranteed issue (whereby the insurance companies must offer their policies to everyone). If someone is unable to get health insurance in the individual market, they can get insurance from the high-risk pool. This bill will allow insurers in the individual market to offer a policy to a new customer (not for renewals) that excludes certain pre-existing conditions. So, instead of not making any offer to a person with a significant health condition, this bill authorizes insurers to place health insurance riders or endorsements on individual policies excluding coverage for certain specified medical conditions that existed prior to the issuance of coverage. At the hearing, the committee learned that typical exclusions are allergies and lower back pain. The coverage exclusion cannot apply to any other medical condition not related directly to the specific medical condition being excluded, and the committee added language requiring that the consumer be notified in writing and before buying the policy of all the conditions or complications that will be considered to be related to the excluded condition and therefore not covered. The insurer may exclude no more than two specified conditions. These exclusions shall not apply to services, benefits or options required by state or federal law to be included in the coverage. Persons with diabetes and other conditions that can have numerous of different kinds of complications will probably not be able to take advantage of this legislation and will most likely be referred to the high-risk pool. **Vote 15-2. SB 110, relative to small group health insurance coverage. MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. John B. Hunt for the **Majority** of Commerce: This bill has been in the making for several years. Similar legislation was introduced two sessions ago, but the committee felt at that time that the changes to the individual market needed to happen first. The reforms in this legislation are designed to bring more insurance companies and products back into the state and to make the small group health insurance market more competitive. The committee held many work sessions on this bill so that each element of the bill was understood and made sense for New Hampshire. Currently New Hampshire is a "community rated" state with only age and group size as allowable rating factors. What this means is that the premium paid in New Hampshire for a particular health benefit plan from a particular insurer will not differ by very much from one small employer to another. As predicted when this law was debated almost 10 years ago, the current law disfavored insurance companies offering indemnity type coverage, and many of them subsequently left the state. The vast majority of small employers now buy their coverage from a handful of HMOs. When the current law was passed, it was said to be model legislation that other states would adopt. About 12 states did pass community rating, but most states opted for a less restrictive scheme of rating parameters. This legislation will reintroduce competition by bringing back insurance underwriting. The bill changes the age banding from 3:1 to 4:1, which will match what we did in the individual market. It changes the definition of the small group market from the current 1 to 100 employees to 1 to 50. For employers who have 51 to 100 employees and now will be treated as large employers, the amendment limits the extent to which insurers can underwrite the group based on that group's own experience. New Hampshire was the only state that went to 100 for its definition of small employers. Every other state stops at 50 employees. This legislation also permits the use of new rating factors for industry classification, health status, and geographic location. There is a specified range that limits the extent to which each factor can be used, and in every case these ranges are similar to or more stringent than what most other states allow. The one factor that seemed to generate the most controversy was geographic location. Ironically, this is the one of the factors that is permitted without limitation by the vast majority of the other states. The Insurance Department reported that it believes that the north country and the sea coast could be the areas most affected by the introduction of increased rating flexibility due to the higher medical loss ratios reported by insurers writing in those regions. However, the Department believes that this impact is not solely attributable to geographic rating. Although the legislation has caps on how much any one group's premium can go up, the committee is confident that the reintroduction of competition and more product choice will tend to limit the extend to which higher risk groups experience premium increases, making the caps largely unnecessary. Other insurance such as auto and life have very few limits or restrictions on rating factors, and New Hampshire has a very competitive and reasonably priced market for those types of insurance. The assumption that someone will be rated to the maximum of each factor is not how insurance underwriting works. Not all companies use all the factors, and not all companies that use a factor do so to the maximum extent allowable. Rating factors are just underwriting tools, and insurance companies often adjust a customer down to get their business. To say certain areas or people will be severely disadvantaged by allowing the use of rating factors is to disregard how insurance underwriting works and what is happening in other states. The committee also amended this bill to add new reporting requirements concerning the use of rating factors by insurers and creating an oversight committee to report annually on the impact of this legislation. This bill strikes a good balance between current law and the laws that exist in the many states that allow even greater underwriting flexibility in the small group market **Vote 10-8.**

Rep. Matthew J. Quandt for the **Minority** of Commerce: The minority approaches healthcare reform from the perspective that

91% of New Hampshire adults and children have healthcare. We are the healthiest state in the United States. Further, 76% of those insured receive their insurance from their employers who are in the small group market. Therefore, when altering the small group market any legislation should do so from the premise of not reducing the amount of insured. At the heart of the legislation is underwriting and the ability of insurers to manipulate the risk pool. In the case of SB 110, it will be easier for insurers to segregate the healthy from the unhealthy. The proponents of this bill say that these changes will create competition amongst insurers and therefore drive down premiums. Upon exhaustive hearings and a plethora of information provided to the committee, there was not evidence that there would be a decrease in premiums. The best that the proponents could say was that premiums would not go up as much and there would be new products introduced into the market. The minority felt that an unintended consequence could be an increase in uninsured. Further, the bill does not address the underlying costs that are driving healthcare-utilization and administration. Recognizing the importance of the legislation and the need to create appropriate competition, the minority felt that the bill should be retained and worked on in combination with two other bills retained by the committee, HB 265 and HB 652 which address the cost drivers of healthcare.

EDUCATION

SB 76, relative to the process for nonrenewal of teacher contracts. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Carter for the **Majority** of Education: This bill streamlines the process of appeal of non-renewal of teacher contracts by local school boards based on poor performance. Currently teachers are in a special position, unlike any other employee in the state, because they have multiple avenues of review of non-renewal decisions. These multiple reviews are time consuming and expensive for local school boards and ultimately deter non-renewal decisions. School boards are required to hire attorneys and expend teacher and administrator time (otherwise spent in the schools) in lengthy hearings appealing their decisions. The bill provides protections to school boards, parents and teachers. The bill continues to provide full due process rights to teachers. Superintendents are required to demonstrate at a local school board hearing that a teacher received written notice of unsatisfactory performance, had an opportunity to correct the performance, and that the teacher failed to correct the unsatisfactory performance. All decisions of local school boards may be appealed to the State Board of Education and shall be upheld unless they are shown to be clearly erroneous. This procedure provides great weight to decisions made by the local school boards. The bill also provides that non-renewal decisions shall not be subject to binding arbitration. Binding arbitration hearings are an additional cost to local taxpayers. This provision does not impact binding arbitration on any other teacher contract matters other than non-renewal for unsatisfactory performance. The House has overwhelmingly passed this legislation three times since 1999. This proposal has the support of the Speaker, the Governor, the NH School Boards Association, and the NH School Administrators Association. The passage of this bill will improve the quality of teaching in the state and is crucial to education reform. **Vote 11-7.**

Rep. James T. Dunn for the **Minority** of Education: This legislation is an egregious assault on local control by removing from existing collective bargaining agreements binding arbitration as those agreements expire. This legislation takes away from teacher's valuable protection from arbitrary and capricious dismissal. The minority thinks that if bad teachers exist in New Hampshire schools, perhaps administrators need further training in evaluation, and dismissal procedure as outlined in the collective bargaining agreement. Therefore the minority offers an amendment to clarify continuing contract non-renewal.

ELECTION LAW

SB 123, establishing a commission to study structures for increased voter education and improved enforcement of campaign practices laws. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. C. Donald Stritch for the **Majority** of Election Law: The majority of the committee felt that this study commission was a duplicate of the voter/official educational and training process mandated by the Help America Vote Act (HAVA) and currently being developed as an ongoing program that will take place starting this summer and fall of this year. Yet, the amended version of SB 123 would not even have a preliminary report until December 01, 2004. It is important to move HAVA along in a schedule that meets federal law. All the provisions of SB 123 were composed prior to the passage of the Help America Vote Act. So, with the advent of HAVA, SB 123 is preempted as its contents are being addressed under HAVA. As of this date, New Hampshire has complied with the federal requirements and thus recently received the first \$5,000,000 installment to the election fund in the state treasury. We should not delay the process by calling for parallel study of a program that should and will be underway by the election of September–November 2004. **Vote 6-5.**

Rep. Charles F. Weed for the **Minority** of Election Law: The bi-partisan minority is concerned that leaving the education of voters and election officials to the unfolding of the implementation of the Help America Vote Act leaves this required education effort in a state of limbo. Although we recognize there is an advisory state plan committee, the draft preliminary state plan appears to leave education of voters and election officials to the secretary of state. Whereas the commission in SB 123 would have included 8 members of both parties from the House and the Senate to make recommendation regarding electoral education compliant with campaign practices law, and the establishment of a "clean" elections board.

FINANCE

SB 29-FN-A-L, refunding certain meals and rooms taxes paid by the city of Manchester. **INEXPEDIENT TO LEGISLATE**
Rep. Robert K. Dodge for Finance: The committee has compassion for the City of Manchester's plight. However, since the Department of Revenue Administration does have rules to be followed to recoup taxes that have been paid inappropriately, the committee feels that this is an issue that should be handled at the local level under the existing rules **Vote 12-6.**

SB 47-FN, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill reflects the advances in technology of the vapor recovery systems now installed at all gasoline stations. A one percent shrinkage allowance for evaporation is now paid to all retail gasoline dealers. The tax is collected from the wholesaler, so the allowance is a rebate to the retailer. This amount is close to one million dollars across the state. Reduction of the one percent to three-quarters of one percent means almost \$250,000 gain in revenue to the highway fund. A multi-part amendment added by the committee adds revenue to the highway fund and assigns that revenue to specific 2003 budget shortfalls. One million in revenue is added by taking \$200,000 from the fuel oil discharge cleanup fund; \$700,000 from the motor oil discharge cleanup fund; and \$100,000 from the oil pollution control fund. Of this million dollars, \$600,000 is appropriated to the highway bridge betterment fund, \$200,000 for state police overtime, and \$200,000 to purchase highway enforcement equipment. The three funds will be left with sufficient operating cash. The highways have been damaged by the winter weather, and the state police have already served the overtime, but would otherwise be required to substitute compensatory time. **Vote 13-6.**

SB 63-FN-A-L, relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: This is an important community development bill. It potentially costs the state up to \$825,000 in business tax credits each year, cumulating to a maximum of \$3.3 million in the fourth year, but it is the committee's belief that it will encourage business growth that will eventually result in more revenue. It should immediately aid in the creation of new jobs. The amendment simply removes a sentence that would have added the Fiscal Committee to the rule making process and says the Fiscal Committee will receive a report. **Vote 18-1.**

SB 107-FN-A-L, establishing a statewide education accountability system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: The concept of accountability for our public schools has been well supported in the past year by the NH House of Representatives. The former governor vetoed those bills after they passed the legislature. Our present governor agrees with educational accountability and the federal No Child Left Behind Act (NCLBA) also requires it. Further, that act requires annual testing, a measurement tool that was not available to us previously. The committee amended the funding source to substitute federal funds for general funds. The NCLBA allows flexibility in the funds provided, to a greater extent than earlier grants. The House also supported HB 786 by a wide majority. That bill was to assure that New Hampshire would only participate in NCLBA to the extent that each of its parts were federally funded. Its text is added to SB 107 as an amendment at the request of the House Education Committee. **Vote 13-6.**

SB 115, increasing the fees for review of subdivisions and waste disposal systems by the department of environmental services and making an appropriation for implementing information technology and regulatory process improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The current fees for sewage disposal system and subdivision plan review are inadequate to cover the costs of review and compliance. This bill brings the fees up to a level to cover the costs as well as implement the I.T. improvement. It appropriates \$931,000 to cover implementation costs. Subdivision of land goes from \$80 to \$150 per lot, sewage or waste disposal plans go from \$80 to \$140 and combined should produce nearly \$2 million per biennium. **Vote 15-2.**

SB 163-FN, relative to the procedures of the health services planning and review board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: This bill reflects the House's position on HB 788 which repeals the Certificate of Need board and transfers a much limited scope of regulation to the Department of Health and Human Services. The committee made several housekeeping changes in the bill as it came from the policy committee. The extension of the nursing home bed moratorium in HB 663 is codified in this bill. The additional federal revenue available due to the transfer to Health and Human Services and the additional function of data analysis were clarified. The policy committee established a three member public advisory committee to be appointed by the Governor. With the policy committee's approval, Finance added approval by the Executive Council. A section was added to further clarify the confidentiality of personal identification in the data collection portion of the bill. Finally, the effective date was changed from July 1, 2003 to upon passage. **Vote 13-6.**

SB 223-FN-A, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frederick W. King for Finance: This bill increases the fees charged to insurance companies for motor vehicle records by \$1.00 – from \$7.00 to \$8.00. The increased revenue will pay expenses of the Division of Fire Safety and Emergency Management. The amendment provides that any funds in excess of budgetary amounts will not be spent without the approval

of the Fiscal Committee. **Vote 16-2.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 45, relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: The committee considered and debated existing and proposed legislation concerning property tax exemptions and credits having to do with veterans, the elderly and the disabled. The original SB 45 had all the exemptions and credits in RSA 72 in one bill instead of the separate bills that were passed by the House: HB 108 - relative to the adoption of an optional veterans' property tax credit; HB 424 - relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions; HB 466 - relative to the adoption procedure for property tax exemptions and credits; and HB 467 - allowing towns or cities to increase the property tax credit for service-connected total disability, and relative to the date for filing for exemptions and tax credits. Currently there are differences in the enactment procedures for all exemptions and credits. The committee researched this issue and determined that having a uniform enactment procedure for adopting or modifying property tax exemptions or credits in RSA 72 would simplify the procedure at the local level. Throughout SB 45, these enactment procedures are referenced and codified. The filing date for exemptions and credits has been changed from March 1 or August 15 prior to the setting of the tax rate to April 15 preceding the setting of the tax rate. This bill enables the political subdivisions to increase the optional veterans tax credits from \$51 up to \$500, the optional service-connected total disabled veterans tax credit from \$701 up to \$2,000 and states that it is either the standard or the optional tax credit that the veteran can receive, not both. This bill also lowers the residency requirement for a disabled person applying for a deferral of property taxes from five years to one year. This bill also enables the political subdivisions to change the elderly exemption income and asset requirement by allowing differing age groups to have different assets and income. This amendment is a conscientious effort to codify and clarify this complicated subject regarding exemptions, credits and deferrals **Vote 15-0.**

SB 62, relative to the application and enforcement of the state building code. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for the **Majority** of Municipal and County Government: This bill as introduced attends to details that were causing some problems at the local level with respect to 1) adopting codes by reference instead of having to include the entire language of those codes into an ordinance; 2) clarifying that any enforcement procedures adopted prior to the effective date of the new state building code would remain in effect, unless in conflict with the state building code; and 3) allowing the building code of Review Board to update or change the state building code, not just the manuals. The amendment identifies the National Electric Code of 2002, not 1999, as part of the definition of "New Hampshire building code and adds a master electrician licensed in this state for a minimum of 5 years, nominated by the New Hampshire Electrical Contractors Business Association. **Vote 12-3.**

Rep. Robert L. Theberge for the **Minority** of Municipal and County Government: The minority asks you to vote against the majority amendment. Although it is progressive for the members of the Building Code Review Board to adopt rules, any update or changes to the State Building Code is a legislative function. The Building Code Review Board should not have the authority to adopt rules prior to the adoption of appropriate legislation. This is a clear violation of separation of powers.

RESOURCES, RECREATION AND DEVELOPMENT

SB 67, relative to a report on municipal water needs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard T. Cooney for the **Majority** of Resources, Recreation and Development: This bill would require the Office of State Planning (OSP) and the Department of Environmental Services (DES) to prepare a report on current and future municipal water requirements when permitting groundwater withdrawals. These issues are addressed by a study commission formed by SB 155 and by a legislative study committee formed by SB 162. These studies involve establishing important water policies of the state of New Hampshire and therefore should be formulated by elected legislators and not by members of a state agency. In addition, duplicate effort would be expended by the departments in satisfying both initiatives. The majority of the committee felt that these important water policy decisions belong in the study process of SB 155 and SB 162. Therefore, this bill is not necessary. **Vote 11-4.**

Rep. Judith T. Spang for the **Minority** of Resources, Recreation and Development: This bill, unanimously passed by the Senate, as a companion to SB 155 and SB 162, would provide, the research necessary for those policy-making committees to move forward. For this reason, it is an essential complement, not duplication, of SB 162. The state needs to develop a fact-based methodology for determining how much water a municipality will need to accommodate its future growth. The lack of this methodology has hampered groundwater permitting, and policy-making for water management on state, regional and local levels. With SB 67, the Department of Environmental Services will be able to provide the information necessary to support the legislatively overseen policy-making of SB 155 and SB 162.

GOVERNOR'S VETO MESSAGE ON HB 60

May 14, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 60, an Act changing the name of the advisory committee on shore fisheries and relative to the definition of shellfish and a rulemaking exemption for certain rules relating to marine species.

I have vetoed this bill only because I object to its last section, which limits the exemption from the provisions of RSA 541-A granted by current law for rules pertaining to marine species managed under the Atlantic States Marine Fisheries Compact. As far as I can tell, the current exemption has generated no problems, and the limitation proposed by H.B. 60 is neither necessary nor warranted. Until there is significant reform of the rulemaking process as currently implemented under RSA 541-A, I am hesitant to extend, even slightly, the rulemaking to which that statute applies. Where as here, the current exemption seems to be working well, there is no reason to limit it.

There has been no claim by anyone that the Department has abused the current exemption or passed rules under the exemption that overstep the authority delegated to the Department by the General Court. Even if I had no concerns about the implementation of RSA 541-A, I would object to the last section H.B. 60 as a solution in search of a problem. The change to the rulemaking exemption proposed in H.B. 60 was not initiated by the Advisory Committee on Shore Fisheries, by the Fish and Game Department, by the commercial fishermen subject to rules passed by the department under the exemption, or by any environmental group. The change was initiated by the Joint Legislative Committee on Administrative Rules.

Since becoming Governor, I have heard from a wide variety of sources, including agency heads, the Attorney General, members of the public and members of the General Court that the rule-making process is in serious need of revision. The fact that administrative agencies should be able to move more nimbly and quickly in adopting detailed rules than can the General Court in adopting legislation, is one of the advantages of rules over statutes and presumably one of the reasons why the legislature has delegated rulemaking power to agencies. This advantage has been deeply eroded by the fact that the process for adopting rules has become in many instances more complex, time-consuming and burdensome than the process for passing legislation.

Another reason why the General Court delegates administrative rulemaking power is to allow an administrative agency with significant expertise in a particular regulatory area to craft regulations within a set legislative mandate. In delegating this power, the legislature has correctly required that agencies seek public input, and follow an orderly and open process in creating rules. At the end of that process, legislative involvement appropriately includes oversight to assure that the rules do not exceed the original legislative intent or the scope of the delegation of authority and includes suggestions on non-substantive drafting issues. My concern stems from the increasing complexity of the process and my belief that substantive decisions made after full public input by the administrative departments to which the legislature has entrusted them, and legal judgments which are properly under the jurisdiction of the Attorney General should not be second-guessed or interfered with during the legislative oversight portion of the rulemaking process. When we ask our agencies to cut unnecessary red tape and to make their procedures as friendly to the public as possible, we should not make the agency, in adopting its own rules, jump through unnecessary bureaucratic hurdles and subject the agency to overly complex and cumbersome process.

I know that many legislators share the view that has been expressed to me by the Attorney General, numerous department heads and members of the public that the rulemaking process must be governed not only by a desire for due process and public input, but also by common sense and good judgment. While I believe in appropriate legislative oversight of the administrative rulemaking process, I am concerned that the RSA 541-A rulemaking process for executive branch agencies is becoming increasingly cumbersome and unnecessarily complex. Legislative red tape during the rulemaking process leads to administrative red tape that defies common sense and disservices the public. The legislative procedures implementing RSA 541-A need to be reformed. Until that happens, I strongly will consider a veto of any bill that extends the reach of RSA 541-A or limits an existing exemption. Because H.B. 60 limits a current exemption from the RSA 541-A rulemaking process, I have vetoed it.

Respectfully submitted,

Craig R. Benson
Governor

LAIID ON TABLE

HB 836, certifying that John Coughlin was elected as county attorney for Hillsborough county at the 2002 general election.
(Pending question is the adoption of the majority committee report of ought to pass.)

HR 12, affirming revenue estimates for fiscal years 2003, 2004 and 2005. (Pending question is third reading.)

SB 59-FN, relative to administrative license suspension hearings. (Pending question is the adoption of the committee report of ought to pass with amendment.)

HOUSE DEADLINES

Thursday, May 29, 2003

Last day to report all Senate bills for action in the first-year session.

Last day to hold public hearings on all Senate bills retained in committee.

Last day for committees to report list of retained Senate bills.

Thursday, June 5, 2003

Last day to act on all Senate bills in the first-year session.

Wednesday, June 11, 2003

Last day to form committees of conference.

Friday, June 13, 2003, 3:00 p.m.

Last day to sign-off all supplemental bills, including redrafts

Wednesday, June 18, 2003, 3:00 p.m.

Last day to sign committee of conference reports.

Tuesday, June 24, 2003

Last day to act on committee of conference reports.

Last day to introduce supplemental bills.

2003 HOUSE COMMITTEE OF CONFERENCE PROCEDURES

- The Chairmen of the policy committees will receive bills amended by the Senate and should check with their committees to determine whether the committee will recommend that the House concur, non-concur, or non-concur and request a Committee of Conference.
- When a committee requests that the bill be sent to a Committee of Conference, the Chairman will recommend members for appointment. If the bill has gone to more than one committee, the members may come from the different committees as determined by the Speaker. Chairmen should recommend only those members from their policy committees. The Speaker shall make the final decision of Conference committee members.
- The **first named House member shall serve as Chairman of the House Conference Committee**. For House bills in Committee of Conference, the House Committee of Conference Chairman shall set the time and place of the first meeting and shall chair each meeting of the Committee of Conference. **Each meeting shall be posted in the Clerk's Office and outside the committee room at least 24 hours in advance.**(House Rule 43[c])
- The House and Senate Committees of Conference on a bill shall meet jointly but vote separately while in conference.
- The Committee of Conference may not change the title of the bill. The Committee also may not add amendments that are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is one in which the subject matter is not contained in either the House or Senate version of the bill.(House Rule 49 [b])
- The sponsor of a bill that is in Committee of Conference shall, upon request, be provided an opportunity to be heard.
- A unanimous vote of both the House and Senate Committees of Conference, voting separately, is necessary for an agreed upon report to be sent to the House and Senate.
- **Reports of all Committees of Conference must be filed with the Office of Legislative Services by the deadline**

adopted by the House in Rule 64 (June 18th at 3:00 pm). All Committee of Conference members must sign their reports in the Office of Legislative Services.

- The **first-named House member on all bills in Committee of Conference must prepare an analysis of the report.** This “blurb” should contain a complete explanation of all changes made to the bill since it was passed by the House and must be submitted to the House Clerk for printing in the calendar.
- All Committee of Conference reports shall be distributed in seat pockets to be acted on some subsequent day. (House Rule 49 [a]).
- A Committee of Conference **report** on either a House or Senate bill **may be placed on the House Consent Calendar only upon a unanimous vote of all House conferees. (House Rule 49 [d]).**

COMMITTEES OF CONFERENCE

HB 185, relative to pretermitted heirs. (Reps. Rowe, J. Pratt, Haytayan and Sorg; Sens. Peterson, Roberge and Foster)

HB 195, prohibiting all part-time district court judges and district court clerks from practicing law in the district courts. (Reps. Rowe, J. Pratt, Wall and Haytayan; Sens. Peterson, Clegg and Foster)

HB 198, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions. (Reps. Welch, Weare, Bicknell and Pantelakos)

HB 287, establishing a professional malpractice claims study commission. (Reps. Mock, Craig, Batula and MacKay)

HB 288-FN, imposing a criminal penalty for the dissemination of certain materials without consent. (Reps. Knowles, Tholl, Stevens and Kurk)

HB 310, establishing a commission to study child support issues. (Reps. Arnold, Hallyburton, Bickford and E. Blanchard; Sens. Roberge, Peterson and Foster)

HB 316-FN, relative to insurance coverage for anesthesia for child dental care. (Reps. Hunt, Fraser, Quandt and Meader)

HB 332-FN, relative to the use of prerecorded telephone messages by candidates and political committees. (Reps. Spiess, Cady, Drisko and Clemons)

HB 361-L, permitting municipalities to form regional water districts. (Reps. Brundige, Lockwood, Patten and N. Johnson; Sens. Prescott, O’Hearn and Cohen)

HB 387-FN, allowing free day-use admission to the state park system for certain members of the New Hampshire national guard. (Reps. Coughlin, P. Sullivan, Headd and Easson)

HB 418, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute. (Reps. Tholl, Stevens, Knowles and Fesh; Sens. Clegg, Peterson and Foster)

HB 481, establishing a committee to study the pricing of milk products. (Reps. Hunt, Quandt, Holden and Meader; Sens. Barnes, Odell and Cohen)

HB 524-FN, relative to the annulment of certain domestic violence offenses. (Reps. Knowles, Nedeau, Stevens and Tholl)

HB 543, relative to increasing the membership of the board of accountancy and relative to appeals of board decisions. (Reps. Bergin, Goulet, Hamel and DeJoie)

HB 590-FN, relative to highway fund budget reporting requirements. (Reps. Leber, C.W. Bouchard, Graham and Weyler)

HB 654-FN, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling. (Reps. Weare, Bicknell, Welch and Pantelakos)

HB 670-FN, establishing a procedure for release by a state agency of statistical information for research purposes. (Reps. O’Neil, Hunt, Batula and Schulze)

HB 680-FN, establishing a committee to study service contracts and repealing the law regarding legal services insurance. (Reps. Hunt, Fraser, Spiess and Meader)

HB 718-FN, relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts. (Reps. Knowles, Tholl, Stevens and Bicknell)

HB 768, establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River. (Reps. Lawton, C. Christensen, C. Laflamme and Brueggemann; Sens. Johnson, Gallus and Below)

HB 798, relative to gifts by fiduciaries. (Reps. Hunt, Stepanek, Quandt and Meader)

HB 811, relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse. (Reps. Rowe, J. Wheeler, Dudley and Haytayan; Sens. Clegg, Gallus and D’Allesandro)

HB 817, relative to the regulation of first and second mortgage brokers and mortgage servicers. (Reps. Hunt, Fraser, Stepanek and Meader)

SB 41-FN, relative to the installation of airbags. (Sens. Peterson, Sapareto and Foster; Reps. Packard, Bergeron, Ferland and

Letourneau)

HOUSE BILLS AMENDED BY THE SENATE

HB 64, establishing a commission to study the creation of an integrated criminal justice information system and any issues related to the privacy, security, and dissemination of such criminal justice information. (House Concurred 4/10/03)

HB 66-FN, relative to executive agency rulemaking authority. (House Concurred 5/29/03)

HB 75, relative to timber harvesting. (House Concurred 5/29/03)

HB 77, establishing a committee to study the process of de novo appeals from the district courts. (House Concurred 5/08/03)

HB 101, relative to qualifications for state offices. (House Concurred 4/10/03)

HB 104-FN, implementing procedures for a hospital or safe haven to assume temporary care and control of an abandoned child and creating an exception to the crime of endangering the welfare of a child. (House Concurred 4/10/03)

HB 109-FN, relative to telemarketing practices. (SJ 5/15/03)

HB 112-FN establishing a point system for the annual moose permit lottery. (SJ 5/22/03)

HB 123, relative to notice given to putative fathers in adoption proceedings. (House Concurred 5/29/03)

HB 127, establishing a committee to study the effectiveness and fairness of county government. (House Nonconcurrent; 5/08/03)

HB 151, authorizing the county convention to contract and fund performance audits of county departments. (House Concurred 4/17/13)

HB 179, establishing a committee to study enhancement of laws relating to vehicle pursuits. (House Concurred 5/08/03)

HB 185, relative to pretermitted heirs. (House Nonconcurrent; C-of-C 5/15/03)

HB 195, prohibiting all part-time district court judges and district court clerks from practicing law in the district courts. (House Nonconcurrent; C-of-C 5/15/03)

HB 198, relative to the police powers of law enforcement officers called to respond to incidents in other jurisdictions. (House Nonconcurrent; C-of-C 5/29/03)

HB 212, defining “terrorize” for the purpose of criminal threatening. (House Concurred 5/08/03)

HB 214, relative to discovery deposition of minors in criminal cases. (House Concurred 5/29/03)

HB 215, relative to expungement of records in the DNA database. (House Concurred 5/15/03)

HB 240, establishing a committee to study ways to prevent suicide among young people in New Hampshire. (House Concurred 5/29/03)

HB 244, establishing a committee to study landowner liability for owners providing public access to snowmobile trails. (House Concurred 5/08/03)

HB 253, relative to the design build concept for certain projects. (House Concurred 5/08/03)

HB 287, establishing a professional malpractice claims study commission. (House Nonconcurrent; C-of-C 5/29/03)

HB 288-FN, imposing a criminal penalty for the dissemination of certain materials without consent. (House Nonconcurrent; C-of-C 5/29/03)

HB 310, establishing a commission to study child support issues. (House Nonconcurrent; C-of-C 5/08/03)

HB 316-FN, relative to insurance coverage for anesthesia for child dental care. (House Nonconcurrent; C-of-C 5/29/03)

HB 320, relative to permitting additional contributions in the city of Manchester employees contributory retirement system. (House Concurred 5/15/03)

HB 332-FN, relative to the use of prerecorded telephone messages by candidates and political committees. (House Nonconcurrent; C-of-C 5/29/03)

HB 343, establishing a boundary commission to determine the boundary between New Hampshire and Maine. (House Concurred 5/15/03)

HB 361-L, permitting municipalities to form regional water districts. (House Nonconcurrent; C-of-C 5/08/03)

HB 379, relative to penalties for OHRV violations by underage operators. (House Concurred 5/15/03)

HB 387-FN, allowing free day-use admission to the state park system for certain members of the New Hampshire national guard. (House Nonconcurrent; C-of-C 5/29/03)

HB 402, relative to child passenger restraints. (House Concurred 5/15/03)

HB 418, relative to annulment of arrest records for defendants whose cases result in acquittal, dismissal, or failure to prosecute. (House Nonconcurrent; C-of-C 5/08/03)

HB 434-L, relative to junkyards and motor vehicle recycling yards. (House Concurred 5/15/03)

HB 436, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring. (House Concurred 5/08/03)

HB 477, establishing certain speed limits. (House Concurred 5/15/03)

HB 481, establishing a committee to study the pricing of milk products. (House Nonconcurrent; C-of-C 5/15/03)

HB 502, establishing a committee to study options for reducing the impact of exhaust emissions from diesel engines in New Hampshire. (House Concurred 4/10/03)

- HB 517-L**, relative to Keene Road and Main Street in the town of Hillsborough. (House Concurred 3/13/03)
- HB 521-FN**, relative to requiring treatment for persons convicted of DWI offenses. (SJ 5/22/03)
- HB 524-FN**, relative to the annulment of certain domestic violence offenses. (House Nonconcurrent; C-of-C 5/29/03)
- HB 543**, relative to increasing the membership of the board of accountancy and relative to appeals of board decisions. (House Nonconcurrent; C-of-C 5/29/03)
- HB 560**, relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction. (House Concurred 5/15/03)
- HB 564-FN**, relative to access to information in proceedings of the judicial conduct commission. (House Concurred 5/29/03)
- HB 590-FN**, relative to highway fund budget reporting requirements. (House Nonconcurrent; C-of-C 5/29/03)
- HB 593-FN-L**, relative to solid waste facilities in small towns. (House Concurred 5/15/03)
- HB 598-FN-A**, relative to the agriculture nutrient management program and making an appropriation therefor. (SJ 5/22/03)
- HB 605**, relative to prohibited election day activity. (House Concurred 5/29/03)
- HB 606**, establishing a right-to-know study commission. (SJ 5/22/03)
- HB 617-FN**, relative to the licensure of dentists and regulation by the board of dental examiners. (House Concurred 5/29/03)
- HB 627-FN**, relative to domicile for voting purposes and penalties for voter fraud. (SJ 5/27/03)
- HB 654-FN**, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling. (House Nonconcurrent; C-of-C 5/29/03)
- HB 670-FN**, establishing a procedure for release by a state agency of statistical information for research purposes. (House Nonconcurrent; C-of-C 5/29/03)
- HB 674-FN**, relative to legal representation for indigent parties and notification requirements under the Child Protection Act. (SJ 5/22/03)
- HB 680-FN**, establishing a committee to study service contracts and repealing the law regarding legal services insurance. (House Nonconcurrent; C-of-C 5/29/03)
- HB 690-FN**, relative to agricultural crop damage. (House Concurred 5/29/03)
- HB 693-FN**, relative to the jurisdiction and constitution of the ballot law commission. (House Concurred 5/29/03)
- HB 694-FN**, relative to tobacco product manufacturers not entering master settlement agreements. House Concurred 5/29/03)
- HB 699-FN**, relative to abandoned vehicles. (House Concurred 5/15/03)
- HB 702-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system. (SJ 5/22/03)
- HB 703-FN**, permitting free day-use admission to the state park system for disabled veterans. (House Concurred 5/29/03)
- HB 711-FN**, relative to the regulation of retail installment of sales of motor vehicles. (House Concurred 5/15/03)
- HB 718-FN**, relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts. (House Nonconcurrent; C-of-C 5/29/03)
- HB 719-FN-A**, relative to the duties, functions, and operation of the Pease development authority. (SJ 5/22/03)
- HB 732-FN**, relative to fines for forestry law violations, relative to deceptive forestry business practices, establishing a commission to study setback requirements for land application of septage, biosolids, and short paper fiber by certain persons. (House Concurred 4/17/03)
- HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors. (House Concurred 5/29/03)
- HB 768**, establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River. (House Nonconcurrent; C-of-C 5/15/03)
- HB 770-FN-A**, establishing a committee to study using tax policy to create incentives to encourage employers to hire disabled persons. (House Concurred 5/15/03)
- HB 798**, relative to gifts by fiduciaries. (House Nonconcurrent; C-of-C 5/29/03)
- HB 805**, establishing a consensus revenue estimating panel. (House Concurred 5/29/03)
- HB 811**, relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse. (House Nonconcurrent; C-of-C 5/15/03)
- HB 817**, relative to the regulation of first and second mortgage brokers and mortgage servicers. (House Nonconcurrent; C-of-C 5/29/03)
- HB 825**, establishing a committee to study methods of safely reducing the prison population in the state. (House Concurred 5/29/03)
- HB 831**, establishing a New Hampshire end-of-life care study commission. (House Concurred 5/08/03)
- HCR 3**, calling on the President and Congress to fully fund the federal government's share of special education services in public, elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (House Concurred 5/15/03)
- HCR 15**, relative to relaxing air quality standards by the United States Environmental Protection Agency. (House Nonconcurrent 5/29/03)

COMMITTEE MEETINGS

FRIDAY, MAY 30

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c), New Hampshire Department of Revenue Administration, Training Room, Community Services Division

1:30 p.m. Regular meeting.

MONDAY, JUNE 2

CIVIL WAR MEMORIALS COMMISSION (RSA 21-K:18), Room 203, LOB

4:00 p.m. Regular meeting.

COMMISSION TO ASSESS THE OPERATING EFFICIENCY OF STATE GOVERNMENT (HB 171, Chapter 1:1, Laws of 2003), Room 100, State House

8:30 a.m. Regular meeting.

ENVIRONMENTAL RESEARCH ADVISORY COMMITTEE (RSA 187-B:1), University of New Hampshire Alumni Hall

10:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

TUESDAY, JUNE 3

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Subcommittee work session on retained **HB 755**, relative to the burden of proof in child abuse and neglect proceedings.

11:00 a.m. Subcommittee work session on retained **HB 587-FN**, relative to reimbursement for services provided in delinquency, children in need of services, and abuse and neglect proceedings.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on retained **HB 138-FN**, relative to interpreters for the deaf in certain governmental or public proceedings.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

12:00 p.m. Subcommittee work session on retained **HB 220**, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. Subcommittee work session on retained **HB 585-FN**, allowing teachers of private academies which provide public education to be included in the retirement system.

1:00 p.m. Subcommittee work session on retained **HB 116-FN**, granting group II retirement system status to certain positions in the department of corrections.

2:00 p.m. Subcommittee work session on retained **HB 686-FN**, relative to health insurance provided through the state.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Rooms 205-207, LOB

10:00 a.m. Presentation by New England Health Care Quality Foundation.

HISTORICAL COMMITTEE (RSA 17-I), Room 204, LOB

10:30 a.m. Regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Subcommittee work session on retained **HB 645-FN-A-LOCAL**, establishing a pilot program for partial tax abatements on new construction of private schools.

Room 307, LOB

10:00 a.m. Subcommittee work session on retained **HB 713-FN**, relative to the penalty for violating a zoning ordinance.

1:00 p.m. Subcommittee work session on retained **HB 803-FN-A-LOCAL**, establishing the New Hampshire downtown development program.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

- 11:00 a.m. Subcommittee work session on retained *HCR 11*, relative to state and federal government relations.
- 1:00 p.m. Subcommittee work session on retained *HB 618-FN-A*, establishing a property tax cap for persons over 65 years of age and *HB 756-LOCAL*, promoting parental choice in education and providing for an abatement from the education taxes for parents of children not enrolled in the public school system.

WEDNESDAY, JUNE 4

ELECTION LAW, Room 308, LOB

- 10:00 a.m. Subcommittee work session on retained *HB 119*, relative to removing names from the checklist, *HB 176*, relative to listing candidates on ballots and *HB 236*, relative to recount application deadlines.
- 1:00 p.m. Subcommittee work session on retained *HB 235*, relative to removal of political advertising, *HB 695-FN*, making placement of political advertising on public property subject to state litter laws and *HB 767-FN*, relative to political advertising not authorized by the candidate.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

- 9:30 a.m. Subcommittee work session on *SB 199*, revising the nurse practice act.
- 11:00 a.m. Subcommittee work session on retained *HB 729-FN*, relative to the regulation of tanning facilities.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Full committee work session.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

- 9:00 a.m. Ad hoc committee meeting on services for people with co-occurring disorders.

JUDICIARY, Room 208, LOB

- 1:00 p.m. Subcommittee work session on retained *CACR 5*, relating to the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 1:30 p.m. Full committee work session.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:30 a.m. Full committee work session on retained bills including *HB 765-FN*, relative to consideration of a light rail commuter system and establishing a commission to oversee light rail progress, *HB 697-FN*, relative to the sale of motor fuel and *HB 835-FN*, relative to federal highway grant anticipation bonds.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. Full committee work session on retained bills.

RULES COMMITTEE, Room 100, State House

- 1:00 p.m. Public hearing on proposed deadlines for the 2004 session.
Executive session to follow.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Veterans Administration Hospital, 718 Smyth Road, Manchester

- 11:00 a.m. Committee briefing at the Veterans Administration Hospital.

WAYS AND MEANS, Room 202, LOB

- 9:00 a.m. Full committee work session on revenue estimates.

THURSDAY, JUNE 5

CRIMINAL JUSTICE AND PUBLIC SAFETY, Richard M. Flynn Fire Academy Auditorium, 226 Sheep Davis Road (Route 106), Concord

- 7:00 p.m. Informational meeting at NH Fire Standards and Training.

FRIDAY, JUNE 6

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), New Hampshire Department of Revenue Administration,

Training Room, Community Services Division
9:30 a.m. Regular meeting.

TASK FORCE ON RE-ESTABLISHING THE LAWRENCE, MA TO MANCHESTER, NH AND THE CONCORD TO LEBANON RAIL SERVICE (HB 258, Chapter 271:1, Laws of 2001), Room 201, LOB
10:00 a.m. Regular meeting.

MONDAY, JUNE 9

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB
1:00 p.m. Regular meeting.

TUESDAY, JUNE 10

EDUCATION, Room 207, LOB
9:30 a.m. Subcommittee work session on *HB 727-FN-LOCAL*, revising the school administrative unit system.

ELECTION LAW, Room 308, LOB
10:00 a.m. Subcommittee work session on retained *HB 119*, relative to removing names from the checklist, *HB 176*, relative to listing candidates on ballots and *HB 236*, relative to recount application deadlines.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB
10:30 a.m. Subcommittee work session on retained *HB 65*, relative to educational assistance for national guard members.

WEDNESDAY, JUNE 11

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House
9:30 a.m. Subcommittee work session on retained *HB 729-FN*, relative to the regulation of tanning facilities.

LEGISLATIVE ADMINISTRATION, Room 307, LOB
1:00 p.m. Ad hoc committee work session on Administrative Rules.

THURSDAY, JUNE 12

PASSENGER RAIL SERVICE FROM NEWBURYPORT, MASSACHUSETTS TO KITTERY, MAINE TASK FORCE (HB 1378, Chapter 45:1, Laws of 2000), Portsmouth City Hall Council Chambers
7:00 p.m. Regular meeting.

FRIDAY, JUNE 13

BOARD OF CLAIMS (RSA 541-B:3), Room 100, State House
9:00 a.m. Regular meeting.

JUDICIAL COUNCIL (RSA 494:1), Rooms 206-208, LOB
10:30 a.m. Regular meeting.

TASK FORCE ON FAMILY LAW (HB 447, Chapter 250:1, Laws of 2002), Rooms 206-208, LOB
12:00 p.m. Regular meeting.

MONDAY, JUNE 16

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB
1:00 p.m. Complaint hearings.

TUESDAY, JUNE 17

CHILDREN AND FAMILY LAW, Room 206, LOB
9:30 a.m. Subcommittee work session on retained *HB 351*, requiring completion of a child impact seminar prior to filing for divorce.
10:30 a.m. Subcommittee work session on retained *HB 563*, relative to the emancipation of minors.

EDUCATION, Room 207, LOB

9:30 a.m. Subcommittee work session on retained ***HB 727-FN-LOCAL***, revising the school administrative unit system.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

12:00 p.m. Subcommittee work session on retained ***HB 220***, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations.

WEDNESDAY, JUNE 18

JUVENILE JUSTICE SERVICE CAPACITY AND ADMINISTRATIVE SIMPLIFICATION (HB 179, Chapter 170:7, Laws of 2002), Room 206, LOB

2:00 p.m. Regular meeting.

LEGISLATIVE ADMINISTRATION, Room 307, LOB

1:00 p.m. Ad hoc committee work session on Administrative Rules.

THURSDAY, JUNE 19

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

2:00 p.m. Subcommittee work session on retained ***HB 712-FN***, relative to long-term care.

FRIDAY, JUNE 20

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), New Hampshire Department of Revenue Administration, Training Room, Community Services Division

9:30 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 306, LOB

9:00 a.m. Regular meeting.

MONDAY, JUNE 23

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

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

WEDNESDAY, JUNE 25

EDUCATION, Room 207, LOB

9:30 a.m. Subcommittee work session on retained ***HB 727-FN-LOCAL***, revising the school administrative unit system.

MONDAY, JUNE 30

PROBLEMS RELATED TO THE DELIVERY OF LOCAL ASSISTANCE (HB 1109, Chapter 184:1, Laws of 2002), Room 301, LOB

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet on **June 16th** at 7:00 p.m. at the County Complex on Gunstock start-up money and any other business which may be brought before the delegation.

Rep. Gordon E. Bartlett, Chairman
Belknap County Delegation

House members who have not received a copy of the Black Book may pick it up in the Clerk’s Office.

Karen O. Wadsworth, Clerk of the House

The bound volumes of the 2002 Session Laws are now available on a first come, first served basis in the Office of Legislative Services, Room 109, State House, for those members who are interested.

Carol J. Holahan, Director, Legislative Services

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord, on Monday, **June 2** at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

Copies of the Help America Vote Act of 2002 (HAVA) Preliminary State Plan are available in the Secretary of State's Office for review and comment. The plan is also available on-line at www.state.nh.us/sos/HAVA. The federal Help America Vote Act requires that New Hampshire's citizens have an opportunity to comment on the plan before it is submitted for publication in the Federal Register. Any comments will be welcome, and it will help document your review if you would submit any comments in writing to the Secretary of State's Office, or e-mail them to elections@sos.state.nh.us no later than June 16, 2003.

William M. Gardner, Secretary of State

REVISED FISCAL NOTES

The following HBs and SBs have revised fiscal notes: HBs 25, 65, 66, 69, 79, 91, 104, 109, 135, 177, 205, 210, 258, 274, 280, 302, 311, 316, 353, 360, 387, 447, 483, 517, 521, 524, 528, 533, 543, 577, 578, 593, 598, 603, 605, 607, 608, 609, 610, 611, 612, 613, 614, 615, 617, 618, 619, 620, 621, 622, 623, 624, 626, 627, 628, 629, 630, 631, 632, 633, 634, 636, 637, 638, 639, 640, 644, 645, 646, 649, 654, 659, 661, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 687, 688, 689, 690, 691, 693, 694, 695, 696, 697, 698, 699, 701, 703, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 728, 730, 732, 733, 735, 737, 738, 739, 741, 743, 746, 751, 758, 760, 770, 772, 783, 784, 785, 787, 788, 791, 796, 802, 803, 807, 810, 813, 814, 816, 823, 824, 826, 828, 830 and 835. SBs 14, 29, 33, 34, 35, 36, 46, 47, 54, 58, 63, 69, 70, 71, 78, 79, 94, 95, 96, 97, 98, 101, 107, 115, 120, 132, 152, 159, 161, 169, 197, 210, 215 and 222.

Karen O. Wadsworth, Clerk of the House

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 requested.

Elizabeth D. Blanchard, 61 Washington Street, Penacook, New Hampshire 03303-1525

Albert C. Cernota, 129 Shelley Drive, Nashua, New Hampshire 03062-2550

Natalie S. Flanagan, PO Box 959, Atkinson, New Hampshire 03811-0959.

Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

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.

From time to time the Speaker receives reports and audits from various committees, commissions, and departments. On the chance that some of these reports might be of interest to a member, I will periodically list the reports that are received in the Speaker's office and available for viewing.

Reports most recently received include:

DHHS Medicaid Program Financial and Compliance Audit Report YE June 30, 2002
State Treasury Financial and Compliance Audit Report for the YE June 30, 2002
Gene G. Chandler, Speaker

A secure and encrypted wireless access point has been installed in the House Chamber Anteroom. Members that wish to use this service for wireless Internet access need to go to Room 31, State House to have their laptop configured
Gene G. Chandler, Speaker

The House Republican Alliance will meet each Wednesday at 8:30 a.m. at the Upham Walker House, Park Street (across from the State House).

Rep. Michael A. Balboni

The Main Street Republicans will meet every Thursday at 8:30 a.m. at the Upham Walker House, Park Street (across from the State House).

Rep. Paul D. Spiess

The New Hampshire Federation of Republican Women's Lilac Luncheon will be held on Monday, **June 2** at 11:00 a.m. at the Center of New Hampshire. Featured guest is Lynn Cheney. Tickets are \$35. Please contact Reps. J. Gail Barry, Stella Scamman or Mary Griffin.

Rep. J. Gail Barry

There will be a health related issues presentation by Northeast Quality Foundation. Those members with a health issues interest are invited. The presentation will take place on **June 3** in Rooms 205-207, LOB at 10:00 a.m. Inquiries about the presentation should be made to Rep. James Pilliod.

Rep. James P. Pilliod

The NH Children's Trust Fund, along with the NH Order of Women Legislators (OWLs); NH Division for Children, Youth and Families; the Wellness and Primary Prevention Council and Network New Hampshire, will be hosting a legislative luncheon on Thursday, **June 5** from 11:30 a.m. to 1:30 p.m. at St. Paul's Church, 21 Centre Street, Concord. The luncheon will feature Family Resource Centers.

Reps. Sharon L. Nordgren, Barbara C. French and Sandra C. Harris

The Legislative Caucus for Young Children will meet on Tuesday, **June 10** at 10:00 a.m. in Room 206, LOB. The agenda will focus on continuing a review of proposed legislation for the 2004 session.

Rep. Mary Stuart Gile

Rockingham Park is holding a legislators day on **June 11** from noon to 4:00 p.m. Entrance at the Administration Building Gate. Show Legislative ID. All are cordially invited for a barbecue and beverages. Please RSVP to 898-2311 ext. 297.

Rep. Robert H. Milligan

The Merrimack County Republican Flag Day Dinner is going to be held on Saturday, **June 14**, 2003. Doors open at 5:45 p.m.

and the reception begins at 6:00 p.m. with dinner at 7:30 p.m. The guest is Sen. John E. Sununu. The dinner benefits state and local Republican candidates. Tickets are \$50. Call Dom D'Ambruoso for tickets and information at 228-0477.

Rep. David W. Hess

The House Democratic Caucus invites all House members and guests to a gala testimonial for Democratic Leader Peter Burling. The event will be held on Monday, **June 16** at the Back Room in Manchester. Please see Reps. Raymond Buckley, Chris Konys or Sharon Nordgren for tickets.

Rep. Sharon Nordgren

Belknap County Republicans will hold their Annual Barbecue on **June 21** from 11:00 a.m. to 4:00 p.m. at the Smith Meeting House in Gilmanton. Tickets can be purchased from any Belknap County Republican.

Rep. Thomas E.P. Rice

The Department of Transportation will hold the following meeting:

- June 2** – Allenstown Town Hall, 16 School Street, Allenstown, 7:00 p.m. Presentation to Selectmen, Salem-Concord Bikeway feasibility study.
- June 2** – Lisbon Town Hall, 46 School Street, Lisbon, 7:00 p.m. Public informational meeting, Bath-Lisbon, US Route 302/NH Route 10 reconstruction.
- June 4** – Shelburne Town Hall, 74 Village Road, Shelburne, 7:00 p.m. Public officials/informational meeting, Shelburne, removal of bypassed bridge Old Meadow Road/Androscoggin River.
- June 23** – Hollis Town Hall, 7 Monument Square, Hollis, 7:00 p.m. Combined public officials/public informational meeting, Hollis, reconstruction of the intersection at Broad Street and NH Route 130 (Ash Street).
- June 24** – Winnisquam Middle School Cafeteria, 76 Winter Street, Tilton, 7:00 p.m. Commission hearing, Tilton, US Route 3/NH Route 11 and Clark Road intersection.
- June 26** – Nashua City Hall Auditorium, 229 Main Street, Nashua, 7:00 p.m. Commission hearing, Nashua, Park N Ride multimodal facility.

Rep. Edwin O. Smith, Chairman
Public Works and Highways Committee

The members listed below have bills ready for signature in Legislative Services.

Carol J. Holahan, Director

SPONSOR	COUNTY	DISTRICT	LSR NUMBER
Akins, Ralph	Grafton	18	2003-H-2003-R
Akins, Ralph	Grafton	18	2003-H-2057-R
Albert, Russell	Strafford	67	2003-H-2027-R
Allan, Nelson	Hillsborough	63	2003-H-2191-R
Allen, Peter	Cheshire	27	2003-H-2031-R
Babson, David	Carroll	06	2003-H-2044-L
Balboni, Michael	Hillsborough	59	2003-H-2014-R
Balboni, Michael	Hillsborough	59	2003-H-2015-R
Bergin, Peter	Hillsborough	47	2003-H-2030-R
Bergin, Peter	Hillsborough	47	2003-H-2191-R
Bickford, David	Strafford	68	2003-H-2182-L
Bickford, David	Strafford	68	2003-H-2183-R
Bicknell, Elbert	Rockingham	73	2003-H-2022-R
Boyce, Laurie	Belknap	31	2003-H-2255-R
Brady, Mark	Coos	02	2003-H-2047-R
Bruno, Pierre	Hillsborough	45	2003-H-2064-R
Bruno, Pierre	Hillsborough	45	2003-H-2246-R

Buckley, Raymond	Hillsborough	56	2003-H-2027-R
Buhlman, David	Hillsborough	66	2003-H-2115-R
Buhlman, David	Hillsborough	66	2003-H-2288-R
Buhlman, David	Hillsborough	66	2003-H-2289-R
Buhlman, David	Hillsborough	66	2003-H-2290-R
Cady, Harriet	Rockingham	73	2003-H-2022-R
Cady, Harriet	Rockingham	73	2003-H-2210-R
Camm, Kevin	Rockingham	79	2003-H-2306-R
Cataldo, Sam	Strafford	68	2003-H-2055-R
Christiansen, Lars	Hillsborough	66	2003-H-2279-R
Clemons, Jane	Hillsborough	62	2003-H-2127-R
Coughlin, Pamela	Hillsborough	45	2003-H-2124-R
Coughlin, Pamela	Hillsborough	45	2003-H-2204-R
Crane, Elenore Casey	Hillsborough	59	2003-H-2224-R
DeStefano, Stephen	Merrimack	41	2003-H-2244-R
Dickinson, Howard	Carroll	04	2003-H-2240-R
DiFruscia, Anthony	Rockingham	76	2003-H-2258-R
Dorsett, Andrew	Grafton	16	2003-H-2012-R
Easson, Timothy	Strafford	68	2003-H-2102-R
Eaton, Stephanie	Grafton	09	2003-H-2212-R
Fields, Dennis	Hillsborough	58	2003-H-2204-R
Franklin, Peter	Sullivan	20	2003-H-2087-R
French, Barbara	Merrimack	34	2003-H-2041-R
Gibson, John	Hillsborough	58	2003-H-2046-R
Gilman, G Michael	Grafton	09	2003-H-2003-R
Gilman, G Michael	Grafton	09	2003-H-2212-R
Gilman, G Michael	Grafton	09	2003-H-2232-R
Gilman, G Michael	Grafton	09	2003-H-2233-R
Giuda, Robert	Grafton	13	2003-H-2003-R
Giuda, Robert	Grafton	13	2003-H-2035-R
Graham, John	Hillsborough	57	2003-H-2124-R
Greenberg, Gary	Hillsborough	50	2003-H-2008-R
Greenberg, Gary	Hillsborough	50	2003-H-2009-R
Hagan, Barbara	Hillsborough	50	2003-H-2022-R
Hallyburton, Margaret	Hillsborough	45	2003-H-2165-R
Hallyburton, Margaret	Hillsborough	45	2003-H-2204-R
Hamm, Christine	Merrimack	34	2003-H-2047-R
Hammond, Lee	Grafton	18	2003-H-2145-R
Harrington, Michael	Strafford	68	2003-H-2114-R
Headd, James	Rockingham	75	2003-H-2124-R
Heon, Richard	Strafford	67	2003-H-2124-R
Hinkle, Peyton	Hillsborough	58	2003-H-2176-R
Holden, Randolph	Hillsborough	48	2003-H-2047-R
Hopper, Gary	Hillsborough	48	2003-H-2095-R
Hopper, Gary	Hillsborough	48	2003-H-2160-R
Hopper, Gary	Hillsborough	48	2003-H-2161-R
Hopper, Gary	Hillsborough	48	2003-H-2162-R
Hopper, Gary	Hillsborough	48	2003-H-2226-R
Ingbretson, Paul	Grafton	13	2003-H-2170-R
Ingbretson, Paul	Grafton	13	2003-H-2171-R
Ingbretson, Paul	Grafton	13	2003-H-2236-R
Ingbretson, Paul	Grafton	13	2003-H-2288-R
Ingbretson, Paul	Grafton	13	2003-H-2289-R
Ingbretson, Paul	Grafton	13	2003-H-2290-R
Itse, Daniel	Rockingham	80	2003-H-2037-R
Itse, Daniel	Rockingham	80	2003-H-2055-R
Itse, Daniel	Rockingham	80	2003-H-2288-R

Itse, Daniel	Rockingham	80	2003-H-2289-R
Itse, Daniel	Rockingham	80	2003-H-2290-R
Jasper, Shawn	Hillsborough	66	2003-H-2176-R
Jasper, Shawn	Hillsborough	66	2003-H-2201-R
Johnson, Rogers	Rockingham	83	2003-H-2092-R
Johnson, Rogers	Rockingham	83	2003-H-2272-R
Katsakiores, George	Rockingham	77	2003-H-2173-L
Kennedy, Richard	Merrimack	34	2003-H-2015-R
Kerns, J Edward	Hillsborough	57	2003-H-2292-R
Kerns, J Edward	Hillsborough	57	2003-H-2297-R
Kerns, J Edward	Hillsborough	57	2003-H-2298-R
Kerns, J Edward	Hillsborough	57	2003-H-2299-R
Kerns, J Edward	Hillsborough	57	2003-H-2300-R
Kurk, Neal	Hillsborough	48	2003-H-2074-R
Lawrence, James	Hillsborough	66	2003-H-2282-R
Lawrence, James	Hillsborough	66	2003-H-2283-R
Lawrence, James	Hillsborough	66	2003-H-2285-R
Leber, William	Merrimack	35	2003-H-2099-R
Marple, Richard	Merrimack	37	2003-H-2037-R
Marple, Richard	Merrimack	37	2003-H-2288-R
Marple, Richard	Merrimack	37	2003-H-2289-R
Marple, Richard	Merrimack	37	2003-H-2290-R
McCann, Richard	Rockingham	84	2003-H-2124-R
McElroy, Henry	Hillsborough	61	2003-H-2288-R
McElroy, Henry	Hillsborough	61	2003-H-2289-R
McElroy, Henry	Hillsborough	61	2003-H-2290-R
McRae, Karen	Hillsborough	48	2003-H-2079-R
Morris, Richard	Rockingham	84	2003-H-2055-R
Musler, George	Strafford	68	2003-H-2228-R
Naro, Debra	Grafton	15	2003-H-2079-R
Nordgren, Sharon	Grafton	17	2003-H-2041-R
Nutter, Edward	Merrimack	37	2003-H-2176-R
Ouellette, Robert	Merrimack	33	2003-H-2037-R
Owen, Derek	Merrimack	34	2003-H-2193-R
Patten, Betsey	Carroll	07	2003-H-2236-R
Pelletier, Arthur	Strafford	71	2003-H-2114-R
Philbrick, Donald	Carroll	05	2003-H-2106-R
Pilliod, James	Belknap	31	2003-H-2158-R
Pilliod, James	Belknap	31	2003-H-2230-R
Pratt, Leighton	Coos	02	2003-H-2154-R
Quandt, Matthew	Rockingham	83	2003-H-2047-R
Rowe, Robert	Hillsborough	47	2003-H-2056-R
Scanlon, Michael	Hillsborough	57	2003-H-2136-R
Scott, David	Strafford	71	2003-H-2024-L
Scovner, Nancy	Grafton	17	2003-H-2143-R
Sorg, Gregory	Grafton	11	2003-H-2003-R
Souza, Kathleen	Hillsborough	51	2003-H-2022-R
Souza, Kathleen	Hillsborough	51	2003-H-2053-R
Sullivan, Peter	Hillsborough	50	2003-H-2188-R
Sullivan, Peter	Hillsborough	50	2003-H-2313-R
Taylor, Kathleen	Strafford	70	2003-H-2099-R
Wall, Janet	Strafford	72	2003-H-2188-R
Wallner, Mary Jane	Merrimack	40	2003-H-2109-R
Weed, Charles	Cheshire	25	2003-H-2127-R
Welch, David	Rockingham	79	2003-H-2037-R
Welch, David	Rockingham	79	2003-H-2173-L
Wendelboe, Fran	Belknap	29	2003-H-2141-R

THURSDAY, JUNE 5
AMENDMENTS
(LISTED IN NUMERICAL ORDER)

2003-1707h

Amendment to SB 21

Proposed by the Committee on Commerce - R

Amend RSA 420-G:5, II as inserted by section 1 of the bill by inserting after subparagraph (j) the following new subparagraph:

(k) Any rider or endorsement used to reduce or deny payment for coverage otherwise included in the policy, shall include the name or specific description of the sickness or physical condition that is to be reduced or denied.

2003-1831h

Amendment to SB 45

Proposed by the Committee on Municipal and County Government - R

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

AN ACT relative to the adoption procedure, eligibility, and amounts of property tax exemptions and credits and the property tax deferral program.

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

□ New Section; Procedure for Adoption, Modification, or Recission. Amend RSA 72 by inserting after section 27 the following new section:

72:27-a Procedure for Adoption, Modification, or Recission.

I. Any town or city may adopt the optional provisions of RSA 72:28, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:39-a, RSA 72:62, RSA 72:66, or RSA 72:70 in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the property tax exemption or credit, the amount or such exemption or credit, and the manner of its determination, as listed in paragraph I. The exemption or credit shall take effect in the tax year beginning April 1 following its adoption.

III. A municipality may modify, if applicable, or rescind the exemption or credits provided in paragraph I in the manner described in this section.

IV. An amendment to a statutory provision listed in paragraph I related to an exemption or credit amount or to the eligibility or application of an exemption or credit, shall apply in a municipality which previously adopted the provision only after the municipality complies with the procedure in this section, unless otherwise expressly required by law.

2 Veterans' Tax Credit; Optional Credit Changed. RSA 72:28 is repealed and reenacted to read as follows:

72:28 Standard and Optional Veterans' Tax Credit.

I. The standard veterans' tax credit shall be \$50.

II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$51 up to \$500. The optional veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.

III. Either the standard veterans' tax credit or the optional veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property. However, the surviving spouse of a resident who suffered a service-connected death may have the amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident.

IV. The following persons shall qualify for the standard veterans' tax credit or the optional veterans' tax credit:

(a) Every resident of this state who served not less than 90 days in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident;

(b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and

(c) The surviving spouse of any resident who suffered a service-connected death.

V. Service in a qualifying war or armed conflict shall be as follows:

(a) "Spanish War" between April 21, 1898 and April 11, 1899;

(b) "Philippine Insurrection" between April 12, 1899 and July 4, 1902, extended to July 15, 1903 for service in the Moro Provinces;

(c) "Boxer Rebellion" between June 16, 1900 and May 2, 1901;

(d) "World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;

(e) "World War II" between December 7, 1941 and December 31, 1946;

(f) "Korean Conflict" between June 25, 1950 and January 31, 1955;

(g) "Vietnam Conflict" between December 22, 1961 and May 7, 1975;

(h) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal; and

(i) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

3 Veterans' Credit; Surviving Spouse; Reference Changed. Amend RSA 72:29-a, II to read as follows:

II. Upon the adoption of this paragraph by a city or town as provided in RSA ~~[72:29-b]~~ **72:27-a**, the surviving spouse of any person who was killed or died while on active duty in the armed forces of the United States or any of the armed forces of any of the governments associated with the United States in the wars, conflicts or armed conflicts, or combat zones set forth in RSA 72:28, shall receive a tax credit in the amount ~~[of \$1,400]~~ **from \$701 up to \$2,000** for the taxes due upon the surviving spouse's real and personal property, whether residential or not, in the same municipality where the surviving spouse is a resident.

4 Reference Changed; Proration of Credit. Amend RSA 72:30 to read as follows:

72:30 Proration of Tax Credit. If any entitled person or persons shall own a fractional interest in residential real estate, each such entitled person shall be granted a tax credit in proportion to his **or her** interest therein with other persons so entitled, but in no case shall the total tax credit exceed the tax credit allowed under RSA 72:28, **I or II** ~~[or V]~~, except as provided in RSA 72:31.

5 Reference Changed; Husband and Wife. Amend RSA 72:31 to read as follows:

72:31 Husband and Wife. A husband and wife, each qualifying for a tax credit, shall each be granted a tax credit upon their residential real estate as provided under RSA 72:28, **I or II** ~~[and V]~~.

6 Application for Exemptions or Tax Credits; Filing Date Changed in 2005. Amend RSA 72:33 to read as follows:

72:33 Application for Exemption or Tax Credit.

I. ~~[Except as provided in RSA 72:33-b,]~~ No person shall be entitled to the exemptions~~[-deferrals,]~~ or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, ~~[38-a,]~~ 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by ~~[March 1 following the date of notice of tax under RSA 72:1-d]~~ **April 15 preceding the setting of the tax rate**, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption~~[-deferral,]~~ or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption~~[-deferral,]~~ or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting tax exemptions~~[-deferrals,]~~ and credits pursuant to RSA 72.

(b) Sections for information concerning the applicant, the property for which the relief is sought, and other properties owned by the person applying.

(c) A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or in part.

(d) A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

I-a. If any person, otherwise qualified to receive an exemption or credit, shall satisfy the selectmen or assessors that he or she was prevented by accident, mistake, or misfortune from filing a permanent application or amended permanent application on or before April 15 of the year in which he or she desires the exemption to begin, said officials may receive the application at a later date and grant an exemption or credit for that year; but no such application shall be received or exemption or credit granted after the local tax rate has been approved for that year.

II. Any person who changes residence after filing such a permanent application shall file an amended permanent application on or before December 1 immediately following the change of residence. The filing of the permanent application shall be sufficient for said persons to receive these exemptions or tax credits on an annual basis so long as the applicant does not change residence~~[-provided, however, that towns and cities may require an annual application for the tax deferral authorized for the elderly and disabled by RSA 72:38-a].~~

III. If the selectmen or assessors are satisfied that the applicant has willfully made any false statement in the

application to obtain an exemption or tax credit, they may refuse to grant the exemption or tax credit.

IV. [Repealed.]

V. In addition to the above requirements, applicants for exemption who claim ownership pursuant to RSA 72:29, V shall file with their application an additional statement signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing they meet the requirements of RSA 72:29, V.

VI. The assessing officials may require applicants for any exemption or tax credit to file the information listed in RSA 72:34, or the statement required by RSA 72:33, V periodically but no more frequently than annually. Failure to file such periodic statements may, at the discretion of the assessing officials, result in a loss of the exemption or tax credit for that year.

7 Investigation of Application. Amend the introductory paragraph of RSA 72:34, I to read as follows:

I. On receipt of an application provided for in RSA 72:33 **or RSA 72:38-a**, the selectmen or assessors shall examine it as to the right to the tax exemption, tax deferral or tax credit, the ownership of the property listed, and, if necessary, the encumbrances reported.

8 Tax Credit for Service-Connected Disability; Optional Amount Increased. Amend RSA 72:35 to read as follows:

72:35 Tax Credit for Service-Connected Total Disability.

I. Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a **standard** yearly tax credit in the amount of \$700 of property taxes on the person's residential property.

I-a. The optional tax credit for service-connected total disability, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$701 up to \$2,000. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto.

I-b. Either the standard tax credit for service-connected total disability or the optional tax credit for service-connected total disability shall be subtracted each year from the property tax on the person's residential property.

II. The **standard or optional** tax credit ~~[in paragraph I]~~ **under this section** may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III.(a) Any person applying for the **standard or optional** tax credit ~~[granted in paragraph I]~~ **under this section** shall furnish to the assessors or selectmen certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection. The assessors or selectmen shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.

(b) Any decision to deny an application shall identify the evidence upon which the decision relied and shall be made within the time period provided by law.

(c) Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

~~[IV-(a) Upon its adoption by a city or town as provided in RSA 72:35-a, any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of \$1,400 of property taxes on the person's residential property.~~

~~(b) The tax credit in subparagraph (a) may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to the taxes due on any land or buildings appurtenant to the residence or to manufactured housing, if that is the principal place of abode.~~

~~(c) Applications for this credit shall be made in the manner prescribed by paragraph III. Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.]~~

9 Interpretation; Rules. Amend RSA 72:36, I to read as follows:

I. ~~[His]~~ **The commissioner's** interpretation of RSA 72:28, ~~[72:28-a,]~~ 72:29, 72:29-a, ~~[72:29-b,]~~ 72:30, 72:31, 72:32, 72:33, 72:33-a, 72:34, 72:34-a, 72:35, ~~[72:35-a]~~ and 72:36-a; and

10 Exemption for the Blind; Reference Changed. Amend RSA 72:37 to read as follows:

72:37 Exemption for the Blind. Every inhabitant who is legally blind as determined by the blind services program, bureau of vocational rehabilitation, department of education shall be exempt each year on the assessed value, for property tax purposes, of his or her residential real estate to the value of \$15,000, and a city or town may exempt any amount it may determine is appropriate to address significant increases in property values in accordance with the procedures in RSA ~~[72:36-b]~~ **72:27-a**. The term "residential real estate" as used in this section shall mean the same as defined in RSA 72:29. All applications made under this section shall be subject to the provisions of RSA 72:33 and RSA 72:34.

11 Exemption for the Disabled; Optional Extension Added. Amend RSA 72:37-b to read as follows:

72:37-b Exemption for the Disabled.

I. Upon its adoption by a city or town as provided in RSA ~~[72:37-e]~~ **72:27-a**, any person who is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

I-a. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, a person eligible under Title II or Title XVI of the federal Social Security Act on his or her sixty-fifth birthday shall remain eligible for a yearly exemption either in the amount of the exemption applicable under paragraph I or the amount of the elderly exemption granted to the person under RSA 72:39-b, whichever is greater.

II. The ~~[exemption]~~ **exemptions** in paragraph I **and I-a** may be applied only to property which is occupied as the principal place of abode by the disabled person. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode. ***Nothing in this section shall preclude a qualified applicant from earning an income.***

III. No exemption shall be allowed under paragraph I or I-a unless the person applying for an exemption:

(a) Had, in the calendar year preceding said April 1, a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount determined by the city or town for purposes of paragraph I or I-a. Under no circumstances shall the amount determined by the city or town be less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

(1) Life insurance paid on the death of an insured.

(2) Expenses and costs incurred in the course of conducting a business enterprise.

(3) Proceeds from the sale of assets.

(b) Owns net assets not in excess of the amount determined by the city or town for purposes of paragraph I, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 or, if married, combined net assets in such greater amount as may be determined by the town or city. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

IV. Additional requirements for an exemption under paragraph I or I-a shall be that the property is:

(a) Owned by the resident;

(b) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the requirements for the exemption claimed;

(c) Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable requirements for the exemption claimed; or

(d) Owned by a resident, or the resident's spouse, either of whom meets the requirements for the exemption claimed, and when they have been married to each other for at least 5 consecutive years.

12 Tax Deferral for Elderly and Disabled; Residency for Disabled Applicant. Amend RSA 72:38-a, I(b) to read as follows:

(b) Has owned the homestead for at least 5 consecutive years if the person qualifies as an elderly applicant, or has owned the homestead for at least one year if the person qualifies as a disabled applicant; and

13 New Paragraph; Tax Deferral for the Elderly or Disabled. Amend RSA 72:38-a by inserting after paragraph II the following new paragraph:

II-a. No person shall be entitled to the deferral under this section unless the person has filed with the selectmen or assessors, by March 1 following the date of notice of tax under RSA 72:1-d a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the deferral is claimed and that the applicant is duly qualified at the time of application. Any person who changes residence after filing such a permanent application shall file an amended permanent application on or before December 1 immediately following the change of residence. The filing of the permanent application shall be sufficient for said persons to receive a deferral on an annual basis so long as the applicant does not change residence; provided, however, that towns and cities may require an annual application for the tax deferral authorized for the elderly and disabled by this section. The form shall include the following and such other information deemed necessary by the commissioner:

(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting a deferral.

(b) Sections for information concerning the applicant, the property for which the relief is sought, and other properties

owned by the person applying.

(c) A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or in part.

(d) A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

14 Conditions for Elderly Exemption; Consecutive Years of Residence; Net Income and Assets for Married Persons. Amend RSA 72:39-a, I to read as follows:

I. No exemption shall be allowed under RSA 72:39-b unless the person applying therefor:

(a) Has resided in this state for at least 5 **consecutive** years preceding April 1 in the year in which the exemption is claimed.

(b) Had in the calendar year preceding said April 1 a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount **applicable to each age group as** determined by the city or town for purposes of RSA 72:39-b. Under no circumstances shall the amount determined by the city or town be less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

(1) Life insurance paid on the death of an insured;

(2) Expenses and costs incurred in the course of conducting a business enterprise;

(3) Proceeds from the sale of assets.

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of RSA 72:39-b, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000. **A city or town may set a combined net assets amount for married persons in such greater amount as the legislative body of the city or town may determine.** "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

15 New Paragraph; Exemption for Surviving Spouse; Combined Net Asset Amount. Amend RSA 72:39-a by inserting after paragraph II the following new paragraph:

III. Upon the death of an owner residing with a spouse pursuant to paragraph II(b) or II(d), the combined net asset amount for married persons determined by the city or town shall continue to apply to the surviving spouse for the purpose of the exemption granted under RSA 72:39-b until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

16 Procedure for Adoption and Modification of the Elderly Exemption. RSA 72:39-b is repealed and reenacted to read as follows:

72:39-b Procedure for Adoption and Modification of Elderly Exemption.

I. A town or city may adopt or modify elderly exemptions by the procedure in RSA 72:27-a.

II. An elderly exemption, based on assessed value for qualified taxpayers, shall be granted for a different dollar amount determined by the town or city, to a person 65 years of age up to 75 years, to a person 75 years of age up to 80 years, and to a person 80 years of age or older. To qualify, the person must have been a New Hampshire resident for at least 5 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income in each applicable age group of not more than a dollar amount determined by the town or city of not less than \$13,400 or, if married, a combined net income of not more than a dollar amount determined by the town or city of not less than \$20,400; and own net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the person's residence or, if married, combined net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the residence. Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

17 Exemption for the Solar Energy Systems; Reference Changed. Amend RSA 72:62 to read as follows:

72:62 Exemption for Solar Energy Systems. Each city and town may adopt under RSA ~~[72:63]~~ **72:27-a** an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a solar energy system as defined in RSA 72:61.

18 Exemption for the Wind-Powered Energy Systems; Reference Changed. Amend RSA 72:66 to read as follows:

72:66 Exemption for Wind-Powered Energy Systems. Each city and town may adopt under RSA ~~[72:67]~~ **72:27-a** an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a wind-powered energy system.

19 Exemption for the Woodheating Energy Systems; Reference Changed. Amend RSA 72:70 to read as follows:

72:70 Exemption for Woodheating Energy Systems. Each city and town may adopt under RSA ~~[72:71]~~ **72:27-a** an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a woodheating energy system

20 Reference Changed; Special Number Plates. Amend RSA 261:86, I(c) and (d) to read as follows:

(c) Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ **72:28, V**, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be transferable upon death to the surviving spouse of the prisoner of war. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ **72:28, V**, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

21 Reference Changed; Motor Vehicles; Exemption for Prisoners of War. Amend RSA 261:157-a to read as follows:

261:157-a Exemption for Prisoners of Wars. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ **72:28, V**, and who was honorably discharged, provided the person has provided the city or town clerk with satisfactory proof of these circumstances.

22 Reference Changed; Veterans Preference. Amend RSA 283:8, I and II to read as follows:

I. The term "armed forces" shall include those forces listed in RSA ~~[72:28, I]~~ **72:28, IV**.

II. The terms "in time of war" and "during any war" shall include all the terms used in RSA ~~[72:28, III]~~ **72:28, V**.

23 Contingent Amendment; HB 806. Amend the introductory paragraph of RSA 72:27-a, I to read as follows

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, **RSA 72:38-b**, RSA 72:39-a, RSA 72:62, RSA 72:66, or RSA 72:70 in the following manner:

24 Contingent Amendment; HB 806. RSA 72:38-b, VI is repealed and reenacted to read as follows:

VI. Any town or city may adopt, modify, or rescind the provisions of this section in the manner provided in RSA 72:27-a.

25 Contingent Amendment; HB 806 Application for Exemptions or Tax Credits. Amend the introductory paragraph of RSA 72:33, I to read as follows:

I. Except as provided in RSA 72:33-b, no person shall be entitled to the exemptions, deferrals, or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, **38-b**, 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by March 1 following the date of notice of tax under RSA 72:1-d, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption, deferral, or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption, deferral, or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

26 Contingent Amendment 2005; HB 806 Application for Exemptions or Tax Credits. Amend the introductory paragraph of RSA 72:33, I is repealed and reenacted to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by April 15 preceding the setting of the tax rate, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

27 Contingent Effective Date; HB 806; Exemption for Deaf. If HB 806 of the 2003 legislative session becomes law, sections 23, 24, and 25 of this act shall take effect April 1, 2003 at 12:01 a.m. and section 26 of this act shall take effect April 1, 2005 at 12:01 a.m. If HB 806 does not become law, sections 23–26 of this act shall not take effect.

28 Application. The provisions of this act shall not affect any validly adopted or modified property tax credit or exemption by any town or city in effect before the effective date of this act.

29 Repeal. The following are repealed:

I. RSA 72:28-a, relative to adoption of the optional veterans' credit.

II. RSA 72:29-b, relative to adoption of the veterans' surviving spouse credit.

III. RSA 72:35-a, relative to adoption of the credit for service-connected disability.

IV. RSA 72:36-b, relative to adoption of the exemption for the blind.

V. RSA 72:37-c, relative to adoption of the exemption for the disabled.

VI. RSA 72:63, relative to adoption of the exemption for solar energy systems.

VII. RSA 72:67, relative to adoption of the exemption for wind-powered energy systems.

VIII. RSA 72:71, relative to adoption of the exemption for woodheating energy systems.

30 Repeal; 2005. RSA 72:33-b, relative to the optional date for filing for elderly exemptions, is repealed.

31 Effective Date.

I. Sections 6, 7, 13 and 30 of this act shall take effect April 1, 2005.

II. Sections 23-26 of this act shall take effect as provided in section 27 of this act.

III. The remainder of this act shall take effect April 1, 2003.

AMENDED ANALYSIS

This bill:

I. Clarifies the procedure for adopting or modifying property tax exemptions or credits in RSA 72 and repeals various existing provisions which are obsolete or duplicative.

II. Allows towns and cities to adopt an amount of the optional veterans' property tax credit from \$51 to \$500.

III. Effective April 1, 2005, changes the filing date for applications for all exemptions or tax credits, and repeals the additional optional filing date for the elderly exemption.

IV. Allows towns and cities to adopt an optional property tax credit for service-connected total disability in an amount from \$701 up to \$2,000.

V. Allows municipalities to adopt an extension of the property tax exemption for disabled persons who are 65 years of age or older.

VI. Lowers the residency requirement for a disabled person applying for a deferral of property taxes pursuant to the tax deferral program for the elderly and disabled.

VII. Allows for the adoption by municipalities of a married persons' combined net income and net asset qualification for purposes of the elderly exemption. Such combined net asset qualification shall apply to a surviving spouse until the sale or transfer of the property, or until the remarriage of the surviving spouse.

VIII. Clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes. 2003-1817h

Amendment to SB 47-FN

Proposed by the Committee on Finance - R

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

AN ACT relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel, relative to a transfer of funds to the highway fund, and relative to oil import and underground storage facility fees.

Amend the bill by replacing all after section 1 with the following:

2 Transfer of Funds; Appropriations.

I. Notwithstanding any other provision of law, the sum of \$200,000 is hereby transferred from the fuel oil discharge cleanup fund established in RSA 146-E:3 to the highway fund.

II. Notwithstanding any other provision of law, the sum of \$700,000 is hereby transferred from the motor oil discharge cleanup fund established in RSA 146-F:3 to the highway fund.

III. Notwithstanding any other provision of law, the sum of \$100,000 is hereby transferred from the New Hampshire oil pollution control fund established in RSA 146-A:11-a to the highway fund.

IV. The sum of \$600,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the highway and bridge betterment account established in RSA 235:23-a. Said appropriation shall be a charge against the highway fund.

V. The sum of \$200,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the department of safety for the purpose of compensating state police officers for overtime worked. Said appropriation shall be a charge against the highway fund.

VI. The sum of \$200,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the department of safety for the purpose of purchasing highway enforcement equipment. Said appropriation shall be a charge against the highway fund.

3 Oil Import Fee. Amend RSA 146-A:11-b, II to read as follows:

II. Any person who imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed by the department of safety under this chapter. The annual fee for the license shall be ~~[\$.001]~~ **\$.00125** per gallon of oil imported into this state. The fee shall be paid monthly by such person to the department of safety. ~~[and then deposited by]~~ **shall deposit the first \$100,000 of fees paid in each fiscal year into the general fund. The remainder shall be deposited** into the oil pollution control fund administered by the department of environmental services. Imposition of the fee shall be based on the records of the person and certified as accurate to the department of safety.

4 Interest Assessed on Overdue Oil Import Fees. Amend RSA 146-A:11-b, IV to read as follows:

IV. Every person who imports or causes to be imported oil shall file a monthly report for the preceding month and shall include all fees due for that reporting period with the department of safety on or before the twentieth day of the following calendar month. Failure to file by the required date or to enclose fees due shall result in the assessment of a 10 percent penalty to be added to the amount of fees due for that month. If no fees are due, a penalty of \$1 per day shall be assessed. Said penalty

shall immediately accrue and thereafter the overdue fees and the penalty shall bear interest at the rate established by the ~~[Internal Revenue Service effective on the first business day of the calendar year. To this rate shall be added 2 percent. In determining the monthly rate, that figure shall be rounded off to the nearest quarter percent]~~ **commissioner of safety under RSA 260:40-a.** The department may waive all or any portion of penalties or interest for good cause.

5 Underground Storage Facility Permit. Amend RSA 146-C:4, II to read as follows:

II. The department shall issue or deny a permit to all facilities registered under RSA 146-C:3 within 90 days of the receipt of the complete registration information. A permit issued under this section shall be displayed on the premises of the underground storage facility at all times. Permits shall be valid for a period of 5 years~~[-except as provided in paragraph III].~~

6 Repeal. The following are repealed:

- I. RSA 146-C:4, III, relative to underground storage facility permit fees.
- II. RSA 146-C:9, IX, relative to collection of underground storage facility permit fees.

7 Effective Date.

- I. Sections 1 and 3-6 of this act shall take effect July 1, 2003.
- II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

- I. Modifies the eligibility and procedures for road toll refunds based on shrinkage or loss by evaporation of motor fuel.
- II. Transfers a total of \$1,000,000 from certain dedicated funds to the highway fund and makes certain appropriations from the highway fund.
- III. Increases the oil import license fee, changes the rate of interest assessed on overdue oil import fees, and repeals underground storage facility permit fees.
- IV. Allocates the first \$100,000 of oil import license fees paid in each fiscal year to the general fund.

2003-1833h

Amendment to SB 62

Proposed by the Majority of the Committee on Municipal and County Government - R

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

AN ACT relative to the application and enforcement of the state building code and the membership of the state building code review board.

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

1 State Building Code; Definition. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code 2000, as published by the International Code Council, and the National Electric Code ~~[1999]~~ **2002**. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

2 State Building Code; Enforcement. Amend RSA 155-A:2, VII to read as follows:

VII. For any municipality which has not adopted an enforcement mechanism ~~[for the state building code]~~ under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings.

3 Building Code Review Board; Number Deleted. Amend introductory paragraph of RSA 155-A:10, I to read as follows:

I. There is established a state building code review board consisting of the commissioner of safety or the commissioner's designee, and ~~[15]~~ additional members appointed by the commissioner of safety as follows:

4 New Subparagraph; Review Board Member Added. Amend RSA 155-A:10, I by inserting after subparagraph (o) the following new subparagraph:

(p) One master electrician licensed in this state for a minimum of 5 years, nominated by Electrical Contractors Business Association.

5 Initial Term of New Member. The initial term of the master electrician appointed under RSA 155-A:10, I(p) as inserted by this act shall coincide with the remaining term for the master electrician appointed under RSA 155-A:10, I(n). Subsequent terms shall be for 3 years.

6 Building Code Review Board; Rulemaking. Amend RSA 155-A:10, V to read as follows:

V. The board may adopt rules to update or change the state building code ~~[manuals]~~ for the codes described in RSA 155-A:1, IV, to the extent the board deems that such updates or changes are necessary, provided that any such updates or changes are ratified by the adoption of appropriate legislation within 2 years of their adoption. If such updates or changes are not ratified, then the rules shall expire, notwithstanding RSA 541-A:17, I, at the end of the 2-year period. With the approval of the commissioner of safety, the board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to procedures of its operation and appeals to the board.

7 Planning and Zoning; State Building Code Enforcement. Amend RSA 674:51, I to read as follows:

I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that such additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, and the provisions of a nationally recognized code that are not included in and are not inconsistent with the state building code. ***Any local enforcement process adopted prior to the effective date of this paragraph shall remain in effect unless it conflicts with the state building code or is amended or repealed by the municipality.***

8 New Section; Planning and Zoning; Local Adoption of Building Codes by Reference. Amend RSA 674 by inserting after section 51 the following new section:
674:51-a Local Adoption of Building Codes by Reference. In addition to the local powers under RSA 674:51 a municipality may adopt by reference any of the codes promulgated by the International Code Conference which are not included in the state building code under RSA 155-A.

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

AMENDED ANALYSIS

This bill clarifies the definition and application of the state building code, and the enforcement by local authorities. The bill also adds a member to the state building code review board.
2003-1757h

**Amendment to SB 63-FN-A-LOCAL
Proposed by the Committee on Finance - R**

Amend RSA 162-N:8 as inserted by section 2 of the bill by replacing it with the following:
162-N:8 Rules. The commissioner of revenue administration shall adopt rules, under RSA 541-A, relative to documentation of the credits claimed under this chapter. The commissioner of resources and economic development shall, in consultation with the executive director of the community development finance authority, adopt rules, under RSA 541-A, relative to the administration and implementation of this chapter. The rules adopted by the commissioner of resources and economic development shall include provisions relative to:

- I. Establishment and certification of CROP zones.
 - II. Criteria for and approval of projects in CROP zones, including jobs per dollar thresholds.
 - III. Fees which the commissioner of resources and economic development may charge to each applicant to cover the reasonable costs of the state's administration of the applicant's participation in the CROP zone.
- Amend RSA 162-N:9 as inserted by section 2 of the bill by replacing it with the following:

162-N:9 Reports. The commissioner of resources and economic development shall furnish a report annually to the governor, the senate president, the speaker of the house, and the fiscal committee which describes the results of the CROP zone program, and shall include any recommendations for further legislation regarding CROP zones.
2003-1305h

**Amendment to SB 76
Proposed by the Minority of the Committee on Education - R**

Amend the bill by replacing all after section 3 with the following:
4 Review of Nonrenewal Decision. RSA 189:14-b is repealed and reenacted to read as follows:
189:14-b Appeal of Nonrenewal Decision.
I. A teacher aggrieved by a nonrenewal decision may appeal to the school board and superintendent for review of such decision. The petition for appeal shall be in writing and submitted to the superintendent within 10 days of the nonrenewal decision. Upon receipt of such petition, the superintendent shall notify the school board and shall schedule a hearing within 10 days of receipt of the petition. A decision shall be issued in writing within 10 days after the hearing.
II. A teacher aggrieved by an unfavorable decision issued under paragraph I may, within 10 days of such decision, request binding arbitration. An arbitrator certified by the American Arbitration Association shall be agreed upon by the parties and the decision of the arbitrator shall be final and binding upon both parties. The parties involved shall share the costs of arbitration in equal measure.
III. The procedures set forth in this section constitute the exclusive remedy available on the issue of nonrenewal of a teacher's contract.
5 Applicability. Section 4 of this act shall not be construed to alter, amend, or modify any existing collective bargaining agreement in effect upon the effective date of this act, but shall apply upon the expiration and subsequent renegotiation of each collective bargaining agreement.
6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies the process for nonrenewal of teacher contracts and the appeal of nonrenewal decisions.
2003-1842h

Amendment to SB 77

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to town charter provisions for bond votes using official ballot voting procedures, relative to the 2003 apportionment of county taxes in Coos county, and ratifying the Hampton Beach village district annual meeting.

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

① Town Charters; Official Ballot Procedures; Bonds Issues. Amend RSA 49-D:3, II-a to read as follows:

II-a. Official ballot town meeting shall be a variation of the open town meeting which provides for voting on some or all warrant articles, including part or all of the annual town operating budget, by official ballot. In such event, the open town meeting shall be vested only with the limited authority to vote on all matters not voted on by official ballot. When an official ballot town meeting is included in any charter, the provisions of general law relative to town meetings, their warning, the right for petitioned articles at such meetings, **and** the conduct of such meetings~~[-and the type of majority required for bond issues]~~ shall apply to the official ballot and open town meeting in all respects. ***The majority vote required to approve bonds or notes shall be either 2/3 or 3/5 as adopted and provided for in the charter. If a charter is silent with regard to such required majority, then the majority vote shall be 2/3.*** When a charter provides for an official ballot town meeting it shall also specify with precision the budgetary items to be included on the official ballot, a finalization process for the annual budget, the process for public hearings, debate, discussion, and amendment of questions to be placed on the official ballot, the procedures for the transfer of funds among various departments, funds, accounts, and agencies as may be necessary during the year, and the applicability of the official ballot procedure to special meetings. All voting by official ballot shall be in accordance with the procedures established in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours. Nonbudgetary items may be placed on the official ballot pursuant to this section notwithstanding the provisions of RSA 40:4-e and RSA 39:3-d.

② Adjustment to Coos County Apportionment for 2002; Wentworth's Location Warrant. As a modification to the 2003 property tax rates, the department of revenue administration shall adjust the 2003 Coos county apportionment among cities, towns, and unincorporated places by the amount of \$11,257, which is equal to the 2002 apportionment for Wentworth's Location resulting from an incorrect application of the 2001 equalized valuation percentage. Notwithstanding any other provision of law, for the tax year beginning April 1, 2003, the equalized value to be used to calculate the statewide education property tax warrant for the unincorporated place of Wentworth's Location shall be \$5,567,771.

③ Ratification of the 2003 Hampton Beach Village District Annual Meeting. All acts, notices, votes, and proceedings of the Hampton Beach village district annual meeting held on March 28, 2003 are hereby legalized, ratified, and confirmed.

④ Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Allows political subdivisions that have adopted a town charter the option of a 2/3 or a 3/5 majority when voting on bonds or notes.

II. Requires the department of revenue administration to adjust the 2003 county taxes for Coos county and the statewide education property tax warrant for Wentworth's Location.

III. Ratifies the 2003 Hampton Beach village district annual meeting.

2003-1652h

Amendment to SB 85-FN

Proposed by the Committee on Finance - C

Amend RSA 186-C:18, VI (a) as inserted by section 2 of the bill by replacing it with the following:

(a) Catastrophic aid payments under paragraph III on or before January 1~~[-School]~~, ***provided that school*** districts shall ***annually*** submit their catastrophic costs ***for the immediately preceding school year*** to the state board of education by ~~[June 30]~~ ***July 31*** ~~[of each fiscal year]~~. The state board of education shall then verify the cost and distribute the appropriate amounts for the previous ~~[fiscal]~~ year on or before January 1 of each ~~[fiscal]~~ year.

2003-1758h

Amendment to SB 86-FN

Proposed by the Committee on Finance - C

Amend the bill by replacing section 4 with the following:

④ Department of Health and Human Services; Plan for Accreditation by the Council on Accreditation for Children and Family Services. The department of health and human services shall develop a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. The plan shall contain (1) inputs, including staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements, and any other costs associated with achieving accreditation, and (2) outcomes, including an assessment, based on statistical and other evidence, of the impact of accreditation on the number of abused and neglected children, the nature of their abuse and neglect and the relationships between such children and their families. The plan shall be submitted by February 1, 2004 to the governor, the president of the senate, the chairs of the finance and public institutions, health and human services committees of

the senate, the speaker of the house of representatives, the chairs of the finance and children and family law committees of the house of representatives, the legislative budget assistant, the advisory board established in RSA 170-G:6, and the New Hampshire child fatality review committee.

Amend the bill by deleting section 5 and renumbering the original sections 6-8 to read as 5-7, respectively.

AMENDED ANALYSIS

This bill:

- I. Requires the department of health and human services to publicly disclose certain information regarding abuse and neglect cases if the disclosure would not be contrary to the best interests of the child and if there has been a fatality or near fatality resulting from abuse or neglect.
- II. Requires the department of health and human services to submit a plan to obtain accreditation by the Council on Accreditation for Children and Family Services.
- III. Extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county.

2003-1840h

Amendment to SB 107-FN-A-LOCAL
Proposed by the Committee on Finance - R

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

AN ACT establishing a statewide education accountability system and relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

Amend RSA 193-C:9 as inserted by section 5 of the bill by replacing it with the following:

193-C:9 Local Education Improvement and Assessment; Funding.

- I. The department of education is authorized to use any amounts appropriated for any of the following purposes:
 - (a) To support and administer the local education improvement plan program.
 - (b) To collect, analyze, and report the demographic and educational improvement data.
 - (c) To assist local school staff with the analysis and use of school performance data.
 - (d) To provide grants as available to school districts for local school improvement.
 - (e) To provide a system of annual recognition to identify best practices and promote school improvement.
- II. The priority for the use of any funds under this section shall be given to lower-performing schools.

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

§ New Program Appropriation Unit; Department of Education; School Accountability. Amend HB 1-A of the 2003 legislative session by inserting after PAU 06, 03, 02, 02, 04 the following:

06 EDUCATION

03 DEPARTMENT OF EDUCATION

02 OFFICE OF THE DEP COMMISSIONER

02 FINANCIAL AID TO DISTRICTS- ST.

05 SCHOOL ACCOUNTABILITY

90 SCHOOL ACCOUNTABILITY 394,000 394,000

TOTAL 394,000 394,000

ESTIMATED SOURCE OF FUNDS

FOR SCHOOL ACCOUNTABILITY

00 FEDERAL FUNDS 394,000 394,000

TOTAL 394,000 394,000

§ Department of Education; Drug Free Schools; Class Line 93 Amended. Amend PAU 06, 03, 03, 01, 05, 93 of HB 1-A of the 2003 legislative session by making the following changes and changing subtotals and totals as hereinafter specified to reflect the following changes:

Strike out:

93 GRANTS TO LEA'S 3,716,339 4,700,000

TOTAL 3,980,718 4,979,747

ESTIMATED SOURCE OF FUNDS FOR

DRUG FREE SCHOOLS

00 FEDERAL FUNDS 3,980,718 4,979,747

TOTAL 3,980,718 4,979,747

Insert in place thereof:

93 GRANTS TO LEA'S 3,322,339 4,306,000

TOTAL 3,586,718 4,585,747

ESTIMATED SOURCE OF FUNDS FOR

DRUG FREE SCHOOLS

00 FEDERAL FUNDS 3,586,718 4,585,747

TOTAL 3,586,718 4,585,747

10 Purpose. The federal No Child Left Behind Act (NCLBA) of 2001 (H.R. 1) directs those states that participate in it to make many meritorious improvements in their system of public education. Furthermore, contrary to state experience with other federal laws, NCLBA was enacted as a fully-funded federal law as directed by federal Public Law 104-4 of 1995 and section 9527 of NCLBA which curb the practice of imposing unfunded federal mandates on states and local governments. Therefore, the general court hereby directs that general funds not be expended on the NCLBA and that school districts also prohibited from such expenditures.

11 New Subdivision; State Compliance with the No Child Left Behind Act of 2001; General Funds Prohibited. Amend RSA 21-N by inserting after section 11 the following new subdivision:
Compliance with the No Child Left Behind Act

21-N:12 Compliance with No Child Left Behind. Notwithstanding any provision of law to the contrary:

I. No general funds of the state or any of its political subdivisions shall be appropriated, expended, or encumbered to implement the federal No Child Left Behind Act of 2001 (NCLBA).

II. A school district or other political subdivision may, upon a majority vote of its legislative body, be exempt from all state administrative rules or regulations of any kind, adopted for the purpose of implementing NCLBA if the cost of compliance with such rules or regulations is not fully covered by the additional federal funds received by the school district or other political subdivision.

III. The state board of education and the commissioner of the department of education are hereby prohibited from adopting any new administrative rules or regulations, or amending existing administrative rules or regulations for the purpose of complying with NCLBA until 60 days after the submission of a written report detailing such new or amended rules or regulations to the house and senate education committees.

IV. No additional costs incurred by the state or any of its political subdivisions in implementing NCLBA shall be included in calculating the cost of an adequate education pursuant to RSA 198:40.

12 New Paragraph; Adequate Public Education; Statewide Testing. Amend RSA 193-E:3 by inserting after paragraph II the following new paragraph:

III. The results of any statewide testing required under the No Child Left Behind Act of 2001 shall be ranked by the commissioner of the department of education by individual school and grade level performance. The rankings shall be made available to the public arranged by numerical rank order and alphabetical order no later than 30 days after the results are available to the commissioner of the department of education. No test shall be ranked until the commissioner of the department of education submits to the house and senate education committees a written explanation of the ranking methodology to be used.

13 Report. No later than January 1 of each year, the commissioner of the department of education shall submit to the house and senate education and finance committees a statement of expenditures by the state and by school districts necessitated by the No Child Left Behind Act of 2001 in the immediately prior fiscal year, and the sources of funding used for such expenses.

14 Severability. If any provision of sections 10-13 of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

15 Contingency. If HB 1-A of the 2003 legislative session is enacted into law, sections 8-9 of this act shall take effect July 1, 2003 at 12:01 a.m. If HB 1-A of the 2003 legislative session is not enacted into law, sections 8-9 of this act shall not take effect.

16 Effective Date.

I. Paragraph II of section 6 of this act shall take effect June 30, 2005.

II. Section 8-9 of this act shall take effect as provided in section 15 of this act.

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

AMENDED ANALYSIS

This bill:

I. Establishes a statewide education accountability system which includes school performance standards, the creation of an education improvement fund, and the development of a local school improvement plan in each school district.

II. Prohibits the spending of state general funds for compliance with the federal No Child Left Behind Act of 2001 (NCLBA).

III. Allows school districts to exempt themselves from compliance with NCLBA by a majority vote of the legislative body if the cost of compliance is not fully covered by the additional federal funds received by the school district or other political subdivision.

IV. Directs the department of education to ensure that no costs associated with NCLBA shall be included in the calculation of the cost of an adequate education.

V. Requires the department of education to submit a financial report for expenditures and sources of funding to the house

and senate education and finance committees on an annual basis.
2003-1713h

Amendment to SB 110

Proposed by the Majority of the Committee on Commerce - R

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

AN ACT relative to small group health insurance coverage and relative to health plan loss information.

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

1 Definition; "Base Rate." RSA 420-G:2, I is repealed and reenacted to read as follows:

I. "Base rate" means a single rate reflecting the carrier's average cost of actual or anticipated claims for all health coverages or health benefit plans the carrier writes and maintains in a market, including the nongroup individual health insurance market and the small employer group health insurance market.

2 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Health coverage plan rate" means a rate that is uniquely determined for each of the coverages or health benefit plans a health carrier writes and that is derived from the base rate through the application of factors that reflect actuarially demonstrated differences in expected utilization or cost attributable to differences in the coverage design and/or the provider contracts that support the coverage.

3 Definition of Large Employer. Amend RSA 420-G:2, XII(a) to read as follows:

XII.(a) "Large employer" means an employer that employed on average at least ~~[404]~~ 51 persons, on business days, during the previous calendar year.

4 Definition of a Small Employer. Amend RSA 420-G:2, XVI(a) to read as follows:

XVI.(a) "Small employer" means a business or organization which employed on average, one and up to ~~[400]~~ 50 employees, including owners and self-employed persons, on business days during the previous calendar year. A small employer is subject to this chapter whether or not it becomes part of an association, multi-employer plan, trust, or any other entity cited in RSA 420-G:3 provided it meets this definition.

5 Premium Rates for Small Employers. RSA 420-G:4, I is repealed and reenacted to read as follows:

I. Health carriers providing health coverage to individuals and small employers under this chapter shall be subject to the following:

(a) All premiums charged shall be guaranteed for at least 12 months, unless otherwise allowed by the commissioner.

(b) Base rate shall be established by each health carrier for all of its health coverages offered to individuals and, separately, for all of its health coverages offered to small employers.

(c) Health carriers shall calculate health coverage plan rates for each of the coverages or health benefit plans written by that carrier. Variations in health coverage plan rates shall be solely attributable to variations in expected utilization or cost due to differences in coverage design and/or the provider contracts or other provider costs associated with specific coverages and shall not reflect differences due to the nature of the groups or eligible persons assumed to select particular health coverages.

(d) In establishing the premium charged, health carriers providing coverage to individuals shall calculate a rate that is derived from the health coverage plan rate through the application of rating factors that the carrier chooses to utilize for age, health status, and tobacco use. Such factors may be utilized only in accordance with the following limitations:

(1) The maximum premium differential for age as determined by ratio shall be 4 to 1. The limitation shall not apply for determining rates for an attained age of less than 19.

(2) The maximum differential due to health status shall be 1.5 to 1 and the maximum differential rate due to tobacco use shall be 1.5 to 1. Rate limitations based on health status do not apply to rate variations based on an insured's status as a tobacco user.

(3) Permissible rating characteristics shall not include changes in health status after issue.

(e) In establishing the premium charged, health carriers providing coverage to small employers shall calculate a rate that is derived from the health coverage plan rate through the application of rating factors that the carrier chooses to utilize for age, group size, industry classification, geographic location, and health status. Such factors may be utilized only in accordance with the following limitations:

(1) Carriers may use the attained age of covered persons as a rating factor. However, the maximum premium differential for age as determined by ratio shall be 4 to 1 beginning with age 19.

(2) Carriers modifying such average premium for age may do so only by using the following age brackets:

0 - 18
19 - 24
25 - 29
30 - 34
35 - 39
40 - 44
45 - 49

50 - 54

55 - 59

60 - 64

65 +

(3) Carriers may use group size as a rating factor. However, the highest factor based on group size shall not exceed the lowest factor based on group size by more than 20 percent; provided that for groups of one, an additional 10 percent rating factor shall be allowed from the highest factor.

(4) Carriers may use the small employer group's industry classification as a rating factor. However, the highest factor based on industry classification shall not exceed the lowest factor based on industry classification by more than 20 percent.

(5) Carriers may use the small employer group's geographic location as a rating factor. However, the highest factor based on geographic location shall not exceed the lowest factor based on geographic location by more than 15 percent.

(6) Carriers may use the health status of the small employer group as a rating factor. However, the application of a health status factor shall be subject to the following limitations:

(A) The health status factor may reflect health status of covered persons, the small employer's claim experience, or the duration of coverage since health statements were last provided.

(B) Variations from the arithmetic average of the highest rate charged to the lowest rate charged shall not exceed 25 percent.

(C) Upon the renewal of a small employer policy, any increase in the premium rate that is solely attributable to changes in the health status factor from the prior year shall be no more than 15 percent.

(7) Upon the renewal of a small employer policy, a carrier is prohibited from increasing the premium rate by more than 25 percent of the rate that was charged in the preceding year. Such rate increase limitation shall not include any premium rate increase that is based on a carrier's annual cost and utilization trends or changes in the rating factor for attained age of covered persons.

(f) Each rating factor that a carrier chooses to utilize shall be reflective of claim cost variations that correlate with that factor independently of claim cost variations that correlate with any of the other allowable factors.

(g) The same rating methodology shall apply to newly covered individuals and to individuals renewing at each annual renewal date, or to new small employers and small employers renewing at each annual renewal date or anniversary date. Rating methodology shall not be construed to include health carrier incentives to individual subscribers or members to participate in wellness and fitness programs provided such incentives are approved by the insurance department.

(h) The commissioner shall not approve any filing if such filing is excessive, inadequate or contrary to the intent of this chapter.

6 New Paragraph; Premium Rates. Amend RSA 420-G:4 by inserting after paragraph II the following new paragraph:

III. A health carrier, when determining the premium charged to a large employer group that employs from 51 to 100 employees, shall calculate the rate using a weighted average calculation consisting of the group's experience and the carrier's large employer group pool experience. The weight used for the group's experience shall be no more than 25 percent and the weight used for the experience of the carrier's large employer group pool shall be a minimum of 75 percent.

7 Medical Underwriting. RSA 420-G:5 is repealed and reenacted to read as follows:

420-G:5 Medical Underwriting.

I Health carriers providing health coverage for individuals or small employer groups may perform medical underwriting, including the use of health statements or screenings or the use of prior claims history, to the extent necessary to establish or modify premium rates as provided in RSA 420-G:4. Such underwriting shall be limited to the use of a standardized health statement for use in adjustments to rating pursuant to RSA 420-G:4. The commissioner shall, by rule, require carriers to use standardized health statements.

II. Health carriers providing health coverage for individuals may refuse to write or issue coverage to an individual because of his or her health status. Regardless of claim experience, health status, or medical history, health carriers providing health coverage for small employers shall not refuse to write or issue any of their available coverages or health benefit plans to any small employer group that elects to be covered under that plan and agrees to make premium payments and meet the other requirements of the plan.

III. Health carriers providing health coverage for small employer groups shall not knowingly provide health coverage to groups where the employer has discriminated based on health status or claims history against any employee or potential employee or his or her dependents with respect to participation in an employer-sponsored health benefit plan.

IV. Health carriers shall not offer riders or endorsements to exclude certain illnesses or health conditions in order to avoid the purpose of this chapter.

V. Individual health insurance carriers shall be responsible for ascertaining the eligibility of any individual applicant or insured for high risk pool coverage. If a carrier determines that an individual meets any of the eligibility criteria set forth in RSA 404-G:5-e, the carrier shall give the individual written notice, with the declination of coverage, the coverage offering or

upon a rate increase at renewal. The notice shall include information about available benefits and exclusions of high risk pool coverage and the name, address, and telephone number of the pool administrator or the administrator's designee.

VI. It shall constitute an unfair trade practice under RSA 417 for an insurer, insurance producer, or third party administrator to refer an individual employee to the pool, or arrange for an individual employee to apply to the pool, for the purpose of separating that employee from group health insurance coverage provided in connection with the employee's employment.

8 Qualified Association Trust. RSA 420-G:10 is repealed and reenacted to read as follows:

420-G:10 Qualified Association Trust.

I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV, shall:

(a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small employer members with 50 or fewer employees based upon the association's group experience, except that no rating factor shall be utilized without the express written consent of the association.

(b) Offer all eligible members, as defined under the applicable trust or other documents, coverage and rates on a guaranteed issue and renewable basis.

(c) Comply with the regulations concerning medical underwriting in RSA 420-G:5.

(d) Comply with the preexisting conditions provision of RSA 420-G:7.

II. Nothing in this chapter shall be interpreted to limit the size of employers who may participate in coverage with a qualified association trust.

9 Group Health Insurance; Health Plan Loss Information. RSA 420-G:12-a is repealed and reenacted to read as follows:

420-G:12-a Health Plan Loss Information.

I. To ensure maximum competition in the purchase of group health insurance, all private and public employers with at least 50 employees enrolled in their group health plan shall be entitled to receive their specific health plan loss information upon request and without charge. No contract between any health carrier, third-party administrator, employer group or pool of employers shall abridge this right in any manner.

II. Upon written request from any private or public employer with 50 or more employees enrolled in its group health plan, every health carrier, third-party administrator, pooled risk management program under RSA 5-B or any other type of multiple employer health plan shall provide that employer's loss information within 30 calendar days of receipt of the request. The loss information shall include all physician, hospital, prescription drug, and other covered medical claims specific to the employer's group plan incurred for the 12-month period paid through the 14 months which end within the 60-day period prior to the date of the request. An employer shall not be entitled by this section to more than 2 loss information requests in any 12-month period; however, nothing shall prohibit a carrier from fulfilling more frequent requests on a mutually agreed-upon basis.

III. If an employer requests loss information from an insurance agent or other authorized representative, including an administrator of a pooled risk management program or a multiple employer health plan, the agent or authorized representative shall transmit the request to the health carrier or carriers or third-party administrator within 4 working days.

10 Commissioner's Requested Information. Amend RSA 420-G:14-a to read as follows:

420-G:14-a Requested Information.

I. As authorized in accordance with RSA 420-G:14, the commissioner may request the submission of such information by carriers as is necessary to better understand the coverage history and choices of participants in the nongroup market. The commissioner shall make every attempt to ensure the reasonableness of such request, both in terms of scope and timeframe, and to limit this request to information the commissioner deems necessary to better understand the dynamics of the nongroup health insurance market and to assess the appropriateness of alternative sources of funding for the nongroup subsidy.

II. The commissioner shall request and health carriers shall supply information no later than April 1 of each year sufficient to report on the distribution of rating factors being applied to small employers. The commissioner's report shall summarize the rating factors utilized by health carriers in the preceding calendar year.

III. The commissioner shall request and health carriers shall supply information no later than April 1 of each year sufficient to report on the types of health coverage being purchased by individuals and employers by geographic area. The report shall include specific details regarding the type of coverage, including, but not limited to, co-pays, out-of-pocket maximums, network restrictions, and deductibles.

IV. The commissioner shall file the required reports by July 1 of each year with the senate president, the speaker of the house, the chairperson of the house commerce committee, and the chairperson of the senate insurance committee.

11 Preexisting Condition Exclusion Periods. Amend RSA 420-G:7, I(a) to read as follows:

(a) No preexisting condition exclusion shall extend beyond a period of [3] **9** consecutive months ~~[while the person's health coverage is in force and during which the person incurred no medical treatment expenses in connection with the preexisting condition, or beyond 6 consecutive months while the person has been continuously covered and actively at work full-time, or beyond 12 months]~~ after the effective date of the person's health coverage; and

12 Preexisting Condition Exclusion Periods. Amend RSA 420-G:7, II(a) to read as follows:

(a) No preexisting condition exclusion period shall extend beyond a period of ~~[3]~~ **9** consecutive months ~~[ending while the individual's or covered person's health coverage is in force and during which the individual incurred no medical care treatment expenses in connection with the preexisting condition, or beyond 9 months following]~~ **after** the effective date of the person's health coverage.

13 New Section; Legislative Oversight Committee Established. Amend RSA 420-G by inserting after section 14-b the following new section:

420-G:14-c Legislative Oversight Committee.

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

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

14 Repeal. RSA 420-G:4, I(e)(7) relative to increasing the premium rate, is repealed.

15 Repeal. RSA 420-G:4, III, relative to premium rates for certain large employers, is repealed.

16 Repeal. RSA 420-G:8, I(b), relative to medical underwriting, is repealed.

17 Repeal. RSA 420-G:14-c, relative to a legislative oversight committee, is repealed.

18 Effective Date.

I. Section 9 of this act shall take effect September 1, 2003.

II. Section 14 of this act shall take effect January 1, 2005.

III. Section 15 of this act shall take effect January 1, 2006.

IV. Section 17 of this act shall take effect January 1, 2009.

V. The remainder of this act shall take effect January 1, 2004.

AMENDED ANALYSIS

This bill revises the laws relative to small group health insurance. The bill changes the definition of small group employer to employers with 2-50 employees. Current law defines small group employers to have 1-100 employees. The bill establishes a legislative oversight committee on small group health insurance reform.

This bill also allows all private and public employers with at least 50 employees enrolled in their group health plan to receive health plan loss information upon request and without charge.

2003-1650h

Amendment to SB 115

Proposed by the Committee on Finance - R

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$931,000 is hereby appropriated to the department of environmental services for the biennium ending June 30, 2005 for the purpose of implementing information technology and regulatory process improvements. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2003-1764h

Amendment to SB 161

Proposed by the Committee on Finance - C

Amend RSA 498-A:4, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Condemnees who are the subject of a property acquisition shall have a reasonable opportunity to have their property appraised by an independent, qualified appraiser, employed by the condemnees. The condemnor shall reimburse the usual and customary cost of the appraisal up to \$1,000 for each property.

Amend RSA 498-A:4, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The condemnor shall review any independent appraisals prepared under this paragraph for accuracy before formulating a notice of offer.

Amend RSA 498-A:4, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The offer shall remain outstanding and may be accepted by the condemnee until such time as either the condemnor or the condemnee files a petition in the superior court to have the damages reassessed under RSA 498-A:27.

2003-1896h

Floor Amendment to SB 161

Proposed by Rep. Graham

Amend RSA 498-A:4, III(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The condemnor shall make its notice of offer within a reasonable time after the governmental entity, with the statutory authority to condemn, votes to acquire a property.

Amend RSA 498-A:4, III(b)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) That an action to condemn the property in the manner provided by this chapter will be commenced if the offer is not accepted within 30 days after service of the notice. Just compensation for the taking shall be based on the value of the property as of the date of taking or at the sole election of all condemnees, compensation may be based upon the property's value based upon the date the governmental entity, with the statutory authority to condemn, votes to acquire the condemnee's property. Any such election shall occur not later than 30 days from the date of taking by written notice to the board of tax and land appeals and the condemnor.

2003-1824h

Amendment to SB 163-FN
Proposed by the Committee on Finance - R

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

AN ACT transferring the duties of the health services planning and review board, adding a duty to the oversight committee on health and human services, relative to certain health care data, and making an appropriation.

Amend RSA 151-C:4, III(a) as inserted by section 1 of the bill replacing it with the following:

III.(a) No certificate of review shall be granted by the department for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending December 31, 2006, except that a certificate of review shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

Amend RSA 151-C:15 as inserted by section 1 of the bill by replacing it with the following:

151-C:15 Fees.

I.(a) In addition to any other fees required of it, each acute care hospital, specialty hospital, nursing home, and ambulatory surgical center licensed under RSA 151 shall pay an annual administrative fee. The total amount collected shall be equal to the amount actually expended in that year for the health services planning and review component of the department of health and human services or \$700,000, whichever is less. This amount shall be reduced by federal funds available to the department for such purpose. The amount to be collected shall be prorated at the end of each fiscal year among all health care facilities licensed under RSA 151, except those operated by county and municipal governments. Any acute care hospital, specialty hospital, nursing home, or ambulatory surgical center which does not pay the fee required under this paragraph in a timely manner shall not have its license renewed under RSA 151 until such time as the fee is paid.

(b) The department of health and human services may use a portion of the funds collected under subparagraph (a) for the maintenance of the health care information system under RSA 420-G:11-a.

II. All persons filing an application in response to a request for applications shall pay a fee of one percent of the total capital cost of the project with a minimum fee of \$1,500, and a maximum of \$12,000. This paragraph shall not apply to health care facilities operated by counties or municipalities.

III. Persons requesting a standard development or standard review as outlined in RSA 151-C:6 shall pay a fee of \$1,000 if the department determines that a standard review or a standard development process shall occur.

Amend RSA 151-C:16, II as inserted by section 1 of the bill by replacing it with the following:

II. The advisory committee shall consist of 3 public members, appointed by the governor and council. The members shall serve for 3-year terms and until their successors are appointed and qualified; provided, that initially one member shall serve for one year, one member for 2 years, and one member for 3 years. No member of the committee shall serve more than 2 consecutive terms. Geographic diversity shall be maintained.

Amend the bill by replacing section 16 with the following:

16 New Section; Health Care Information System. Amend RSA 420-G by inserting after section 11 the following new section:

420-G:11-a Development of a Comprehensive Health Care Information System. The department and the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive health care information system. The memorandum of understanding shall include a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Information Privacy and Accountability Act (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system. To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state agencies to continuously review health care utilization, expenditures, and performance in New Hampshire and to enhance the ability of New Hampshire consumers and employers to make informed and cost-effective health care choices. User fees shall be assessed for persons and entities requesting data available under this

paragraph. Fees collected under this paragraph shall be deposited into the general fund. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size. Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not include or disclose any data that contains direct personal identifiers. For the purposes of this section, "direct personal identifiers" include information relating to an individual that contains primary or obvious identifiers, such as the individual's name, street address, e-mail address, telephone number, and social security number.

Amend the bill by replacing all after section 17 with the following:

18 Appropriation. The sum of \$200,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2005, for the purposes of the certificate of review process under section 1 of this act and for the purposes of the health care information system under section 16 of this act. This appropriation shall be contingent on the receipt of federal funds in said amount by the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill transfers the duties of the health services planning and review board to the department of health and human services. The bill increases the standard amounts for which a review is necessary. This bill allows applicants to be notified by electronic mail.

This bill adds a new duty to the oversight committee on health and human services.

This bill requires the department of health and human services and the insurance department to collect encrypted health insurance claims data and to collaboratively develop a comprehensive health care information system.

This bill also makes an appropriation contingent upon the receipt of certain federal funds to the department of health and human services for the purposes of the bill.

2003-1825h

Amendment to SB 179-FN-A

Proposed by the Committee on Finance - C

Amend the bill by replacing section 2 with the following:

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

2003-1676h

Amendment to SB 223-FN-A

Proposed by the Committee on Finance - R

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

AN ACT relative to fees for copies of motor vehicle records, relative to the fire standards and training and emergency medical services fund, and relative to the fire standards and training and emergency medical services report and budget.

Amend the bill by replacing section 1 with the following:

1 Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing~~[, and continually appropriated]~~ fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses ~~[as determined by the commissioner of safety]~~ incurred in the administration of the division of fire standards and training, under RSA 21-P:12-a, ~~[and]~~ the division of emergency medical services, under RSA 21-P:12-b, **and the division of fire safety and emergency management, under RSA 21-P:12. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training, the division of emergency medical services, or the division of fire safety and emergency management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.**

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

3 Fire Standards and Training and Emergency Medical Services Report and Budget; Fire Safety and Emergency Management Added. Amend RSA 21-P:12-e to read as follows:

21-P:12-e Fire Standards and Training, ~~[and]~~ Emergency Medical Services, **and Fire Safety and Emergency Management** Report and Budget.

I. The department of safety shall submit an annual report, ~~[beginning on July 1, 2002]~~ **by October 1 of each year**, to the speaker of the house **of representatives**, president of the senate, and the governor and council which shall include, but not be limited to, training and educational programs offered or contracted by the divisions of fire standards and training, ~~[and]~~ emergency medical services, **and fire safety and emergency management**, the development of the technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the budget and revenue projections of ~~[both]~~ **the 3** divisions, the degree of coordination with municipal fire and emergency medical services departments, and the extent of direct aid to municipalities and mutual aid associations.

II. In addition to or in conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include financial responsibility for and the costs of all training and educational programs offered or contracted by the divisions of fire standards and training, ~~and~~ emergency medical services, ***and fire safety and emergency management***, the development of technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the extent of direct aid to municipalities and mutual aid associations, and all revenues and expenditures of the dedicated fund established in RSA 21-P:12-d.

AMENDED ANALYSIS

This bill:

I. Deletes the continual appropriation of the fire standards and training and emergency medical services fund.

II. Authorizes use of the fire standards and training and emergency medical services fund to pay the expenses of administration of the division of fire safety and emergency management.

III. Increases the fee charged to insurance companies and other authorized agents for copies of motor vehicle records.

IV. Adds the division of fire safety and emergency management to the department of safety's fire standards and training and emergency medical services report and budget requirements, and specifies that such reports shall be submitted by October 1 of each year.

This bill is a request of the department of safety.