

State of New Hampshire

HOUSE RECORD

Second Year of the 160th General Court Calendar and Journal of the 2008 Session

Vol. 30	Concord, NH	Friday, May 2, 2008	No. 34
Contains: Hearings, Meetings, Notices, Request for an Opinion of the Justices, Reports and Amendments for May 7.			

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet at 10:00 a.m. on Wednesday, **May 7th** and at 10:00 a.m. on Wednesday, **May 14th**. I anticipate that the House will conclude its work on May 14th, but members should hold open Thursday, **May 15th**, should a House session be necessary.

Terie Norelli, Speaker

NOTICE

Chairs and Vice-Chairs will meet on Tuesday, **May 6th**, from **8:30-9:45 a.m.** in Rooms 210-211 of the LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **May 7** at **9:15 a.m.** in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Tuesday, **May 6** at **10:00 a.m.** (room to be announced) and on **May 7** at **9:00 a.m.** in Rooms 305-307, LOB.

Rep. David W. Hess, Deputy Republican Leader

NOTICE

Please note that the Calendar closes at 1:00 p.m. on Wednesdays for scheduling and notices. It closes at 1:00 p.m. on Thursdays for Committee Reports. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability/assignment and publication of meeting notices.

Karen O. Wadsworth, Clerk of the House

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2008-0292, Request for an Opinion of the Justices (Voting Age in Primary Elections), the court on April 24, 2008, issued the following order:

The following request of the house for an opinion of the justices was adopted on April 23, 2008, and filed with the supreme court on April 24, 2008:

HOUSE RESOLUTION 32

Whereas, Senate Bill 436, “An act enabling certain persons to vote in primaries prior to turning 18 years of age,” is presently pending in the house of representatives; and

Whereas, Senate Bill 436 would provide that a person who is 17 years of age and who otherwise meets voter eligibility requirements may participate in a party’s presidential primary and state primary election, provided that such person will be 18 years of age by the time of the next state general election; and

Whereas, Part I, Article 11 of the Constitution of New Hampshire states: “every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election,” N.H.CONST. pt. I, art. 11; and

Whereas, a question has arisen as to the constitutionality of the bill: and

Whereas, it is important that those constitutional questions be settled before the bill is enacted; now, therefore, be it

Resolved by the House of Representatives:

That the justices of the supreme court be respectfully requested to give their opinion upon the following questions of law:

1. Would enactment of Senate Bill 436 to allow voting in a presidential primary and state primary election by 17-year-old persons who will be 18 years of age at the next state general election, violate Part I, Article 11 of the Constitution of New Hampshire?
2. Would enactment of Senate Bill 436 which places specific responsibilities upon local supervisors of the checklist regarding the registration, voting, and maintenance of the voter checklists involved in allowing voting in a presidential primary and state primary election by 17-year-old persons who will be 18 years of age at the next state general election, violate Part I, Article 28-a, of the Constitution of New Hampshire?

That the clerk of the house of representatives transmit copies of this resolution and Senate Bill 436 to the Justices of the New Hampshire Supreme Court.

Typewritten memoranda on the questions presented by the request may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before May 7, 2008. An original and eight copies of any memorandum must be filed with the clerk’s office.

This order is entered by a single justice (Broderick, C. J.). See Rule 21(7).

**Eileen Fox,
Clerk**

WEDNESDAY, MAY 7 CONSENT CALENDAR

COMMERCE

SB 301-FN, requiring insurers to cover prescriptions for durable medical equipment filled near the patient's residence. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen P Spratt for Commerce: This bill extends the definition found in RSA 420-J:7,11c to include durable medical equipment in the department of insurance's standards for geographic accessibility. The bill does not restrict provision of durable medical equipment shipped by postal service or other common or private carrier and excludes devices used exclusively for the delivery of medication. **Vote 18-0.**

SB 369, relative to the towing and storage of motor vehicles. **REFER FOR INTERIM STUDY.**

Rep. Stephen T DeStefano for Commerce: This bill was requested by the New Hampshire insurance department to give them authority to create a rule relative to storage and towing of automobiles. After the committee worked on the bill it was clear that too many questions were still unanswered so the insurance department asked us to send this bill to study so that a cleaner and clearer bill could be drafted. **Vote 17-0.**

SB 408, establishing a committee to study reverse mortgages. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T DeStefano for Commerce: The committee feels that reverse mortgages are one of many alternative mortgage products that the consumer should be well educated about prior to committing to a contract that potentially could lead to the loss of their home. The better approach is to insure that those selling this product, other variable rate, negatively amortizing products or conventional loans, is to regulate the mortgage originator that markets the product to consumers. The House has passed and the Senate currently holds another bill that will give the NH banking department the power to regulate the mortgage originator responsible for promoting the product and offer consumer protection from the diverse loan products available in today's market. **Vote 18-0.**

SB 468, relative to the reinsurance pool and the New Hampshire vaccine association. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T DeStefano for Commerce: The amendment replaces the entire bill after the enacting clause. This bill now does the following: 1- Requires government plans to participate in the assessment base going forward (and not retroactively) for the vaccine association and the high risk pool. 2 - The government plan will be out of the assessment base that funds the excess losses of the small employer reinsurance pool. 3- Foreign health insurers writing in New Hampshire are included in the assessment base that funds the vaccine association, and this inclusion is both prospective and retrospective. 4- This bill winds down the small employer reinsurance pool by ending the ceding of lives by June 30, 2008; coverage will end by December 31, 2008; no claims may be reported after December 31, 2010 and lives ceded after January 1, 2008 may be de-pooled at the option of the ceding carrier. 5- Gives the NH insurance department the authority to audit the assessment base for the three pools to ensure full participation. **Vote 17-0.**

SB 475, relative to the definition of advance fees in the real estate practice act. **OUGHT TO PASS.**

Rep. Stephen T DeStefano for Commerce: This legislation is intended to clarify that electronic publications that charge advance fees for the listing of real estate for sale advertisements are treated the same as traditional newspapers in terms of an exemption within the Real Estate Practice Act. The Real Estate Practice Act does not require newspapers or other publications of general circulation

to obtain a real estate license to list property for sales advertisements, and passage of this bill will clarify that electronic publications are on the same level as paper publications. This legislation was requested by the New Hampshire Real Estate Commission. **Vote 18-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 212-FN, relative to the regulation of home inspectors. **OUGHT TO PASS.**

Rep. Lori A Movsesian for Criminal Justice and Public Safety: This bill comes to us as a second committee and the policy had already been passed by the full House. The committee reviewed the penalty section and agrees that the penalty is appropriate for the offense. **Vote 11-3.**

SB 346-FN, relative to the regulation of fuel gas fitters by the state fire marshal. **OUGHT TO PASS.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The bill came to us as a second committee and the policy had already passed the full House. The committee reviewed the penalty section and agrees that the penalty is appropriate for the offense. **Vote 14-0.**

SB 499-FN, relative to penalties for unauthorized disclosure of confidential matters in legislative ethics proceedings. **OUGHT TO PASS.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill came to us as a second committee and the policy had already been passed by the full House. The committee reviewed the penalty section and agrees that the penalty is appropriate for the offense. **Vote 14-0.**

SB 500-FN, relative to certain insurance fraud, relative to workers' compensation for employee leasing companies, and establishing a task force on employee misclassification. **OUGHT TO PASS.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: This bill came to us as a second committee and the policy already had been passed by the full House. The committee reviewed the penalty section and agrees that the penalty is appropriate for the offense. **Vote 14-0.**

EDUCATION

SB 418, replacing references to "charter school" with "chartered public school". **OUGHT TO PASS.**

Rep. Claire D Clarke for Education: This bill simply replaces references to "charter school" with "chartered public school." To rectify confusion as to whether charter schools are public or private, this bill clarifies the fact that all charter schools are public schools and that charter schools already approved prior to the effective date of this act should be referred to as "chartered public schools."

Vote 14-1.

SB 459, establishing an advanced manufacturing education advisory council. **OUGHT TO PASS.**

Rep. Sharon M Carson for Education: This bill establishes an advanced manufacturing education council which has two purposes. First, the council will advise the New Hampshire department of education in the implementation, evaluation and expansion of advanced manufacturing curriculum. Additionally, it will assist the New Hampshire department of education in acquiring public and private funding to ensure statewide access for all public high school students to advanced manufacturing coursework. The committee supported creating this council and believes this to be a worthwhile endeavor for New Hampshire's business community and our high school students.

Vote 15-0.

SB 538, relative to the community college system of New Hampshire board of trustees and repealing a motor vehicle regulation statute applicable to the community college system. **OUGHT TO PASS.**

Rep. Sharon M Carson for Education: This bill makes a number of changes to the newly created community college system of New Hampshire board of trustees. It changes the membership from four to eight members of the general public and requires a member from the technology sector. It also states that twelve voting members shall constitute a quorum and requires twelve "yes" votes to elect a new chancellor. Additionally, it repeals RSA 188-F:20 applicable to the motor vehicle regulations to be consistent with other authority assumed by the New Hampshire community college board of trustees. **Vote 15-0.**

FISH AND GAME

SB 467, relative to taking lobsters and crabs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carla M Skinder for Fish and Game: This bill will allow fishermen to place one to four pots, traps or other contrivance for taking or holding lobsters or crabs on a line with one buoy. This bill will help to prevent whale entanglement. With modern technology of GPS, lines that are accidentally cut often can be caught with a grappling hook saving the pots. This bill received no opposition from the fishing industry. The department of fish and game requested this action. **Vote 15-0.**

SB 480, repealing a requirement that the fish and game department publish certain hunting season information in newspapers in each county. **OUGHT TO PASS.**

Rep. Margaret E Porter for Fish and Game: This bill repeals a requirement in RSA 210:24 mandating that the fish and game department publish open or closed season for furbearing animals, to bring statutes in line with common practice. The department requested this change as public notification is currently enacted via rulemaking, using statewide press releases. Furthermore, some counties no longer have a county-wide newspaper. **Vote 15-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 395, establishing a commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan H Schulze for Health, Human Services and Elderly Affairs: This bill, which establishes a study committee to review New Hampshire's HIV statute, was requested by the department of health and human services. It will provide an opportunity for legislators and stakeholders to review and update New Hampshire's statute in relation to CDC revised guidelines for HIV testing released in 2006. RSA 141-F was enacted in 1988, early in the HIV epidemic, in an environment that was very different from the situation we see today. Passing this legislation will enable a study committee to make recommendations regarding revising and updating the statute with current best practices. This will lead to sound public health policy regarding HIV prevention and control. The committee added a public member who is a consumer of HIV/AIDS services. **Vote 17-0.**

SB 450, requiring the New Hampshire Citizens Health Initiative to provide an annual summary to the general court. **OUGHT TO PASS.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: The committee fully recognized the scope and importance of the work being done by the New Hampshire Citizens Health Initiative and is in full agreement as to how important it is for members of the General Court to have this annual summary of activity of this group for educational purposes. There was no opposing testimony. **Vote 16-0.**

SB 454, relative to certain changes to the controlled drug act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill changes the controlled drug statute to reflect current prescribing behaviors and eliminate the limit on the number of units that may be dispensed for a month's supply. The committee amended the bill to incorporate dispensing certain pre-packaged controlled drugs in accordance with a physician's prescription that would represent more than the current 34 day supply limit. The amendment also makes the bill effective on passage. **Vote 14-0.**

SB 496, establishing a commission to study incentives for providers of home and community-based care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: Direct care workers play a vital role to enable the elderly and individuals with physical, mental, and developmental disabilities to live as independently as possible in their homes and communities. High turnover among direct care workers results in inconsistent, disruptive care. This bill establishes a commission to identify and recommend ways to improve recruitment and retention of that workforce. The amendment clarifies that the purpose is to focus on recruitment and retention, and adds both employer and employee members to represent a range of home and community care settings. **Vote 15-0.**

SB 509-FN, requiring tobacco cessation therapy under the state Medicaid program.
INEXPEDIENT TO LEGISLATE.

Rep. Jennifer Daler for Health, Human Services and Elderly Affairs: This bill would have required the Medicaid program to provide for smoking cessation therapy. The committee feels the bill is unnecessary because Medicaid is already providing reimbursements for licensed counselors and all pharmaceutical therapies for smoking cessation. The state currently spends \$38,000 each month for prescription drugs to help Medicaid patients quit smoking. The bill would, therefore, put in statute what is already being done through rules. An amendment was brought to the public hearing by the sponsor that would have had the unintended consequence of allowing doctors to double bill the program, once for the general visit and once for smoking cessation counseling. Medicaid does not discriminate by diagnosis, and counseling may be done as part of any visit. The department will evaluate and improve educational materials and outreach to providers, ensuring that they are made aware of what is available, which is a very comprehensive benefit program. **Vote 17-0.**

SCR 6, urging the federal government to create a simplified process for short-term admissions to nursing homes for the purpose of respite care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G Bridgham for Health, Human Services and Elderly Affairs: This concurrent resolution urges the United States Congress to develop a simple, streamlined process for short-term admission to nursing homes, supporting the use of available nursing home beds for respite care. Beds for respite care are needed in New Hampshire. Currently any admission to a nursing home requires completion of an extensive (60 page) "minimum data set." **Vote 17-0.**

SCR 11, supporting the application of Taiwan for observer status at the World Health Organization. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: This is a non-binding resolution supporting Taiwan's application for observer status at the World Health Organization. Communicable disease transmission knows no boundaries or political entities. SARS, for example, needs to be detected as early as possible. The World Health Organization serves as a public health organization on a world wide basis. Participation with WHO protects other countries as well as Taiwan. The United States government supported this proposal for several years. The committee unanimously supports the resolution. **Vote 17-0.**

SJR 1, prohibiting the department of health and human services from adopting proposed administrative rule He-P 1906.02. **OUGHT TO PASS.**

Rep. Barbara C French for Health, Human Services and Elderly Affairs: This joint resolution prohibits the department from adopting administrative rule HE-P 1906.02, relative to imposing administrative fines on those persons in charge who are found to be in violation of the indoor smoking act. The Joint Legislative Committee on Administrative Rules (JLCAR) determined that the department's authority to impose such fines was uncertain, and further determined that there was unclear legislative intent relative to penalties for non-compliance with the indoor smoking act; that is, it was unclear whether the penalties contemplated were intended to be criminal or civil penalties. Companion bill, SB 532, relative to administrative fines under the indoor smoking act, specifically grants the department authority to impose administrative fines on those persons in charge who are found to be in violation of the indoor smoking act. **Vote 17-0.**

JUDICIARY

SB 445, changing the procedure for recommending persons for initial appointment as marital masters. **OUGHT TO PASS.**

Rep. Gail C Morrison for Judiciary: This bill is the last of a series of housekeeping bills requested by the judicial branch. It reflects the changes brought about with the coming of the family court system. Previously, marital masters were nominated utilizing the rules of the superior court. They are now nominated under the rules of the family division and this bill codifies that change. Also, the bill corrects a constitutional oversight restoring the role of the supreme court by requiring its concurrence in the choice of any name submitted to the governor as a candidate for marital master. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 352-FN, relative to shoreland protection. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A Brueggemann for Resources, Recreation and Development: As it came to us from the Senate, this bill dealt only with giving appeals of department of environmental services decisions relating to protected shoreland to the wetlands council. The amendment makes several corrections to the shoreland protection act adopted in 2007. Primary among these was an inconsistency relative to small lots that pits a required woodland buffer against a minimization of impervious surfaces – both of which are critical to shoreland protection. The addition of a section that specifically outlines standards for lots with one-half acre or less of land within the woodland buffer and clarification of how vegetation may and may not be altered eliminated this conflict while allowing for reasonable development. A secondary issue was the clarification and simplification of the requirements for increased development of impervious surfaces on a given lot. Other issues that are addressed include: 1) provisions for removal of dead or unsafe tree limbs; 2) the allowance under strictly controlled conditions for the application of pesticides and herbicides to eliminate invasive species and 3) the notification of abutters of a shoreland permit application. These changes were developed in concert with builders, conservation organizations, the department of environmental services and legislators. **Vote 15-2.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SCR 7, urging the United States Department of Defense and Congress to restore full services to the Manchester Veterans Administration Hospital. **OUGHT TO PASS.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: The committee believes this resolution is a win-win for all New Hampshire veterans, where the State of New Hampshire gets its message out to Washington, DC to take care of all veterans in New Hampshire. Since 1999, our veterans have been bussed into Vermont and Massachusetts for specialized military treatment. Our veterans deserve better and should be treated at their own facility in times of emergency. **Vote 10-0.**

WAYS AND MEANS

SB 413, authorizing the department of resources and economic development to retain the administrative fee for certain disposals of state lands. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A Hatch for Ways and Means: When there is a sale of real property by the department of resources and economic development, as happens in other departments now, this bill will allow the long-range capital planning and utilization committee to waive or approve an administrative fee of less than \$1100 when appropriate. It will also allow the fee to be deposited into a separate account for the purchase and improvement of lands in the forest improvement fund under RSA 227-G:5, II(b). **Vote 15-0.**

SB 439, relative to money transmitters and mortgage servicing companies. **OUGHT TO PASS.**

Rep. Christine C Hamm for Ways and Means: This bill was filed by request of the banking department to provide technical changes to current money transmitter and mortgage services legislation. These changes include adding holders of second mortgage loans to the definition of "mortgage servicing company," raising the licensing cap from \$4,000 to \$5,000, providing mechanisms to streamline oversight by the banking commission, and ensuring that a licensee maintains a net worth of the lesser of its average daily outstanding money transmissions for the prior calendar year or \$1,000,000. The increase in the licensing cap is needed because the largest companies are costing more to license than the rest. **Vote 15-0.**

WEDNESDAY, MAY 7

REGULAR CALENDAR

COMMERCE

SB 312-FN, relative to insurance coverage for obesity and morbid obesity. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Stephen P Spratt for the **Majority** of Commerce: The committee heard a similar bill in the first year of the biennium (HB 894) which the House has voted to send to Interim Study. While the committee heard testimony regarding the benefits of bariatric surgery in particular, it also heard testimony and saw documentation regarding the potential risks and cost of the procedure. Although the committee recognizes the potential benefits of the procedure, given the extent of the unknowns the committee felt it was premature to mandate such procedures and instead recommended a full mandate review by the New Hampshire insurance department evaluating social, medical and cost functions of obesity treatments. **Vote 13-5.**

Rep. Marshall E Quandt for the **Minority** of Commerce: The minority of the committee disagrees with the majority and believes that health care insurance plans should cover treatment for morbid obesity when it is medically necessary. A number of studies show that these procedures pay for themselves in 3-4 years. The testimony was clear and compelling for cost savings and quality of life. As a result, the patients are healthier, with reduced medication costs, reduced doctors' visits and reduced testing that many morbidly obese patients undergo to manage other related conditions (such as diabetes, hypertension, reflux disease, sleep apnea, some forms of cancer, incontinence and infertility to name a few). Retrospective studies (one going back 7 years) show that deaths from diabetes, heart disease and cancer are significantly reduced. Excluding treatment for morbid obesity from insurance coverage is no different than excluding coverage for cancer, heart disease or multiple sclerosis. The minority is not trying to introduce a new program, but to put what was covered back into the insurance plans that were taken away while increasing your premiums and reducing your coverage. Up until 3 years ago, health insurers covered bariatric surgery in their comprehensive medical policies in New Hampshire. When one excluded it and required purchase of a special rider, others followed suit. Yet, the same insurers still cover these procedures in the policies sold to groups in Maine and Massachusetts as well as the state employees health insurance plan which many of you belong. Sending this bill for a cost-benefit study is redundant and is unnecessarily cruel to the residents of NH who deserve the same services provided others in neighboring states. The cost and efficacy research has been done, the insurers know what their experience is in other states, and moreover, Medicare and Medicaid already cover these procedures. This is no different than in 1997 when the NH legislature had to mandate that insurance companies cover diabetes services and supplies (RSA 415:6-e) as medically necessary for treatment. Once again, it is necessary for the legislature to require that insurers recognize the needs of their subscribers by compelling insurers to cover bariatric surgery when it is medically necessary. The minority believes this is a David and Goliath battle between insurance companies' bottom lines and a true cost savings measure for health insurance while increasing the quality of life for our constituents that need this surgery.

SB 394, establishing an economic development advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for Commerce: This bill establishes an advisory council of businesses representing a broad spectrum of New Hampshire's economy to assist the state division of economic development. It will be charged with helping to establish goals, measurements and strategic planning efforts related to the economic development of our state. As with other such councils it will be a conduit to the division for input from those working, and with practical experience, in various industries and will allow dissemination of information from the division back to the community. The department of resources and economic development (DRED) brought this bill forward in part because it will begin the process to develop the next 10 year economic planning effort. This council will help to bring more public input into that planning process. There was no testimony in opposition to this bill during committee hearings. The amendment adds three business sector representatives who requested inclusion. **Vote 11-7.**

SB 426, establishing a committee to study the current definition of the term "community benefit" applicable to nonprofit health care providers. **OUGHT TO PASS.**

Rep. Stephen P Spratt for Commerce: The study committee established by this bill will examine the definition of "community benefit" for uniformity and transparency. It was recommended by a study

committee looking at healthcare costs to small businesses last year. Non-profit health care providers in this state are required to provide "community benefit." While numerous local hospitals are supporting significant local services, the report and fulfillment of this requirement varies state-wide. This brings into question whether these services are adequate, consistent, efficacious, or truly beneficial. **Vote 11-6.**

SB 540-FN, relative to New Hampshire HealthFirst, an affordable, wellness-based health insurance plan for small employers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Tara G Reardon for the **Majority** of Commerce: New Hampshire HealthFirst is a health insurance wellness based plan to be designed by a small business advisory board in conjunction with insurance carriers and an actuary. The premium for this plan will be targeted at 10% of the median income for New Hampshire for the prior year. The committee amendment provides for an actuarial review prior to rate development, clarifies the charge of the advisory board to work toward the 10% goal in formulating the plan, and the corresponding rate will still be subject to the department's provision regarding rate setting. The public hearing on this matter was compelling, small business owners offered passionate testimony about the need to stabilize rates and their desire to be able to continue to offer insurance at an affordable rate. The subcommittee, industry representatives and the department of insurance met several times to set standards acceptable to all parties. New Hampshire HealthFirst recognizes prevention, wellness and care management in a medical home and focuses on a predictable premium to reverse the trend of declining benefits and loss of coverage in the small group market. **Vote 15-2.**

Rep. Charles L Clark for the **Minority** of Commerce: Although well intended, SB 540 as amended, delegates our lawmaking function to an advisory committee made up of essentially purchasers of the health plan. Sounds good, but its much like asking the players on the field to change places with ticket purchasers in the stands. Plan design is an insurance company function. Purchasers of plans influence design by their buying choices. A goal of SB 540, as amended, is to enhance competition by facilitating comparison to a standard plan. We believe that it well may do the opposite by making pre-existing competing insurance plans illegal because of Section VIII b of the proposed statute. Most importantly this bill creates a two-tiered system; Section IX provides for specific exemptions that will apply only to the standard plan. The Rhode Island Plan, which this plan is modeled after, mandates an extensive medical underwriting questionnaire for all participants. SB 468 which eliminates the reinsurance pool also eliminates medical underwriting. Tools available only to the standard plan will create a substantial competitive advantage for the standard plan. It is quite likely that in the near future the standard plan may become the only plan. Finally, the "target base rate" conflicts with the "cost of healthcare" (trend). The target rate based on 10% of the median annual wage will likely increase at a lesser rate than the cost of health care (trend). This can create serious disruptions in the health insurance marketplace and has not been adequately addressed.

EDUCATION

SB 355-FN, relative to room and board scholarships for children of firefighters and police officers killed in the line of duty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Judith E Day for the **Majority** of Education: RSA 187-A:20-a established a tuition waiver in the university system for children of fire fighters and police officers who die in the line of duty, and created the "chancellor's scholarship endowment trust fund," overseen by the state treasurer, to receive private donations for room and board expenses for such students. SB 355-FN repeals this fund and instead proposes giving these students \$2,500 per year from the general fund to apply to room and board expenses (currently about \$7,000). The original legislation provides a vehicle for private donations, and the committee heard testimony that the trust fund was never activated because private funds were contributed directly. Rather than take money from the general fund, the committee believes that activating the fund to receive donations could result in more money being available per student. Current law allots \$2,500 for room and board money for a military child whose parent died while on active duty, but does not extend this benefit to National Guard members serving within the state. **Vote 12-2.**

Rep. Sharon M Carson for the **Minority** of Education: This bill tried to correct a problem that emerged with legislation passed in 2004. RSA 187 A:20-a established a program that paid the tuition of the children of firefighters and police officers killed in the line of duty. It also created a privately financed trust fund to be established by the state treasurer to cover room and board costs. For some unknown reason, that part of the program fell through the cracks and was never established. The minority strongly believes that to entrust the same entity to now implement the same provision is unacceptable. The state must ensure that directions are made very clear so that this does not happen again. We have the financial obligation to make sure that room and board costs are covered and not to depend on charitable organizations to do our job. We also have the moral obligation to the children of New Hampshire's fallen heroes, and we, as a state, should do the right thing and help these students pursuing an education at our state's colleges and universities by providing them with the financial assistance we promised.

SB 415, relative to the effective date of the compulsory school attendance law. **OUGHT TO PASS.**

Rep. Barbara E Shaw for Education: This bill amends the effective date relative to compulsory school attendance to June 30, 2009. **Vote 11-3.**

FINANCE

SB 530-FN-A-L, relative to kindergarten aid. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda T Foster for the **Majority** of Finance: Last year the legislature voted to require school districts to offer kindergarten as part of an adequate education. SB 530, as amended by the Finance Committee, offers flexibility, options, and incentives to the 12 communities that currently do not provide public kindergarten as a component of an adequate education. Without SB 530, districts must offer public kindergarten by September 2008 and would have fewer transition options. The bill extends the existing construction grant that covers 75 percent of the actual cost of constructing kindergarten facilities. It also allows a construction grant that covers 100 percent of the actual cost of a basic code-compliant kindergarten facility. School districts that displace pupils from existing classroom space in order to provide kindergarten programs are eligible for these grants to cover the costs incurred in constructing or renovating new classroom space for the displaced pupils.

Transition grants are also available to cover 100 percent of the cost of leasing and set up of temporary classrooms. All these grants include the cost of furniture, fixtures, and equipment for the kindergarten program. In addition to allowing districts to contract with another public school district that provides a state-approved program, the bill allows districts to contract with a private entity, in accordance with RSA 198:48-a, provided that the private kindergarten program meets or exceeds state standards. SB 530 does not change the provisions for per pupil allocation grants. All provisions for transition grants, however, are extended for four years. The Department of Education testified that with the possible exception of 2 districts, space already exists in the other districts which could be adapted for this purpose. SB 530 as amended will allow the 12 school districts not yet offering public kindergarten time to make sound local decisions that insure the permanent opportunity for a public kindergarten education for every New Hampshire 5-year old. **Vote 13-9.**

Rep. Neal M Kurk for the **Minority** of Finance: The minority believes that the bill as amended by the majority is unconstitutional. In funding the new kindergarten mandate adopted last year, the bill fails to pay for the entire cost imposed on the twelve school districts which have not voluntarily chosen to offer public kindergarten, thus violating Article 28-a of our state constitution. Specifically, the four-year transition period, even the most generous of the state-funded options available to these school districts to pay for kindergarten facilities doesn't cover the land, site preparation or core facilities' cost. The bill also removes the "no means no" statutory protection currently provided to taxpayers. The bill repeals RSA 32:8 and 32:11 with respect to kindergarten costs. These sections bar school boards, among other things, from spending money beyond that authorized by taxpayers. As a result, if the taxpayers of the school district do not vote funds to pay for construction costs, the school board is required to override the taxpayers and spend money taxpayers have not authorized. This is a very undesirable precedent. In effect, the bill orders the twelve school districts over a four-year period to construct kindergarten facilities. Forcing the state and municipalities to do significant construction and spend millions of dollars at a time when our economy is at a standstill is

fiscally irresponsible. Universal kindergarten could have been required without the construction and financial mandates. Because of its constitutional problems and its reduction of local control and taxpayers' rights, the minority cannot support this bill.

SB 539-FN-L, relative to the cost of an adequate education and provision of fiscal capacity disparity aid. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel A Eaton for the **Majority** of Finance: In fulfillment of the state's constitutional obligation to cost an adequate education, SB 539 applies the recommendations of the Joint Legislative Committee on Costing an Adequate Education's final report to arrive at a costing methodology. Using the school approval standards referenced in HB 927 (RSA 193-E:2, Chapter 270, 2007) to define an adequate education, the bill establishes a per pupil cost for adequacy that includes both a universal amount and differential aid for special education students, English language learners, at risk students, and for schools with higher concentrations of low income students. All of the factors noted above were determined by the Education Committee to be part of education adequacy. The Finance Committee honored the work of the policy committee, and working with the language proposed by the House Education Committee and adopted by the General Court on April 16, 2008, it also provides fiscal disparity aid in addition to adequacy aid. The Finance Committee made technical corrections to clarify how the Department of Education should apply the provisions of the bill and how adequacy funds would flow between school districts of residence and attendance when the two differ. In recognition of the impact the new funding formulas will have on school districts, and in an effort to avoid financial dislocations that will affect school districts' budgeting, the committee included a two year transition limiting the reduction of aid to any towns or cities resulting from adoption of the costing formula – including for towns known as donor towns. A transition period will allow school districts whose funding will be altered by this formula time to adjust their budgets and their allocation and use of resources. This allows all school districts to attain adequate funding while protecting districts during the transition period against disruptive reductions in education funding in those instances where the legislation's adequacy computations may ultimately reduce the amount of state education funds allocated to a district. In order to allow school districts that receive large increases in aid the opportunity to plan for and integrate programs to be supported by those substantial increases into their educational systems, a 15% cap or "collar" on annual increases for two years was included for cities and towns that will receive more aid than their 2009 statewide aid as a result of the formula. While some individuals have raised questions about the constitutionality of this transition plan, the Attorney General believes it is defensible. In addition, nothing in this bill changes tax proportionality. Just as the legislature in the past depended upon commissions to assist in defining adequacy and determining costing, SB 539 creates two committees to assist the legislature in the continuing process of reviewing and amending as necessary the policies around adequacy and educational funding. A Joint Legislative Oversight Committee on Accountability for an Adequate Education will review the assessment and assistance methods, reporting requirements, and other methods of accountability presently being used by the Department of Education and local school districts to determine whether such methods, programs, and standards will ensure the delivery of an adequate education. A Joint Legislative Committee on Fiscal Capacity, Transition Aid, and Diseconomies of Scale will study the need for providing fiscal capacity and transition aid to municipalities, as well as additional aid to address the lack of economies of scale in small school districts. These committees will report back to the legislature by December 01, 2008 so that the next legislature may make appropriate adjustments in these important areas. The new costing based on this bill does not go into effect until the 2009 school year. Using current data, the estimated cost of the bill is expected to be \$940 million per year for the 2010-2011 biennium, and about \$975 million per year (prior to adding in the inflation adjustment factor as required in the bill) for the 2010-2013 biennium. However, it is important to note that the exact figures will likely differ as more current figures are inserted into the formula and the next legislature determines what other adjustments should be made based on the reports of the two commissions noted above. **Vote 13-9.**

Rep. Neal M Kurk for the **Minority** of Finance: This bill is the majority's effort to meet the Supreme Court's mandate that the legislature determine the cost of a constitutionally adequate education. The cost of the bill is \$939 million for each year of the next biennium. There is no provision for paying for the additional \$128 million burden that the bill imposes on state taxpayers. Rather, the majority chose to put off that hard work until the next budget –that is, until after the fall elections. The majority thus significantly increases the fiscal problems facing the state in the next biennium. The majority's adequacy formula relies to an excessive degree – about \$180 million or almost 20% of the total \$939 million cost – on one factor: students who are eligible for free and reduced-price lunch (FRL). Here's why: for those schools in which FRL-eligible students are 12% or more of the total school population, every student in the school – not just the FRL eligible students – is counted in calculating the amount of state funding given to the school. The effect is to incorporate in the basic cost of an adequate education a factor that, when used to such a great extent, becomes a method of targeting state aid. The Finance Committee was given no evidence to justify either this approach or the amount of the per pupil stipend. The majority thus inappropriately inflates the basic cost of an adequate education. Rather than deal in the bill with this issue and the issue of accountability for the effective use of these funds, the majority establishes two commissions to study these and other issues. The best that can be said of the bill is that it holds school districts harmless – but only for two years. Those districts that would receive less state aid in FY 2010 and FY 2011 under the majority formula would be guaranteed the amount they received in FY 2009. Donor towns purportedly have their excess statewide education property tax rebated. But after two years, the taxpayers in all these communities would be hit hard. The worst is that two of the bill's provisions are clearly unconstitutional. The donor town tax rebates have previously been ruled unconstitutional because they violate the requirement of our constitution that all taxes be proportional. The 15% cap on the increase in state aid in FY 2010 and FY 2011 is also unconstitutional. Transitioning to full adequacy aid is not the same as full adequacy aid, and our Supreme Court has ruled more than once that the state must pay, from day one, the full cost of a constitutionally adequate education. For these reasons the minority is unable to support this bill as amended.

JUDICIARY

SB 264, relative to creating liens on personal and real property to recover uncollected small claims judgments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M Sorg for the **Majority** of Judiciary: This bill addresses the problem small claims judgment creditors often have in collecting their judgment debts. It does this in general by authorizing both pre- and post-judgment attachments and levies of execution on personal property and real estate in small claims actions, and in particular by allowing a post-judgment security interest in real estate to be created simply by recording the judgment in the registry of deeds in which the real estate is located. In order to prevent hardship to a judgment debtor who, having paid the judgment, has not received a written release of the recorded security interest from the judgment creditor, the bill, as amended, provides for such release to be issued by the clerk of the court upon presentation of satisfactory proof of payment. The amended bill provides penalties both to a judgment creditor who fails to provide a release when due, and to a judgment debtor who fraudulently induces a clerk of court to issue an undeserved release. **Vote 12-4.**

Rep. Robert H Rowe for the **Minority** of Judiciary: This bill makes two profound changes to the traditional small claims process. Under RSA 503, small claims was established "to be a simple, speedy and informal procedure for the determination of small claims." Initially the damage limit was \$60. It is currently \$5,000 and with the House bill we passed this year, damage limits will be increased to \$10,000. The small claims process was designed primarily as a method for citizens to resolve small dollar amount disputes. The process was kept informal and simple. As such there are no rules of evidence mandated by law for the process. The defendant is without discovery. Hearsay evidence is allowed. Parties are not under oath. In recent years, as the damage amount has increased, more businesses, banks, and credit card companies have utilized the process in claims against citizens. The first change that this bill provides is to greatly simplify the real estate and

attachment process after judgment. Under current law, the plaintiff must petition the court and notify the defendant then come to court and convince a judge why an attachment is necessary. The judge would protect against abuse. Under this bill, all the plaintiff need do is to send a copy of the judgment to the registry of deeds. The citizen defendant has no say and no chance to voice his or her objection. The second change is that this bill allows for pre-judgment attachments of real estate, personal property, including banking accounts under the provisions of RSA 511-A. Pre-judgment attachments have never been allowed in small claims actions. Until this law, pre-judgment attachment was only available in regular district court civil cases. With the increase of businesses, banks and credit card companies utilizing small claims as a collection method, this bill aids business plaintiffs, harms the citizens, and is contrary to the purpose of maintaining a simple, speedy and informal process for the resolution of disputes.

SB 350-FN, extending the surcharge on probate court entry fees to judicial branch family division cases which would previously have been brought in probate court. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy McV Weber for the **Majority** of Judiciary: The sum of \$5 is currently added to the entry fee for probate cases. The fee supports the mediation and arbitration fund. At the time the fee was enacted, the promise was to make the office of mediation and arbitration self funding. Certain cases which, at that time, were heard in probate court have now been transferred to the family court. This bill would reestablish the fee on those cases which were originally subject to the fee, but which were no longer subject to the fee once they were transferred to the family court. Based on one year's filings, 684 cases would be affected: 135 adoptions, 538 guardianships, and 11 name changes, for a total addition to the fund of \$3420 annually. **Vote 14-4.**

Rep. Nancy J Elliott for the **Minority** of Judiciary This bill adds a new fee to the judicial branch family division court. While only a few cases in the court will be subject to the fee at this time, this is an expansion of mediation fees. Additionally the minority believe that a fee is just another name for a tax.

SB 378, authorizing the supreme court to establish a business and commercial dispute docket in the superior court. **OUGHT TO PASS.**

Rep. Lucy McV Weber for Judiciary: This bill would create a docket for business and commercial cases within the existing superior court. The purpose is to create a forum in which cases which would benefit from specialized knowledge of complicated business transactions would be heard. The bill provides that the amount in controversy must be more than \$50,000, and both parties must be either business entities or individuals engaging in business enterprises. Both parties to the case must agree to place the case on the business docket. The presiding judge would be an associate justice of the superior court, and would be appointed by the governor with the consent of the executive council. Additional business court judges, if needed, would be designated by the chief justice of the superior court. As the bill does not create any new superior court judgeships, the business court judges would have to come from the ranks of the existing judges. In the event a business court judge was not fully occupied with the business docket, he or she would be available to hear other superior court matters. The judicial branch anticipated no significant fiscal impact from the bill. **Vote 12-6.**

SB 487, clarifying the law regarding bail pending appeal. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M Sorg for Judiciary: This bill was requested by the judicial branch to make a technical change to subsection III of the section of the bail statute (RSA 597:1-a) that authorizes the trial judge to consider the grant of bail to a defendant pending appeal of his or her felony criminal conviction. As presently codified, subsection III requires that the appeal has been filed before the grant of bail may be considered. Since there is almost always a significant delay between the time of imposition of sentence and the time an appeal is filed, the bill, as amended, authorizes the judge to consider the grant of bail immediately following imposition of sentence, provided that the defendant has made what the judge determines is a good faith representation that he or she shall file a timely appeal. As amended, the bill also makes non-substantive revisions to subsection III in order to make it clearer and more concise. **Vote 15-3.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 358, relative to mooring permits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Susan R Kepner for the **Majority** of Resources, Recreation and Development: This is the third time that legislation has been introduced to allow lakes smaller than the “big six” to participate in the same mooring permit program. This bill provides that if 25 individuals on a water body petition the department of safety to consider instituting the mooring program, the department will hold a public hearing and evaluate the proposal based on nine conditions. Should the department decide the water body is eligible, the number of moorings to be allowed will be determined and a permit system instituted. The amendment details conditions under which owners of property abutting a part of a water body that is cut off from the main body of water by a man made structure will have the same privileges enjoyed by owners on the main body. The majority believes that the proliferation of boats on our lakes and great ponds calls for more care to be taken in the number, placement and maintenance of moorings. The mooring program does not reduce access to moorings by non-shoreland property owners. Nor does this bill mean that every lake that requests the mooring program will be approved. Criteria specified in the bill should eliminate the need for every lake to come to the legislature individually. **Vote 11-6.**

Rep. Chris Christensen for the **Minority** of Resources, Recreation and Development: The minority of the committee’s concerns were that this bill would negatively impact public access, and that elected officials, not one individual in the executive branch, should have such authority. Testimony in favor of the bill was based on safety and navigation concerns. The department of safety stated that it already has authority to handle both of these issues, but that these are rarely complaints that require action. Despite the failure of several related bills in the recent past, the minority believes that the situation should be re-examined in view of increased boat registration and increased desires for public access to our public waters.

HOUSE DEADLINES

Thursday, May 8, 2008	Last day to report all Senate bills
Thursday, May 15, 2008	Last day to act on Senate bills
Wednesday, May 21, 2008	Last day to form Committees of Conference
Friday, May 30, 2008	Last day to sign Committee of Conference reports
Thursday, June 5, 2008	Last day to act on Committee of Conference reports

LAIID ON TABLE

HA 1, for the removal of Patricia C. Coffey, superior court justice, from office.

HB 76-FN, creating an environmental policy for New Hampshire. (Pending question is Ought to Pass.)

HB 174-FN, relative to regulating residential building and remodeling contractors. (Pending question is Ought to Pass.)

HB 585-FN, requiring all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered. (Pending question is the committee report of Inexpedient to Legislate.)

HB 620-FN, repealing the statutory provisions regarding small loans, title loans, and payday loans and establishing a general statutory usury rate. (Pending question is Recommit.)

HB 799-FN, establishing a criminal usury rate for interest rates. (Pending question is Ought to Pass.)

HB 1139, relative to party access to voter information. (Pending question is the majority committee

amendment.)

HB 1391-FN, prohibiting the investment of state funds in the energy sectors of countries that have been identified by the United States Department of State as state sponsors of terrorism.

HB 1483, requiring instruction in Internet safety. (Pending question is Ought to Pass with Amendment.)

HB 1593-FN-A-L, establishing a flat rate education income tax and relative to the statewide enhanced education tax and certain other taxes. (Pending question is the majority committee report of Inexpedient to Legislate.)

HB 1612-FN-L, relative to county and state obligations for costs for nursing care and services, and for court orders for children services. (Pending question is the committee report of Inexpedient to legislate.)

HR 24, petitioning Congress to commence impeachment procedures. (Pending question is the adoption of the majority committee report of Inexpedient to Legislate.)

SB 436, enabling certain persons to vote in primaries prior to turning 18 years of age. (Pending question is on the adoption of the committee report of Refer for Interim Study.)

SB 537, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics. (Pending question is on the adoption of the minority committee report of Inexpedient to Legislate.)

HOUSE BILLS AMENDED BY THE SENATE

HB 91-FN, relative to lobbyist registration and statements, repealing the restriction on simultaneous employment and public service, and relative to regulation of volunteer public service. (SJ 4/24/08)

HB 159, establishing an interbranch criminal and juvenile justice council. (House Concurred 4/30/08)

HB 233-FN-A, specifying compensation for ballot law commissioners. (SJ 4/17/08)

HB 267, relative to certain small loans. (SJ 2/14/08)

HB 285, relative to voting machines. (SJ 4/24/08)

HB 295, relative to fuel quality standards and testing requirements for combustion of biomass and biomass fuel. (House Concurred 4/30/08)

HB 315, relative to criminal background checks of prospective municipal employees through the division of state police. (House Concurred 4/23/08)

HB 351, clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining “business activity” for purposes of the business profits tax. (House Concurred 1/30/08)

HB 581-FN, relative to the penalty for purposely mistreating service animals. (SJ 4/24/08)

HB 589-FN, relative to the calculation of concurrent and consecutive terms of imprisonment. (SJ 4/17/08)

HB 678-FN, establishing a committee to study issues related to cochlear implants. (House Concurred 4/30/08)

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority. (House Concurred 1/30/08)

HB 759-FN, relative to administration and enforcement banking laws. (House Concurred 4/30/08)

HB 858-FN, relative to discount medical plan organizations. (House Concurred 4/30/08)

HB 1132, creating an exception to the wiretapping statute for a recording device used in conjunction with a TASER or other similar electroshock device. (House Concurred 4/30/08)

HB 1141, establishing a committee to study parking for wheelchair-lift vans. (House Concurred 4/30/08)

HB 1151, relative to reporting dates for the instream flow pilot program. (SJ 3/27/08)

HB 1168, relative to acceptance of property donated to towns and village districts. (House Concurred 4/30/08)

HB 1220, establishing a commission to study the taxation of alternative fuel and electric power

motor vehicles for the purposes of funding improvements to the state's highways and bridges. (House Nonconcurrent; C of C 4/23/08)

HB 1235, relative to motorist duties when approaching highway emergencies. (House Concurred 4/30/08)

HB 1244, relative to auditable basis policies. (House Concurred 4/30/08)

HB 1276, establishing a committee to study revisions to the auctioneers' practice act. (SJ 4/17/08)

HB 1295, establishing a commission to study issues relating to stormwater. (House Concurred 4/16/08))

HB 1307, making technical corrections to town audit and reporting requirements. (House Concurred 4/30/08)

HB 1313, relative to voting by the chairman of the retirement system board of trustees. (SJ 4/24/08)

HB 1335, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan. (House Nonconcurrent; C of C 04/30/08)

HB 1352, relative to the comprehensive state development plan. (SJ 4/24/08)

HB 1367, relative to the conversion to a new state financial accounting and statewide budget system. (House Concurred 4/30/08)

HB 1394-FN, relative to procedures for approvals of nursing education programs. (SJ 4/24/08)

HB 1412, establishing a commission to study appointing or contracting with a fleet manager for state-owned motor vehicles. (SJ 4/17/08)

HB 1584-FN-A, creating a commission to study the recycling and disposal of electronic waste. (House Concurred 4/16/08)

HB 1601-FN-A, relative to funding for certain capital projects of the Pease development authority. (House Concurred 4/30/08)

HB 1607-FN, relative to firefighter services leave for state employees. (House Concurred 4/30/08)

2008 COMMITTEES OF CONFERENCE

HB 1220, establishing a commission to study the taxation of alternative fuel and electric power motor vehicles for the purposes of funding improvements to the state's highways and bridges. (Reps. Cloutier, Lerandean, Sprague and F. Tilton)

HB 1335, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan. (Reps. Roberts, Howard, Coughlin and Baldasaro)

COMMITTEE MEETINGS

MONDAY, MAY 5

AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION (RSA 195-I:2), Room 202, LOB

1:00 p.m. Regular meeting.

COMMISSION TO STUDY THE IMPLEMENTATION OF THE PROCEDURE FOR COUNTY PAYMENTS FOR NURSING HOME CARE AND HOME AND COMMUNITY-BASED CARE (HB 2, Chapter 263:23, Laws of 2007), Rooms 305-307, LOB (Please note room change.)

11:00 a.m. Regular meeting.

COMMISSION TO STUDY THE TRAFFICKING OF PERSONS ACROSS BORDERS FOR SEXUAL AND LABOR EXPLOITATION (SB 194, Chapter 122:1, Laws of 2007), Room 304, LOB

2:00 p.m. Regular meeting.

**DEVELOPMENTAL DISABILITY WAITLIST OVERSIGHT COMMITTEE (RSA 171-A:1-c),
Room 103, State House**

10:00 a.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

11:00 a.m. Continued regular business.

11:15 a.m. Audits: State of New Hampshire, Department of Health and Human Services,
Bureau of Elderly and Adult Services, financial and compliance audit report for the
fiscal year ended June 30, 2007.

**NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF
DIRECTORS (RSA 227-M:4), CDFA Board Room 14 Dixon Avenue, Concord**

10:00 a.m. Regular meeting.

**NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:4),
Dover Intermodal Rail Station, Dover**

2:00 p.m. Rail tour.

**STATE COMMITTEE ON AGING (RSA 161-F:7, I), Department of Health and Human
Services, Brown Building Room 232, 129 Pleasant Street, Concord**

10:00 a.m. Regular meeting.

**TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007), Room 206,
LOB**

1:15 p.m. Regular meeting.

WAYS AND MEANS, Room 204, LOB (Please note room change.)

1:00 p.m. Subcommittee work session on **SB 310-FN**, relative to changes to games of chance.

2:30 p.m. Subcommittee work session on **SB 317-FN**, relative to the retail sale of tobacco
products.

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 201, LOB

10:00 a.m. Subcommittee work session.

TUESDAY, MAY 6

COMMERCE, Room 302, LOB

1:00 p.m. Continued executive session on **SB 472**, relative to consumer protection from certain
practices of payday loan, small loan, and title loan lenders and establishing a
commission to study access to consumer credit for people in New Hampshire.

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on **SB 337-FN**, relative to home education of children and **SB 374**,
relative to the process for nonrenewal of teacher contracts, **SB 359**, updating the
health curriculum requirements for public school students and requiring the state
board of education to provide for procedures through which students may be excused
from course requirements relating to health and sex education on religious grounds
without penalty.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 308, LOB (Please note
room change.)**

8:30 a.m. Subcommittee work session on **SB 526**, relative to the death benefit for police officers
and firefighters killed in the line of duty.

8:45 a.m. Subcommittee work session on **SB 463**, establishing an investment committee and
an audit committee in the New Hampshire retirement system.

Room 306, LOB

- 9:00 a.m. Subcommittee work session on **SB 210-FN**, relative to making various changes to the regulation of plumbers and water treatment technicians by the board of licensing and regulation of plumbers.
- 10:00 a.m. Executive session on **SB 210-FN**, relative to making various changes to the regulation of plumbers and water treatment technicians by the board of licensing and regulation of plumbers, **SB 463**, establishing an investment committee and an audit committee in the New Hampshire retirement system, **SB 526**, relative to the death benefit for police officers and firefighters killed in the line of duty.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Public hearing on a proposed amendment to **SB 321**, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions. The proposed amendment is relative to the operating budget and capital budget for the biennium ending June 30, 2009 and making certain related statutory changes.
- Copies of the amendment are available from the Sergeant-at-Arms Office.
- Immediately following the public hearing, full committee work session on **CACR 34**, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities and **SB 321**, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions.

FINANCE – (DIVISION I), Room 212, LOB

- 1:00 p.m. Work session on **SB 327-FN**, relative to compensation for state employees injured in the line of duty and **SB 507-FN**, relative to extended terms of imprisonment for criminal street gang members.

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

- 10:00 a.m. Executive session on **SB 425**, relative to the data collection practices of health care providers and relative to the development of a comprehensive uninsured health care database, **SB 428**, establishing a commission to study the funding of vaccines for children who are not covered by private health insurance, **SB 512-FN**, relative to emergency management powers, **SB 541**, relative to an expedited process for certificate of need review and membership of the health services planning and review board.

JUDICIARY, Room 208, LOB

- 9:30 a.m. Subcommittee work session on **SB 465**, relative to the laws regulating trusts and trust companies in New Hampshire.
- 10:00 a.m. Executive session on **SB 460**, relative to the definition of surviving issue and rescheduled executive session on **SB 465**, relative to the laws regulating trusts and trust companies in New Hampshire.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

- 2:00 p.m. Executive session on **SB 482**, relative to ethical standards for volunteer service in the executive branch.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 1:00 p.m. Continued executive session on pending legislation, if needed.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:15 a.m. Executive session on **SB 531**, relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county and continued executive session on **SB 341**, prohibiting digital

advertising devices on certain highways.

WAYS AND MEANS, Room 202, LOB

- 9:00 a.m. Subcommittee work session on **SB 528-FN**, relative to a mercury-added thermostat collection program.
- 10:00 a.m. Subcommittee work session on **SB 522-FN**, relative to licensing requirements for small quantity biodiesel producers and distributors and prohibiting the sale or delivery of biodiesel not meeting the state ASTM standard.
- 11:00 a.m. Subcommittee work session on **SB 410**, relative to the conditions for issuance of a cremation certificate and relative to the medical examiner's statute.
- 1:00 p.m. Executive session on **SB 310-FN**, relative to changes to games of chance, **SB 317-FN**, relative to the retail sale of tobacco products, **SB 328**, relative to civil forfeitures for certain waste disposal violations, **SB 410**, relative to the conditions for issuance of a cremation certificate and relative to the medical examiner's statute, **SB 490-FN**, relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war, **SB 519-FN**, imposing a per diem fine on dam owners and operators for failure to repair damage, **SB 522-FN**, relative to licensing requirements for small quantity biodiesel producers and distributors and prohibiting the sale or delivery of biodiesel not meeting the state ASTM standard, **SB 528-FN**, relative to a mercury-added thermostat collection program, **SB 532**, relative to administrative fines under the indoor smoking act.

WEDNESDAY, MAY 7

ELECTION LAW, Room 308, LOB

- 9:00 a.m. Public hearing on proposed amendment to **SB 492**, relative to persons designated to fill vacancies on the ballot. The proposed amendment is relative to write-in candidates, and relative to recount requests by candidates. Copies of the amendment are available from the Sergeant-at-Arms office.
- 9:30 a.m. Executive session on **SB 492**, relative to persons designated to fill vacancies on the ballot.

WAYS AND MEANS, Room 202, LOB

- 1:00 p.m. Or immediately following the House session, continued executive session on pending legislation, if needed.

THURSDAY, MAY 8

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Subcommittee work session on solid waste and recycling.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Executive session on **SB 327-FN**, relative to compensation for state employees injured in the line of duty, **SB 507-FN**, relative to extended terms of imprisonment for criminal street gang members, **SB 338**, relative to the Hampton Beach capital improvement fund, **SB 516-FN-L**, relative to aid for county bridges, **SB 321**, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions, **CACR 34**, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Executives session on **SB 412**, establishing the office of technology development and

telecommunications planning and the position of director of telecommunications in the department of resources and economic development, **SB 383**, establishing a commission to develop a plan for the expansion of transmission capacity in the north country, **SB 419**, relative to the duties of the energy planning and advisory board and restructuring policy principles, **SB 451**, authorizing rate recovery for electric public utilities investments in distributed energy resources.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. Continued executive session on pending legislation, if needed.
9:30 a.m. Full committee work session on **HR 28**, affirming revenue estimates for fiscal years 2008 and 2009.

FRIDAY, MAY 9

COMMISSION TO STUDY CHILDHOOD LEAD POISONING PREVENTION LAWS, POLICIES AND STANDARDS IN NEW HAMPSHIRE (SB 176, Chapter 293:10, Laws of 2007), Room 100, State House

9:30 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

1:00 p.m. Regular meeting.

IMPLEMENTING A RECOMMENDATION OF THE NH ESTUARIES PROJECT MANAGEMENT PLAN (SB 70, Chapter 236:1, Laws 2003), NH Department of Environmental Services Pease Office, 50 International Drive, Room E, Portsmouth

8:30 a.m. Regular meeting.

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q), Room 205, LOB

1:30 p.m. Regular meeting.

MONDAY, MAY 12

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

1:00 p.m. Complaint hearings.

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c), Department of Revenue Administration Training Room, 57 Regional Drive, Concord

1:00 p.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 103, State House

1:00 p.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

9:00 a.m. Regular meeting.

TUESDAY, MAY 13

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on solid waste, recycling and alternate technologies.

THURSDAY, MAY 15

PUBLIC HEALTH IMPROVEMENT SERVICES COUNCIL (HB 491, Chapter 250:2, Laws of 2007), Rooms 110-112, 29 Hazen Drive, Concord

2:00 p.m. Regular meeting.

FRIDAY, MAY 16

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

9:00 a.m. Regular meeting.

COMMISSION TO STUDY THE FEASIBILITY OF TIDAL POWER GENERATION UNDER THE LITTLE BAY AND GENERAL SULLIVAN BRIDGES IN DOVER (HB 694, Chapter 222:1, Laws of 2007), Department of Environmental Services Field office, Pease International Tradeport

1:00 p.m. Regular meeting.

INTERNATIONAL TRADE ADVISORY COMMITTEE (RSA 12-A:30), International Trade Resource Center, Portsmouth

9:00 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:4), Rooms 305-307, LOB

10:00 a.m. Regular meeting.

MONDAY, MAY 19

COMMISSION TO DEVELOP A COMPREHENSIVE STATE MENTAL HEALTH PLAN (HB 691-FN-L, Chapter 175:15, Laws of 2005), Room 205, LOB

10:00 a.m. Subcommittee work session on corrections.

ELDERLY AFFAIRS (RSA 17-H:2), Room 205, LOB

1:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House

9:00 a.m. Regular meeting.

TASK FORCE TO DEVELOP LEGISLATION FOR EXPANDING ACCESS TO AFFORDABLE HEALTH INSURANCE FOR THE 2008 AND 2009 LEGISLATIVE SESSION (HB 305, Chapter 248:1, Laws of 2007), Room 302, LOB

1:00 p.m. Regular meeting.

TUESDAY, MAY 20

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

2:00 p.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Subcommittee work session on solid waste and recycling.

FRIDAY, MAY 23

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration Training Room, 57 Regional Drive, Concord

9:30 a.m. Regular meeting.

TUESDAY, MAY 27

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

3:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on the following dates for budget review: Thursday, **May 29th** from 8:30 a.m. to 4:30 p.m., Friday, **May 30** from 9:00 a.m. to 4:30 p.m. and Monday, **June 2** from 9:00 a.m. to 4:30 p.m. The Executive Committee public hearing will be on Tuesday, **June 17** at 6:00 p.m. at the County Complex, Bouchard Building, Goffstown. The Executive Committee will meet on Wednesday, **June 18** at 9:00 a.m.

Rep. Lori Movsesian, Clerk
Hillsborough County Executive Committee

Hillsborough County Convention will meet on Thursday, **June 19** at 6:00 p.m. at the County Complex, Bouchard Building, Goffstown. There will be a cookout before the meeting at 5:00 p.m.

Rep. Lori Movsesian, Clerk
Hillsborough County Delegation

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on Friday, **May 16th** at 9:15 a.m. in the Theatre of the new Merrimack County Nursing Home, 325 Daniel Webster Highway, Boscawen, NH. The purpose of the meeting is to review and approve 1st quarter financial report as well as hear and approve a report from the salary study committee.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Committee

Merrimack County Delegation will meet on Friday, **May 16th** at 10:00 a.m. in the Theatre of the new Merrimack County Nursing Home, 325 Daniel Webster Highway, Boscawen, NH. The purpose of the meeting is to act on the Elected Officials Salaries.

Rep. Candace Bouchard, Chairman
Merrimack County Delegation

COUNTY DELEGATION NOTICE

Rockingham County Delegation will meet on Tuesday, **May 20** at 6:00 p.m. in the Hilton Auditorium, Rockingham County Nursing Home, Brentwood, to vote the salaries and benefits for elected officials for the term of office 2009-2010. The Executive Committee will meet at 5:30 p.m. in the Commissioner's Conference Room.

Rep. David A. Welch, Clerk
Rockingham County Delegation

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 as requested.

Rep. Peter R. Cote, 68 Bowers Street, Nashua, New Hampshire 03060-3927.

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

Karen O. Wadsworth, Clerk of the House

REVISED FISCAL NOTES

The following House and Senate Bills have revised fiscal notes: **HBs.** 91, 172, 173, 185, 211, 285, 315, 352, 359, 369, 399, 415, 432, 436, 502, 523, 563, 584, 594, 666, 678, 679, 690, 692, 754, 765, 766, 794, 837, 841, 877, 901, 1151, 1152, 1168, 1293, 1298, 1307, 1341, 1343, 1348, 1394, 1396, 1405, 1429, 1434, 1436, 1457, 1459, 1472, 1502, 1505, 1508, 1509, 1545, 1579, 1580, 1584, 1587, 1590, 1594, 1596, 1598, 1599, 1601, 1602, 1603, 1604, 1605, 1607, 1608, 1614, 1615, 1616, 1619, 1620, 1621, 1622, 1623, 1624, 1626, 1631, 1633, 1635, 1639, 1640, 1642, 1643, 1644, 1645, 1647, 1648, 1649, 1652. **SBs.** 94, 146, 173, 212, 301, 303, 308, 312, 317, 318, 321, 323, 324, 325, 329, 331, 337, 356, 376, 378, 410, 437, 438, 439, 425, 451, 490, 500, 501, 507, 508, 509, 515, 516, 522, 530, 539.

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 legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

Want something new to read? Have a book that you're done with? Head over to the basement of the LOB and help the Order of Women Legislators (OWL's) Scholarship Program. You are sure to find something that appeals to you. Donations accepted.

Rep. Julie Brown

The NH Legislative Caucus on Alcohol and Drug Problems will meet on Monday, **May 5th**, at 10:30 a.m. in the Upham Walker House Conference Room. Please use the side door. Guest speakers will be John Bunker, President and Tricia Lucas, Policy Director - from NEW FUTURES; as well as Erik Johannessen, CEO and Amy Allen, Director of Education at the Recovery High School – from ODYSSEY NH. Please join us to learn more about the impressive work both of these organizations are doing to improve the lives of both teens and adults in our state. Everyone is welcome!

Rep. Joy K. Tilton

All legislators are invited to a presentation, "The Epidemiology of Cardiovascular Disease in NH, 2000-2005." This is part of the Public Health Grand Rounds Series 2007-2008 sponsored by the UNH Masters in Public Health Program and the NH Public Health Association. The Speaker is Ludmilla Anderson, MD, MPH, Chronic Disease Epidemiologist, NH Dept of Health and Human Services and Assistant Clinical Professor, UNH. This presentation will provide an overview of the cardiovascular disease burden nationally and in New Hampshire; describe regional variations in cardiovascular disease epidemiology in NH; and outline steps to prevent cardiovascular disease. This presentation will be held Tuesday, **May 6**, 2008, 4:30-5:30 p.m., at the Legislative Office Building, Rooms 305-307. To RSVP for this free lecture, complete the form at http://www.chhs.unh.edu/hmp/0708grandround_regform.html or call 862-1128.

Rep. Cindy Rosenwald

After a long and snowy winter, the New Hampshire Snowmobile Association will be holding a legislative breakfast in the State House cafeteria on Wednesday, **May 7** from 7:30 to 9:30 a.m. All House members and staff are invited to stop by, have a cup of coffee, and meet with snowmobilers from across New Hampshire. Look forward to seeing you there!

Reps. Mary Jane Wallner and David W. Hess

There will be a brief but very important meeting of the Order of Women Legislators (OWLS) on **May 7th** in Room 304, LOB at the lunch break. We have many important financial matters to attend to, our scholarship, the sergeant at arms convention in September, and our very existence as an organization. Please bring a lunch, soft drinks will be provided.

Rep. Jacqueline Cali-Pitts

On Thursday, **May 8th** Breathe New Hampshire will be hosting a Legislative Breakfast for all legislators and staff from 7:30 to 9:00 a.m. in the State House Cafeteria. Please come and meet staff, board, and volunteers and enjoy breakfast, conversation, and door prizes. Please RSVP by May 2nd at 669-2411 or info@breathenh.org.

Rep. James P. Pilliod

All legislators are cordially invited to attend the fifth annual Governor's Council on Physical Activity and Health Outstanding Achievement Awards on Friday, **May 9** from 7:30 to 9:30 a.m. at the New Hampshire Technical Institute Gymnasium, 30 College Drive in Concord. A light breakfast will be served at 7:30 to 9:00 a.m. and the awards ceremony will begin at 9:00 a.m. The ceremony will honor organizations, businesses, schools and individuals for their outstanding achievement in promoting physical activity.

Rep. Elizabeth Hager

There will be a meeting of the Retirement/Economic Security Project group on Friday, **May 9th** from 10:00 to 11:30 a.m. in Room 306, LOB. The agenda will include a review and discussion of the Women's Policy Institute's findings on the economic status of older women in NH. Please RSVP to lharding@valley.net.

Rep. A. Laurie Harding.

All legislators and their families are invited to the annual Gun Owners of New Hampshire "Legislative Firearms Orientation Day" event at Pelham Fish & Game in Pelham, NH on Monday, **May 12th**, from 9:00 a.m. until 3:00p.m. This annual event is an opportunity to spend time with other New Hampshire legislators, with representatives from New Hampshire-based businesses, and with directors of GO-NH. Lunch is provided, as well as shooting and safety instruction, ammunition, targets, eye and ear protection, and loaner firearms (and bring your own, if you like). This is a fun, relaxing, and informative day, centered around shooting and the shooting sports, which helps to further the goodwill which exists between the gun owners and the legislators of our great state. RSVP by calling (603) 225-4664 or e-mailing ls@pelhamfishandgame.com by Friday, May 2. Be sure to state how many will be in your party.

Rep. Fran Wendelboe

All legislators are invited to come learn more about agriculture in Rockingham County on Monday, **May 12** starting at 9:00- a.m. and finishing around 2:00 p.m. We will meet and greet with coffee at 9:00 a.m., in advance of our farm tours, at Sunny Crest Farm, 59 High Range Road, Londonderry. The farms involved in the tour are Sunny Crest Farm, Londonderry, J & F Farm, Derry and Winding Brook Farm, Derry. Each of these farms is unique in what they do. We hope you can attend as this experience will provide you with insight into a very important part of our constituent responsibilities. Please RSVP by phone or e-mail by May 9th to: Tiffany Briggs, 352-9920 or tbriggs@farmconnect.net.

Rep. Howie Lund

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the 16th Annual New Hampshire Law Enforcement Officers Memorial Ceremony. The Ceremony will be held on Monday, **May 12**, 2008, beginning promptly at 10:00 a.m. on the memorial site in front of the Legislative Office Building. The Ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please do not hesitate to contact either Major Timothy J. Acerno of Fish and Game at 603-271-3129 or Chief Timothy Russell of the Henniker Department at 603-428-3213 if you have any questions.

Terie Norelli, Speaker

Annual Massage Therapy Day has been rescheduled to **May 13**. All members and staff are welcome to free massages from 10:00 a.m. to 2:00 p.m. in Room 209, LOB. Sponsored by the NH Chapter of the National Association of Massage Therapists.

Rep. Benjamin C. Baroody

The Governor's Conference on Volunteerism will be Tuesday, **May 13**, at the NH Technical Institute in Concord. The keynote address by Rebecca Rule will be "The Power of Story." There are over 30 workshops to choose from. The Governor's award for outstanding volunteer manager will be presented. This year there is also a youth track. Breakfast and lunch are included. Special registration fee for legislators is \$30. Registration information and brochure available at volunteernh.org or call 271-7200.

Rep. Carolyn Gargas

Osteoporosis, Education and Prevention Council – The annual education and prevention snack celebration will be held on **May 14** from 11:00 a.m. to 1:00 p.m. Bone density of the foot will be available. Everyone is welcome. Come join the fun in Room 100 of the State House.

Rep. Barbara C. French

All legislators and staff are invited to a lunch on Wednesday, **May 14** (please note date change) for a presentation of the report and recommendations of the New Hampshire Commission on Autism Spectrum Disorders established by HB 396, Chapter 171, 2007. The lunch will be held in Rooms

210-211, LOB at the session break.

Reps. Mary Jane Wallner and David W. Hess

The Seacoast Republican Women's Spring Luncheon will be held on Wednesday, **May 14th** at Abenaki Country Club, Rye. Guest Speaker will be Scott Spradling. Social hour at 11:30 a.m., luncheon at 12:00 noon, cost \$45.00. For more information call Fran Lefavour 659-6133 or email at FPL7@comcast.net

Rep. Nancy Stiles

In 2007, the Rock n' Race attracted over 5,000 participants to the State House Plaza, raising more than \$230,000 for the programs and services at the Payson Center for Cancer Care at Concord Hospital. The Rock 'n Race is expecting 6,000 participants this year. The event takes place **May 21, 2008**. Please be aware, with the dramatic growth of this event, the City of Concord has approved road closings for North Main Street, Park Street, and Capitol Street beginning at 4:00 p.m. on Wednesday, **May 21, 2008**. Any vehicles parked on N. Main St. between Centre and Pleasant Streets, or the blocks of Park and Capitol Streets, after 4:00 p.m. on the 21st, will be delayed or unable to exit until after 7:30 p.m. Please plan accordingly.

Reps. Mary Jane Wallner and David W. Hess

The House Republican Alliance will meet every Tuesday at 8:30 a.m. in the Upham Walker House.

Rep. David J. Bettencourt

The Main Street Republicans will meet every Wednesday at 8:30 a.m. at the Upham Walker House.

Rep. David H. Kidder

NOTICE

The 35th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the **American Heart Association** is scheduled for **Friday, June 6, 2008** at the Beaver Meadow Golf Club, Concord, NH. The entry fee for this annual tournament is \$40.00 per legislator and legislative staff & \$100 for all others. A continental breakfast and barbeque lunch will be provided, there are prizes for the top place finishers, and a raffle.

Registration is at 7:00 a.m. and the shotgun start is scheduled for 8:00 a.m. The format is "Captain and Crew".

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome.

Beaver Meadow Golf Course requires advance notice of the number of participants, the deadline will be strictly enforced for planning purposes. Please note that payment must be made upon registration. There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a full fee refund.

Mail or deliver payment in person to Bob Blaisdell, 72 North Main Street, Suite 301, Concord no later than May 16th. Checks should be made payable to: NH Legislative Golf Committee.

Reps. Tara Reardon and John Hunt

!

**35th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Golf
Tournament
Beaver Meadow Golf Course
Concord, NH**

Name: 1. _____
2. _____
3. _____
4. _____

Telephone: _____ Amount Enclosed: _____

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **April & May 2008**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the remainder of the school year and subject to changes. **Please note that if your school is closed or has a delay, that their tour will be rescheduled. Please contact the Visitors' Center concerning school tour booking information.** Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Caitlin A. Daniuk, Public Information Administrator

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>CLASS/SIZE</u>
Apr 28	8:30	Laconia Memorial Middle School	(6-8)/30
Apr 29	9:30/11:00 SH/HM	Hillsboro-Deering School	4/65
Apr 30	10:00	White Birch Community – Henniker	Adult/30
Apr 30	10:00	John Fuller School – Keene	4/50
May 1	9:30/11:00 SH/HM	Ashland Elementary School	(4&6)/40
May 1	11:30/1:00 SH/HM	Epsom Central School	4/60
May 2	9:30/11:00 SH/SC	Candia Moore School	4/50
May 2	10:30/12:00 SH/HM	Seminary Hill Elementary School – West Lebanon	4/64
May 5	9:00	St. Anthony's School – Manchester	4/50

May 5	10:15/11:30 SH/SC	Peterborough Elementary School	4/80
May 6	9:00	John Stark High School – Weare	HS/50
May 6	10:00/11:30 SH/HM	William T. Barron School – Salem	4/80
May 6	12:00	Ellis School – Fremont	7/49
May 7	9:30	Campton Elementary School	4/38
May 7	11:00	Bridgewater-Hebron Elementary School	4/31
May 7	11:30	Maple Ave School – Claremont	4/63
May 8	8:45	St. John Regional School – Concord	4/31
May 8	10:00/11:30 SH/HM	Mastway Elementary School – Lee	4/67
May 9	8:45	New Hampton Community School	4/16
May 9	10:00	Hancock Elementary School	4/14
May 9	10:00	Greenfield Elementary School	4/25
May 9	11:30	Antrim Elementary School	4/33
May 9	1:00	Raymond Christian Home School	(3&4)/20
May 12	9:45	Dr. Louis Soule School – Salem	4/56
May 12	10:30/12:30 SH/Planet	Mildred C. Lakeway School – Littleton	4/66
May 13	8:45	Concord Christian Academy	4/20
May 13	9:30/11:00 SH/HM	Gossler Park School – Manchester	4/70
May 14	10:00/11:30 SH/HM	Interlakes Elementary School – Meredith	4/80
May 14	10:30	Campton Elementary School – Student Council	(6-8)/12
May 15	9:15	Jennie Blake School – Hill	4/15
May 15	10:30/12:00 SH/HM	Hampstead Central School	4/88
May 16	9:00/10:30 SH/HM	Maple Street School – Contoocook	4/80
May 16	1:00	Holderness Central School	4/25
May 19	9:45	Salem Christian Academy	4/20
May 19	11:00	Good Shepherd School – Barrington	(3&4)/15
May 19	12:30	Pierce Elementary School – Bennington	4/29
May 19	2:00	NARFE	Adult/25
May 20	9:30/11:00 SH/HM	Green Acres School – Manchester	4/105
May 20	12:30	Effingham Elementary School	4/12
May 21	10:00	Newfields Elementary School	4/33
May 21	11:00	Young Professionals Association – North Conway	Adults/15
May 21	12:00	Presentation of Mary Academy – Hudson	4/36
May 22	10:30	Alstead Primary School	4/20
May 22	10:30	Acworth Elementary School	4/7
May 22	11:30/1:00 SH/HM	DJ Bakie School – Kingston	4/80
May 22	1:00	Seminarians	Adult/25
May 23	10:00	Linwood Elementary School – Lincoln	4/40
May 23	11:30	Salisbury-Webster Elementary School	4/40
May 23	1:00	Bethlehem Elementary School	4/32
May 27	10:00	St. Mary's School – Claremont	4/11

May 27	10:00/11:30 SH/HM	Enfield Village School	4/56
May 28	10:30	Mountain Shadow School – Dublin	6/9
May 28	10:30	Nashua Christian Academy	4/11
May 28	12:00	St. Elizabeth of Seton School - Rochester	4/25
May 29	10:30/12:00 SH/HM	Auburn Village School	4/75
May 30	10:00	Ray School – Hanover	4/40
May 30	11:15	Gilmanton Elementary School	4/46
May 30	11:30	Russell School – Rumney	4/18

WEDNESDAY, MAY 7

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2008-1311h

Amendment to SB 264

Proposed by the Majority of the Committee on Judiciary - R

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

AN ACT relative to post-judgment attachments to secure small claims judgments.

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

1 New Section; Attachments to Secure Small Claims Judgments. Amend RSA 503 by inserting after section 11 the following new section:

503:12 Post-Judgment Attachment and Execution.

I. Attachments and levies of execution on personal property and real estate may be made on judgments in small claims actions in district courts as provided in RSA 511, RSA 528 and RSA 529.

II. A judgment entered in accordance with this chapter may be secured by real estate by recording or re-recording, at any time during the duration of the judgment, a certified copy of the judgment with the registry of deeds of the county in which the real estate is located.

III. When a small claims judgment secured by real estate is satisfied, the plaintiff or his or her attorney shall deliver to the defendant or owner of the encumbered real estate a discharge thereof. The defendant or owner shall cause the discharge to be recorded and shall pay the register of deeds the recording fee established pursuant to RSA 478:17-g. The failure of the plaintiff to comply with the provisions of this paragraph shall be a violation.

IV.(a) If such plaintiff fails to deliver such discharge of a satisfied small claims judgment within 30 days from receipt of a request to deliver such discharge, or if other exigent circumstances require an immediate discharge, such discharge may be issued by the clerk of the court in which the judgment was rendered upon presentation of proof that the judgment has been paid in full, in the form of either a bank check, a certified check, an attorney's client funds account check which bears no indication of a stop payment order or return for insufficient funds, or by other equivalent documentary evidence of such receipt of payment.

(b) The discharge shall include the names and addresses of the plaintiff and the defendant, the date and amount of the judgment, the name of the underlying case, and the book and page of recording of the attachment.

(c) The discharge, when recorded, shall constitute a complete discharge of the small claims judgment and a release of the lien created by the recording of the small claims judgment.

(d) Any person who induces a clerk of court to execute a discharge in accordance with this paragraph, on the basis of information and statements known to the person to be false, shall be guilty of a class B misdemeanor.

2 Attachable Property; Availability of Prejudgment Attachment. Amend RSA 503:3-c to read as follows:

503:3-c **Prejudgment** Attachment Process. The **prejudgment** attachment process under RSA [511] **511-A** shall apply to ~~judgments obtained in~~ small claims actions.

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

AMENDED ANALYSIS

This bill establishes a procedure for post-judgment attachments to secure small claims judgments.

2008-1551h

Amendment to SB 301-FN

Proposed by the Committee on Commerce - C

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

AN ACT relative to durable medical equipment.

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

1 Rulemaking; Durable Medical Equipment. Amend RSA 420-J:7, II(c) to read as follows:

(c) Standards for geographic accessibility, ***which shall include standards for access to the provision of durable medical equipment requiring a prescription. However, such standards shall not restrict an insurer's ability to provide prescriptions for durable medical equipment that are shipped to the patient by postal service or other common or private carrier, and shall not apply to durable medical equipment devices used exclusively for the administration of medication.***

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

AMENDED ANALYSIS

This bill requires the insurance commissioner to adopt rules for access to the provision of durable medial equipment requiring a prescription.

2008-1607h

Amendment to SB 352-FN

Proposed by the Committee on Resources, Recreation and Development - C

Amend the bill by replacing all after section 6 with the following:

7 Appeals. Amend RSA 482-A:10, XVIII to read as follows:

XVIII. If a permit is granted with respect to any activity proposed to be undertaken in or adjacent to a prime wetland as mapped, designated, and filed pursuant to RSA 482-A:15, the conservation commission or local governing body may ***request reconsideration by the department and, if aggrieved by the decision or reconsideration,*** appeal said decision to the ~~[superior]~~ ***wetlands council and the supreme*** court in the manner prescribed in this section. The filing of a request for reconsideration shall automatically stay the effectiveness of the department's decision relating to said prime wetland. Said stay shall remain in force until the department has issued its decision after reconsideration.

8 Unaltered State; Definition. RSA 483-B:4, XXIV-a is repealed and reenacted to read as follows:

XXIV-a. "Unaltered state" means native vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities.

9 Natural Woodland Buffer. RSA 483-B:9, V(b)(2)(A) is repealed and reenacted to read as follows:

(A)(i) For lots with one-half acre or less of land within the natural woodland buffer, the vegetation within at least 25 percent of the area outside the waterfront buffer shall be maintained in an unaltered state. Owners of lots legally developed prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of area maintained in an unaltered state. The percentage of area maintained in an unaltered state on nonconforming lots shall not be decreased.

(ii) For lots with greater than one-half acre of land within the natural woodland buffer, the vegetation within at least 50 percent of the area outside the waterfront buffer, exclusive of impervious surfaces, shall be maintained in an unaltered state. Owners of lots legally developed prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of area maintained in an unaltered state. The percentage of area maintained in an unaltered state on nonconforming lots shall not be decreased.

10 Addition of Tree Limbs. RSA 483-B:9, V(b)(2)(C) is repealed and reenacted to read as follows:

(C) Dead, diseased, or unsafe, trees, limbs, saplings, or shrubs that pose an imminent hazard to structures or have the potential to cause personal injury may be removed regardless of any requirements that pertain to the natural woodland buffer under this chapter. Such exemptions shall not be used to contravene the intent of the law.

11 Impervious Surfaces. RSA 483-B:9, V(g)(1)-(4) is repealed and reenacted to read as follows:

(1) Subject to subparagraph (2), no more than 30 percent of the area of a lot located within the protected shoreland shall be composed of impervious surfaces.

(2) If the impervious surface area will exceed 20 percent, a stormwater management system shall be implemented and maintained which is designed to infiltrate increased stormwater from development occurring after the effective date of this paragraph in accordance with rules established by the department under RSA 485-A:17. In addition, if the natural tree and sapling cover in the waterfront buffer does not meet the 50-point minimum score of RSA 483-B:9, V(a)(2)(D) in any segment, then such segment shall be planted, as determined by rule of the department, with native trees, saplings, or natural ground cover in sufficient quantity, type, and location either to meet the minimum score or to provide at least an equivalent level of protection as provided by the minimum score and shall be maintained in accordance with RSA 483-B:9, V(a).

(3) Property owners and developers are encouraged to seek creative solutions that utilize low impact development techniques.

12 Pesticides. RSA 483-B:9, V(a)(2)(A) is repealed and reenacted to read as follows:

(A) No chemicals shall be applied, including pesticides or herbicides of any kind except as allowed under special permit issued by the division of pesticide control under rules adopted by the pesticide control board under RSA 541-A, or fertilizers of any kind except those specified in RSA 483-B:9, II(d).

13 Abutter; Definition. RSA 483-B:4, I is repealed and reenacted to read as follows:

I. "Abutter" means any person who owns property that is immediately contiguous to the property on which the proposed work will take place, or who owns flowage rights on such property. The term does not include those properties separated by a public road or more than $\frac{1}{4}$ mile from the limits of the proposed work. If contiguous properties are owned by the person who is proposing the work, then the term includes the person owning the next contiguous property, subject to the $\frac{1}{4}$ mile limitation.

14 New Paragraph; Permit Application; Copies of Receipts. Amend RSA 483-B:5-a by inserting after paragraph IV the following new paragraph:

IV-a. At the time of the permit application, the applicant shall provide postal receipts or copies, verifying that the governing body of the municipality or municipalities in which the property is located and all abutters have been notified of the application by certified mail.

15 New Paragraph; Purpose Statement. Amend RSA 483-B:1 by inserting after paragraph I-a the following new paragraph:

I-b. Scientific evidence has confirmed that even small areas of impervious surface coverage can have deleterious impacts on water quality and the aesthetic beauty of our lakes and rivers if not properly contained or managed within each watershed. These impacts are known to reduce recreational opportunity, reduce property values, and pose human health risks.

16 Repeal. RSA 482-A:10, X-XVII relative to appeals, is repealed.

17 Unaltered State; Definition. RSA 483-B:4, XXIV-b is repealed and reenacted to read as follows:

XXIV-b. "Unaltered state" means native vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities.

18 New Paragraph; Permit Application; Copies of Receipts. Amend RSA 483-B:5-b by inserting after paragraph IV the following new paragraph:

IV-a. At the time of the permit application, the applicant shall provide postal receipts or copies, verifying that the governing body of the municipality or municipalities in which the property is located and all abutters have been notified of the application by certified mail.

19 Repeal. Section 26 of HB 1601-FN-A of the 2008 legislative session, relative to repeal and readoption of rules, is repealed.

20 Repeal and Readoption of Rules.

I. Notwithstanding the provisions of RSA 541-A, the commissioner of the department of environmental services shall immediately repeal administrative rules chapter Env-Wq 1400 adopted March 24, 2008 pursuant to RSA 483-B:17.

II. Notwithstanding the provisions of RSA 541-A, the commissioner of the department of environmental services shall immediately readopt the administrative rules that were in effect prior to the effective date of the rules repealed under paragraph I. Such rules shall be effective as rules of the department and shall remain in effect until rules are adopted under paragraph IV, or are otherwise repealed or amended or have expired in accordance with RSA 541-A.

III. The commissioner of the department of environmental services shall notify in writing the director of legislative services of the dates of repeal and readoption of rules under paragraphs I and II.

IV. The commissioner of the department of environmental services may adopt rules to be in effect as of July 1, 2008 that are the same as the rules repealed under paragraph I, except that the commissioner shall modify the date references in the rules to take into account the July 1, 2008 effective date. Such rule adoption shall be exempt from the rulemaking provisions of RSA 541-A, provided the commissioner adopts the rules and files them with the office of legislative services prior to July 1, 2008. The rules shall expire on July 1, 2016 unless readopted, amended, or repealed pursuant to RSA 541-A.

V. The commissioner of the department of environmental services shall prepare, and the director of the office of legislative services shall publish in the rulemaking register, one or more notices, as necessary, to clearly state which rules will be in effect during affected time periods.

21 Effective Date.

I. If HB 1601-FN-A of the 2008 legislative session becomes law, sections 1-7, 13, and 15-16 of this act shall take effect July 1, 2008; sections 9-12, and 17-18 of this act shall take effect July 1, 2008 at 12:01 a.m.; sections 19-20 of this act shall take effect upon its passage; and sections 8 and 14 of this act shall not take effect.

II. If HB 1601-FN-A of the 2008 legislative session does not take effect, sections 17-20 of this act shall not take effect and the remainder of this act shall take effect July 1, 2008.

22 Effective Date.

I. Sections 1-20 of this act shall take effect as provided in section 21 of this act.

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

AMENDED ANALYSIS

This bill:

I. Gives the wetlands council jurisdiction over appeals of department of environmental services decisions relating to protected shorelands.

II. Requires that certain percentages of vegetation within the natural woodland buffer remain unaltered.

III. Allows the placement of certain herbicides within a waterfront buffer with a special permit.

IV. Requires that shoreland permit applicants provide notice to abutters.

V. Extends the reporting dates for the instream flow pilot program.

VI. Integrates the provisions of HB 1601-FN-A into the provisions of this bill, if HB 1601-FN-A becomes law.

2008-1605h

Amendment to SB 358

Proposed by the Majority of the Committee on Resources, Recreation and Development - R

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

1 New Section; Mooring of Boats on Public Waters; Petitions to Require Permits; Hearings.

Amend RSA 270 by inserting after section 61 the following new section:

270:61-a Petitions to Require Permits; Hearings.

I. The commissioner of safety shall, after receiving a petition signed by 25 or more residents or property owners of each affected town or towns in which a lake, pond, or river is located and after notice and hearing at which it appears that the public interest requires the use of mooring permits, amend the rules adopted under this subdivision to require mooring permits on the body of water. The provisions of this subdivision and associated rules shall then apply to such water body.

II. The commissioner of safety shall hold a public hearing to determine whether to grant a petition submitted under paragraph I. In determining whether to grant the petition, the commissioner shall take into consideration the following factors:

- (a) The size of the body of water.
- (b) Public safety.
- (c) The maintenance of residential, recreational, and scenic values.
- (d) The variety of uses of the body of water.
- (e) The environment and water quality.
- (f) Threatened and endangered species.
- (g) The number of people affected, either directly or indirectly.
- (h) The availability of moorings to the non-shorefront owning public.

III. The commissioner of safety shall schedule the public hearing at a date and time which provides interested individuals with sufficient notice, and at a location in the vicinity of the body of water under consideration. If mooring permits are required under this section, the effective date of such requirement shall be no earlier than October 1 of any given year.

2 New Paragraph; Mooring Permit Required; Limitations. Amend RSA 270:61 by inserting after paragraph VI the following new paragraph:

VII. An owner of shorefront property separated from the main water body by a manmade structure shall be granted a permit for a mooring on the main body of water if the need for the mooring is established and if the conditions of RSA 270:64, I are met.

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

2008-1235h

Amendment to SB 394

Proposed by the Committee on Commerce - R

Amend RSA 12-A:22-a, II and III as inserted by section 1 of the bill by replacing it with the following:

II. The advisory council shall consist of the director of the division of economic development, 3 at-large members who have an interest in economic development, and a representative of each of the following:

- (a) A chamber of commerce.
- (b) The manufacturing sector.
- (c) The field of higher education.
- (d) A venture capital formation expert or specialist.
- (e) A workforce development organization.
- (f) The biotechnology sector.
- (g) The information technology or software sector.
- (h) Commercial real estate or real estate development.
- (i) A regional or municipal development official.
- (j) The insurance, banking, or financial services sector.
- (k) The retail sector.
- (l) The travel and tourism sector.

- (m) The forest-based products sector.
- (n) An electric utility or energy-related interest.
- (o) An economist.
- (p) The telecommunications sector.
- (q) The governor's office.
- (r) A senator, appointed by the president of the senate.
- (s) A house member, appointed by the speaker of the house of representatives.
- (t) One representative of organized labor.
- (u) The residential building community.
- (v) A state or local housing agency.

III. Members of the council, except for the legislative members, shall be nominated by the commissioner of the department of resources and economic development and appointed by the governor for a term of 3 years and until their successors are appointed and qualified. When nominating and appointing individuals to the advisory council, the commissioner and governor shall ensure that each New Hampshire county has at least one representative on the council at any given time. Initial appointments made by the governor shall be for staggered terms of one, 2, or 3 years.

2008-1222h

Amendment to SB 395

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend subparagraph I(e) as inserted by section 1 of the bill by replacing it with the following:

- (e) A consumer, appointed by the governor.

Amend subparagraph I(h) as inserted by section 1 of the bill by replacing it with the following:

- (h) A representative of an AIDS service organization, appointed by the executive directors of the AIDS service organizations in New Hampshire.

2008-1499h

Amendment to SB 413

Proposed by the Committee on Ways and Means - C

Amend RSA 4:40, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. All state agencies shall charge an administrative fee for the disposal of real property under this section. The administrative fee shall be at least \$1,100 and shall be subject to the approval of the long range capital planning and utilization committee, ***except that the committee may waive or approve a fee less than \$1,100 in appropriate circumstances.*** The revenue from the administrative fees shall be deposited into the general, highway, turnpike, or fish and game fund, depending on which fund initially purchased the property, ***except that for disposals of real property by the department of resources and economic development the administrative fee shall be deposited into the non-lapsing forest improvement fund established in RSA 227-G:5, II(b), for the purchase and improvement of areas suitable for state reservations.***

AMENDED ANALYSIS

This bill allows the long range capital planning and utilization committee to lower or waive the administrative fee charged agencies in the disposal of state lands, and provides that the administrative fees for disposal of state lands by the department of resources and economic development shall be deposited in the forest improvement fund.

2008-1592h

Amendment to SB 454

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

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

- 1 Controlled Drug Act; Sale by Pharmacists. Amend RSA 318-B:9, IV to read as follows:

IV. No prescription shall be filled for more than a 34-day supply ~~[or 100 dosage units, whichever is less,]~~ upon any single filling for controlled drugs of schedules II or III; provided, however, that ***for controlled drugs, in schedules II or III, that are commercially packaged***

for dispensing directly to the patient, such as metered sprays and inhalers, liquids packaged in bottles with calibrated droppers, and certain topical preparations packaged with metered dispensing pumps may be filled for greater than a 34-day supply, but not more than 60 days, utilizing the smallest available product size, in order to maintain the dosing integrity of the commercially packaged containers; and, provided that with regard to amphetamines and methylphenidate hydrochloride, a prescription may be filled for up to a 60-day supply if either such prescription specifies it is being used for the treatment of attention deficit disorder, attention deficit disorder with hyperactivity, or narcolepsy.

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

AMENDED ANALYSIS

This bill allows prescriptions for certain controlled drugs to be filled for more than a 34-day supply.

This bill also deletes the limitation of 100 dosage units from current law.

2008-1137h

Amendment to SB 467

Proposed by the Committee on Fish and Game - C

Amend RSA 211:34 as inserted by section 1 of the bill by replacing it with the following:

211:34 Traps on Trawls. No pot, trap or other contrivance for taking or holding lobsters or crabs shall be set or buoyed other than plainly and separately except as hereinbefore provided. When pots, traps, or other contrivances are set on trawls, buoys plainly marked as provided in RSA 211:32 and 33 shall be set on both ends of the trawls. ***Pot or trap trawls used for taking lobsters and crabs which contain less than 5 pots or traps may be plainly marked on one end.***

2008-1478h

Amendment to SB 468

Proposed by the Committee on Commerce - C

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

1 New Hampshire Vaccine Association. Amend RSA 126-Q:3, V(k) to read as follows:

(k) Submit an annual report to the commissioner of insurance ~~[listing those licensed insurers that failed to remit their assessments]~~, ***in a manner and form determined by the commissioner, listing the association membership base, providing a count of covered lives by member, identifying changes in association membership and covered lives, describing the collection of assessments, listing payment delinquencies, and containing such other related information as the commissioner may require.***

2 New Paragraph; New Hampshire Vaccine Association. Amend RSA 126-Q:5 by inserting after paragraph I the following new paragraph:

I-a. The insurance commissioner shall annually review the report required under RSA 126-Q:3, V(k) on association membership, covered lives, and the payment of assessments to ensure that all insurers that should be members of the association are participating in the association and that all association members have accurately reported covered lives and paid the proper assessment. The association shall remedy any problem identified by the commissioner with respect to membership in the association, reporting of covered lives, or payment of the assessment.

3 Individual Health Insurance; Definitions. Amend RSA 404-G:2, V(d) to read as follows:

(d) Protected, in part, by a group excess loss insurance policy where the policy or certificate of coverage has been issued or delivered in New Hampshire~~[- and where coverage has been purchased by a group health insurance plan subject to the Employee Retirement Income Security Act of 1974, Public Law No. 93-406 (ERISA)]~~.

4 Individual Health Insurance. Amend RSA 404-G:2, VII to read as follows:

VII. "Health insurance" means health insurance coverage issued in accordance with RSA 415, 420-A, or 420-B. For the purposes of this chapter, health insurance shall not include accident only, credit, dental, vision, Medicare supplement, Medicare Risk, Medicare+Choice, Managed Medicaid, long-term care, disability income, coverage issued as a supplement to a liability insurance,

workers' compensation or similar insurance, automobile medical payment insurance, policies or certificates of specified disease, hospital confinement indemnity, limited benefit health insurance [~~or short term, nonrenewable individual health insurance~~], coverage provided through the New Hampshire healthy kids association, and coverage provided through the Federal Employees' Program. [~~Nonprofit health service corporations shall exclude coverage provided through national account policies originating outside of New Hampshire to the extent the nonprofit health service corporation assumes no risk for the provision of such insurance.~~] Health insurance does include group excess loss insurance.

5 New Section; Report Required. Amend RSA 404-G by inserting after section 4 the following new section:

404-G:4-a Report Required. The association shall submit an annual report to the commissioner, in a manner and form determined by the commissioner, listing the association membership base, providing a count of covered lives by member, identifying changes in association membership and covered lives, describing the collection of assessments, listing payment delinquencies, and containing such other related information as the commissioner may require.

6 New Paragraph; Individual Health Insurance; Commissioner's Powers. Amend RSA 404-G:6 by inserting after paragraph I the following new paragraph:

I-a. The commissioner shall annually review the report required under RSA 404-G:4-a on association membership, covered lives, and the payment of assessments to ensure that all insurers that should be members of the association are participating in the association and that all association members have accurately reported covered lives and paid the proper assessment. The association shall remedy any problem identified by the commissioner with respect to membership in the association, reporting of covered lives, or payment of the assessment.

7 Reinsurance. Amend RSA 420-K:1, IV to read as follows:

IV. "Covered lives" [~~means "covered lives" as defined in RSA 404-G:2, V.~~] ***shall include all persons who are:***

(a) Covered under an individual health insurance policy issued or delivered in New Hampshire.

(b) Covered under a group health insurance policy that is issued or delivered in New Hampshire.

(c) Covered under a group health insurance policy evidenced by a certificate of insurance that is issued or delivered in New Hampshire.

(d) Protected, in part, by a group excess loss insurance policy where the policy or certificate of coverage has been issued or delivered in New Hampshire, and where coverage has been purchased by a group health insurance plan subject to the Employee Retirement Income Security Act of 1974, Public Law No. 93-406 (ERISA).

8 Reinsurance Pool; Coverage Terminated. Amend the introductory paragraph of RSA 420-K:5 to read as follows:

Beginning January 1, 2006 ***and ending June 30, 2008***, members may reinsure with the pool health coverage provided to small employers as follows:

9 New Paragraphs; Reinsurance Program. Amend RSA 420-K:5 by inserting after paragraph X the following new paragraphs:

XI. Reinsurance coverage under this chapter shall terminate on December 31, 2008. Reinsurance shall be provided only for covered claims submitted within 2 years from the date the expenses on which the claim is based were incurred.

XII. A member who reinsured an eligible employee or dependent with an initial coverage date or anniversary date on or after January 1, 2008 may elect to terminate coverage for the eligible employee or dependent retroactive to the applicable initial coverage date or anniversary data occurring on or after January 1, 2008. These elections shall be made no later than July 1, 2008. The pool shall reimburse the member for the premium paid on behalf of the eligible employee or eligible dependent and the member shall reimburse the pool for any claims paid by the pool on behalf of the eligible employee or eligible dependent.

10 New Paragraph; Reinsurance Program. Amend RSA 420-K:6 by inserting after paragraph III the following new paragraph:

IV. The board shall have the authority to continue to impose and collect assessments pursuant to this section until the obligations of the pool have been satisfied in full. The board shall submit an annual report to the commissioner, in a manner and form determined by the commissioner, listing the association membership base, providing a count of covered lives by member, identifying changes in association membership, and covered lives, describing the collection of assessments, listing payment delinquencies, and containing such other related information as the commissioner may require. The commissioner shall annually review the report on association membership, covered lives, and the payment of assessments to ensure that all insurers that should be members of the association are participating in the association and that all association members have accurately reported covered lives and paid the proper assessment. The board shall remedy any problem identified by the commissioner with respect to membership in the association, reporting of covered lives, or payment of the assessment.

11 Statement of Purpose. The purpose of sections 12 through 17 of this act is to clarify the original legislative intent in establishing the New Hampshire vaccine association and to ratify the manner in which the New Hampshire vaccine association has administered assessments with respect to foreign writers of health insurance. The provisions in these sections clarify that all writers of health insurance are members of the New Hampshire vaccine association, whether domestic or foreign. As members of the New Hampshire vaccine association, foreign writers of health insurance are entitled to vote for board representation and are subject to the assessment. Since its creation in 2002, foreign writers of health insurance have been treated as members of the New Hampshire vaccine association and have paid the assessment.

12 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:3, I to read as follows:

I. The New Hampshire vaccine association shall be comprised of all ~~[licensed]~~ insurers currently writing or maintaining health insurance in New Hampshire.

13 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:3, III(a) to read as follows:

(a) Three representatives selected from the ~~[licensed]~~ insurers ***currently writing or maintaining health insurance in New Hampshire and*** having the most covered lives in New Hampshire.

14 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:3, V(j) to read as follows:

(j) Notify, in writing, each ~~[licensed]~~ insurer of the insurer's assessment by November 15 of each year.

15 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:4, IV to read as follows:

IV. Each ~~[licensed]~~ insurer ***writing or maintaining health insurance in New Hampshire*** shall be assessed in proportion to the number of its covered lives.

16 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:5, I to read as follows:

I. The commissioner of insurance shall fine any ~~[licensed]~~ insurer that fails to pay an assessment within 6 months of notification under RSA 126-Q:3, V(j). The fine shall be at least \$5,000 and no more than 125 percent of the amount of the delinquent assessment. Fines so levied shall be deposited with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.

17 Repeal. RSA 126-Q:1, VI, relative to the definition of "licensed insurer," is repealed.

18 Effective Date. This act shall take effect July 1, 2008.

AMENDED ANALYSIS

This bill terminates reinsurance coverage through the New Hampshire small employer reinsurance pool. The bill includes government plans and non-domestic insurers writing health insurance in New Hampshire in the assessment base that funds part of the costs of the New

Hampshire vaccine association and the New Hampshire health plan. The bill also gives the insurance commissioner authority to annually review assessment activity related to the New Hampshire vaccine association, the New Hampshire small employer reinsurance pool, and the New Hampshire health plan to ensure that all members that should be assessed have reported and paid the proper assessment.

2008-1331h

Amendment to SB 487
Proposed by the Committee on Judiciary - R

Amend the bill by replacing section 1 with the following:

1 Bail and Recognizances; Release or Detention of Defendant Pending Sentence or Appeal.
RSA 597:1-a, III is repealed and reenacted to read as follows:

III.(a) The court shall order that a person found guilty of a felony and sentenced to a term of imprisonment and who has made a good faith representation that he or she shall file a timely appeal be detained, unless the person establishes and the court finds:

(1) By clear and convincing evidence, taking into consideration the nature of the crime and the length of the sentence imposed, that the person is not likely to fail to appear to answer the judgment following the conclusion of the appellate proceeding, or to pose a danger to himself or herself or to any other person or the community, or to intimidate witnesses, or otherwise to interfere with the administration of justice; and

(2) By a preponderance of the evidence that the appeal will not likely be frivolous or taken merely for delay.

(b) Upon making the findings specified in subparagraph (a), the court shall order the release of the person in accordance with the provisions of RSA 597:2.

AMENDED ANALYSIS

This bill clarifies the law regarding bail pending appeal.

2008-1621h

Amendment to SB 496
Proposed by the Committee on Health, Human Services and Elderly Affairs - C

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

1 Statement of Purpose.

I. The general court recognizes that the number of people over the age of 85 living in New Hampshire is expected to at least double, reaching nearly 45,000, in 2030 according to the United States Census Bureau. These seniors, and many under age 85, will need assistance if they are to remain in their homes. Many New Hampshire families are caring for their parents, grandparents, and disabled family members but need assistance as they juggle caring for their relatives with work outside the home.

II. The general court recognizes the vital role of direct care workers who enable the elderly and persons with developmental disabilities, physical disabilities, and mental illness to live as independently as possible in their homes and communities, and further recognizes that the pool from which those caregivers are drawn is shrinking. Turnover among these direct care workers ranges from 30 to 80 percent, resulting in inconsistent, disruptive care delivery or, in some cases, no available care at all. Many factors contribute to this high turnover.

III. Therefore, the general court hereby establishes a commission to bring representatives from provider organizations, direct care workers, and appropriate state agencies together to identify and recommend incentives to improve recruitment and retention of these caregivers.

2 Commission Established. There is established a commission to study incentives for providers of home and community-based care.

3 Membership and Compensation.

I. The members of the commission shall be as follows:

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

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

(c) The commissioner of the department of health and human services, or designee.

(d) The commissioner of the department of labor, or designee.

(e) Four non-supervisory direct care workers representing workers who serve in a variety of settings, appointed by the governor.

(f) A representative of the Direct Care Workforce Initiative of the New Hampshire Community Loan Fund, appointed by such organization.

(g) Two representatives of the Home Care Association of New Hampshire one of whom shall be from a for-profit agency and one from a non-profit agency, appointed by such association.

(h) One representative of the New Hampshire Private Provider Network, appointed by such organization.

(i) One representative of Granite State Independent Living, appointed by such organization.

(j) One representative of Community Support Network, Inc., appointed by such organization.

(k) One representative of New Hampshire Community Behavioral Health Association, appointed by such organization.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties. The commission shall identify incentives for providers of care for the elderly and persons with developmental disabilities, physical disabilities, and mental illness that encourage recruitment and retention of non-supervisory direct care workers. The commission's study shall include, but not be limited to, identifying:

I. Employer best practices that contribute to successful direct care worker recruitment and retention.

II. Mechanisms within various public funding streams for implementing provider incentives.

5 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

6 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the oversight committee on health and human services, the governor, and the state library on or before November 1, 2009.

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

2008-1564h

Amendment to SB 530-FN-A-LOCAL

Proposed by Majority of the the Committee on Finance - R

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

1 Kindergarten Construction Program. Amend RSA 198:15-r to read as follows:

198:15-r Kindergarten Construction Program Established.

I. There is established in the department of education a kindergarten construction program ***to provide certain construction grants which shall be available to eligible school districts*** [~~For the period beginning July 1, 1997, and ending June 30, 2008, the commissioner of education shall make grants available to eligible districts~~] that currently do not operate a public kindergarten program. ***These grants shall be available until all school districts in the state operate a kindergarten program within an approved public school. Such eligible districts shall receive, at their election, either:***

(a) A construction grant to cover 75 percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities[~~;~~]; ***or***

(b) A construction grant to cover 100 percent of the actual cost of the design and construction of a basic code compliant kindergarten facility, but shall not include site acquisition and core facilities. In this subparagraph, “basic code compliant kindergarten facility” means a new building or an addition to an existing building that the commissioner of the department of education determines satisfies the minimum standards for school approval for a kindergarten program and all applicable building code standards. The commissioner shall establish specifications pursuant RSA 198:15-s, IV for such a basic code compliant facility.

II. A school district that displaces pupils from an existing classroom space in order to use such space to provide a kindergarten program shall be eligible for a construction grant under subparagraphs I(a) or (b) to cover the costs incurred in constructing or renovating new classroom space for the displaced pupils.

III. Grants under subparagraphs I(a) or (b) shall also cover the cost of initial furniture, fixtures, and equipment needed to operate a kindergarten program.

IV.(a) In addition to the grants available under paragraph I, the commissioner of the department of education shall make classroom transition grants available to eligible school districts that currently do not operate a public kindergarten program, and that begin operation of such a program as of the beginning of the 2008-2009 or 2009-2010 school years, to cover 100 percent of the actual cost of leasing and set up of temporary classrooms, including but not limited to portable classrooms or privately-owned space, for a single lease period with a maximum term of 4 years. The temporary classrooms may be used for grades other than kindergarten to the extent that those grades are displaced in order to make room for kindergarten classes. Classroom transition grants shall also cover the cost of initial furniture, fixtures, and equipment needed to operate a kindergarten program. Classroom transition grants shall be limited to an amount that, in the discretion of the commissioner of the department of education, is not excessive or unreasonable.

(b) A school district that currently does not operate a public kindergarten program may, for a period not to exceed 4 years, contract with a private entity to provide a kindergarten program in accordance with 198:48-a, provided that the kindergarten program meets or exceeds the minimum standards for school approval as adopted by the department of education.

(c) A school district may elect to proceed under either subparagraph (a) or (b), or a combination of both, provided that the maximum time period that a school district may proceed under either subparagraph (a) or (b), or the combination of both, shall not exceed 4 years.

V. A school district may contract with another school district to provide a public kindergarten program that meets or exceeds the minimum standards for school approval as adopted by the department of education.

VI. The provisions of RSA 32:8 and RSA 32:11 shall not apply to costs incurred by a school district under this section.

~~[H.]~~ *VII. Nothing in this subdivision shall prohibit the inclusion of the site and related facilities that are not eligible for funding by the state under this subdivision as part of kindergarten construction costs from being included in a regular building aid funding request as provided in RSA 198:15-b. However, no school district which receives **any** funding [for a kindergarten construction project] under this subdivision shall be eligible to receive school building aid under RSA 198:15-b for the same project.*

~~[H.]~~ *VIII. Kindergarten facilities constructed under this subdivision shall be the property of the school district or the city maintaining a school department.*

~~[IV. Nothing in this section shall prohibit a district from receiving a construction grant for a public kindergarten building if the district chooses to utilize a mixed alternative and public kindergarten program.]~~

IX. A district shall not be deemed ineligible from receiving the full amount of a construction or transition grant for which it is otherwise eligible as a result of the district

already expending funds for construction or transition costs related to providing a kindergarten program beginning in the 2008-2009 or 2009-2010 school years.

2 New Section; Kindergarten Adequate Education Grants. Amend RSA 198 by inserting after section 48-a the following new section:

198:48-b Kindergarten Adequate Education Grants. Notwithstanding any provision of law to the contrary:

I. A school district which operates kindergarten in any school year in which the adequate education grant provided pursuant to RSA 198:42 does not include a count of kindergarten students, shall receive an additional adequate education grant based on the number of pupils attending kindergarten in the district as of the beginning of the school year.

II. The per pupil amount of the additional education grant provided in this section shall be \$1,200 for the 2008 school year. Starting in the school year that commences in the fall of 2009, a school district which operates kindergarten in any school year in which the adequate education grant provided pursuant to RSA 198:42 does not include a count of kindergarten students, shall receive an additional adequate education grant calculated pursuant to the adequate education grant formula provided in RSA 198 based on the number of pupils attending kindergarten in the district as of the beginning of the school year. Once pupils enrolled in an approved kindergarten program have been counted in the average daily membership, school districts shall receive, for each such pupil, an adequate education grant calculated in accordance with RSA 198:41 and RSA 198:42. School districts that receive kindergarten adequate education grants under this section shall not be eligible to receive any other per pupil adequate education grant.

3 Kindergarten Implementation Plan. A school district that is unable to provide a public kindergarten program as of the beginning of the 2008-2009 school year shall notify the commissioner of the department of education on or before July 15, 2008. No later than December 1, 2008, such district shall submit to the commissioner a plan which has been approved by the local school board, and which sets forth the school district's plan for providing a public kindergarten program no later than the beginning of the 2009-2010 school year. The plan shall include detailed benchmarks and timetables for providing kindergarten classrooms, curriculum, staffing, and equipment as established by the commissioner.

4 Alternative Kindergarten Programs. RSA 198:48-a, III is repealed and reenacted to read as follows:

III. A local plan for an alternative kindergarten program shall be approved by the school board. A local plan for an alternative kindergarten program shall be submitted to the commissioner of the department of education at times established by the commissioner.

5 Repeal. The following are repealed:

I. 2001, 287:6, II, relative to the kindergarten construction grant program.

II. RSA 198:15-r, IV, relative to classroom transition grants.

III. RSA 198:15-s, I, relative to eligibility for the kindergarten construction grant program.

6 Effective Date.

I. Paragraph I of section 5 of this act shall take effect June 30, 2008.

II. Paragraph II of section 5 of this act shall take effect July 1, 2013.

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

AMENDED ANALYSIS

This bill:

I. Extends the kindergarten construction aid program until all school districts in the state operate a kindergarten program.

II. Allows a school district to elect a construction grant to cover either 75 percent of the actual cost of construction of kindergarten facilities or 100 percent of the actual cost of design and construction of a basic code compliant kindergarten facility.

III. Provides classroom transition grants to eligible school districts which do not operate a public kindergarten program and which begin operation of such a program as of the beginning of the 2008-2009 or 2009-2010 school years for the actual cost of leasing and set up of temporary classrooms.

IV. Requires that a school district providing a public kindergarten program as of the beginning of the 2009-2010 school year shall receive, in that same year, an additional adequate education grant amount based on the number of pupils attending kindergarten in the district as of the beginning of the school year.

V. Requires certain school districts to submit a kindergarten implementation plan to the commissioner of the department of education detailing the district's plan to provide a public kindergarten program no later than the beginning of the 2009-2010 school year.

2008-1574h

Amendment to SB 539-FN-LOCAL

Proposed by the Majority of the Committee on Finance - R

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

1 Statement of Purpose.

I. The general court finds that the cost of the opportunity for an adequate education for public school students, as established in this act, is based upon the definition of the opportunity for an adequate education enacted in the 2007 Laws of New Hampshire, chapter 270. The methodologies for costing, determination of resources, and elements of cost included in this act are intended to and do fulfill the state's duty under the Encouragement of Literature clause of the New Hampshire constitution to deliver the opportunity for an adequate education.

II. The individual components of the cost were selected on the basis of their effectiveness in delivering educational opportunity and after extensive review, debate and discussion by the joint legislative oversight committee on costing an adequate education and the general court. The legislative process consisted of obtaining information from professional educators, government officials, education policy and finance experts, and the public on the establishment of the cost of an adequate education.

III. The joint legislative oversight committee on costing issued detailed findings and recommendations on the composition of the cost of an adequate education and how the funds for an adequate education should be allocated and accounted for in order to ensure that the educational needs of all public school students are met. These findings and recommendations were submitted to the general court and are an integral basis of the costing determinations reflected in this act.

IV. The cost of the opportunity for an adequate education consists of several elements. All such elements must be provided in order to ensure the delivery of the state's constitutional duty. The universal cost represents the per pupil resources necessary to provide an adequate education where no additional aid is necessary to cover the increased costs of providing that opportunity to students who have special education needs, who have limited English language proficiency or are in schools with significant concentrations of economically disadvantaged students. The universal cost represents the costs attributable only to the subset of education that is included in the definition in RSA 193-E:2-a.

V. The general court further finds that additional aid, referred to as differentiated aid, is also required to fulfill the state's constitutional duty to provide the opportunity for an adequate education for certain students. This act allocates such differentiated aid to special education students, English language learners, and students in schools with significant concentrations of economically disadvantaged students, the latter category based upon eligibility for federally-provided free and reduced-price lunch programs and the concentration of such eligible students in a school.

VI. In determining the need for differentiated aid in addition to providing the universal cost for an adequate education, the general court recognizes that the resources needed to provide the opportunity for an adequate education are not the same for all students or at all schools.

VII. The general court recognizes that special education students face unique challenges that require educational support and instructional resources in addition to those provided by the universal cost. After reviewing the findings of the joint legislative oversight committee and conducting its own inquiry into forms of special education funding and the laws relevant to such funding mechanisms, the general court finds that each special education student should receive additional funding above the universal cost. This per pupil amount is not dependent upon a student's

level of disability or learning environment because the general court wishes to encourage the placement of special education students in the least restrictive learning environment possible.

VIII. After reviewing the findings of the legislative oversight committee, including its survey of services provided to English language learners throughout the country and in New Hampshire, the general court finds that additional funding is required to provide English language learners with the opportunity for an adequate education. Accordingly, the general court finds that an amount should be distributed to each pupil receiving English language instruction in a district. This supplemental amount is based upon providing one teacher per 70 students receiving English language instruction and is in-line with funding provided throughout the United States to English language learners.

IX. The joint legislative oversight committee report recognized that economically disadvantaged students require supplemental funding in addition to the universal cost amount. During its deliberations, the committee heard testimony and thoroughly reviewed studies, research, and data about the challenges that school districts face when educating economically disadvantaged students and all pupils in schools with significant concentrations of economically disadvantaged pupils, as well as the costs and considerations involved in implementing programs designed to overcome those obstacles. As encouraged by the committee report, the general court reviewed the committee's conclusions and used the legislative process to craft a funding mechanism that would provide the opportunity for an adequate education to all pupils in schools with significant concentrations of economically disadvantaged pupils. The general court further finds it necessary to provide additional aid to economically disadvantaged pupils in schools without significant concentrations of economically disadvantaged pupils to provide them with the opportunity for an adequate education.

X. The general court recognizes that the adequacy and need-based formula implemented by this legislation will significantly alter the manner in which funds for public education are distributed to school districts. In recognition of the impact and scope of these changes, and in an effort to avoid financial dislocations, the general court finds that the formula should be phased into operation over the course of 2 years. In consultation with school funding experts, the general court determines that a transition period will allow school districts whose funding will be altered by this formula time to adjust their budgets and their allocation and use of resources. Accordingly, for the fiscal years 2010 and 2011, the general court determines that the new funding system enacted as part of this legislation should be phased in a manner that allows all school districts to attain adequate funding while protecting districts during the transition period against disruptive reductions in funding in those instances where the legislation's adequacy computations may ultimately reduce the amount of state education funds allocated to a district.

XI. The general court recognizes that certain communities lack the relative wealth and fiscal capacity to fund local education to the extent desired by those communities. For this reason, the general court finds it appropriate to provide money above the cost of the opportunity for an adequate education based upon the fiscal capacity and relative need of certain communities.

XII. This act is not intended to stand in isolation from the other statutes and rules relating to educating New Hampshire students as required by state and federal law.

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

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

3 Adequate Education. Amend the subdivision heading preceding RSA 198:38 to read as follows: ~~[State Aid for Educational Equality]~~ **Adequate Education**; Education Trust Fund

4 Adequate Education; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions.

I. "Average daily membership in attendance" or "ADMA" means the aggregate half-day membership of pupils in kindergarten through grade 12 attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance shall include any pupil who is a resident of New Hampshire educated at public expense, including any pupil whose school district provides his or her education through a private or out-of-district placement.

II. "Commissioner" means the commissioner of the department of education.

III. "Department" means the department of education.

IV. "Determination year" means the fiscal year that was 3 years prior to the fiscal year for which aid is to be determined. Unless otherwise indicated, determination year data shall be used to calculate aid.

V. "Educationally disabled child" or "educationally disabled pupil" shall mean "educationally disabled child" as defined in RSA 186-C:2, I.

VI. "English language learner" means a child who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who is receiving regularly scheduled English language instruction. For the purposes of RSA 198:40-a, the department shall calculate the number of English language learners using ADMA data. The department shall use the ADMA of all pupils receiving English language learner services as of October 2006 in calculating 2006-2007 ADMA data.

VII. "Pupils eligible for a free or reduced-price meal" means pupils in grade 1 through grade 12 who are eligible for the federal free or reduced-price meal program. For the purposes of RSA 198:40-a, the department shall calculate the concentration of pupils eligible for free or reduced-price meals using ADMA data. The department shall use the ADMA of pupils eligible for a free or reduced-price meal as of October 2006 in calculating ADMA concentrations for 2006-2007 ADMA data.

VIII. "School district" means school district as defined in RSA 194:1 and shall include cooperative school districts as defined in RSA 195:1, I.

5 Cost of an Opportunity for an Adequate Education. RSA 198:40-a is repealed and reenacted to read as follows:

198:40-a Cost of an Opportunity for an Adequate Education.

I. Beginning July 1, 2009, and for every biennium thereafter, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be \$3,450 per pupil attending a public school, plus any applicable differentiated aid for which a pupil is eligible. Differentiated aid shall be calculated as follows:

(a) An additional \$431 per pupil in kindergarten through grade 12 eligible for the federal free and reduced-price meal program who attends a public school in which less than 12 percent of the pupils reported in the school's ADMA in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional \$863 per pupil in a public school in which at least 12 percent but less than 24 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(c) An additional \$1,725 per pupil in a public school in which at least 24 percent but less than 36 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(d) An additional \$2,588 per pupil in a public school in which at least 36 percent but less than 48 percent of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(e) An additional \$3,450 per pupil in a public school in which 48 percent or more of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

II. In addition to the amount in paragraph I, an additional \$675 for each pupil reported in the public school's ADMA in the determination year who is an English language learner and who is receiving English language instruction.

III. In addition to the amounts in paragraphs I and II, an additional \$1,856 for each pupil reported in the public school's ADMA in the determination year who is receiving special education.

IV. (a) The sum total calculated under paragraphs I-III of this section shall be used to determine the cost of an adequate education which shall be used in each year of the biennium.

(b) The department shall allocate the cost of an adequate education for each municipality by totaling the cost of an adequate education as determined in RSA 198:40-a, I-III for all children who reside in that municipality.

(c) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the cost of an adequate education for the pupils in each school within its jurisdiction sorted by the pupil's municipality of residence. In addition, the department shall furnish to each school district a report showing the cost of an adequate education for pupils who are residents of that school district sorted by a pupil's school of attendance.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

6 Use of Differentiated Aid. RSA 198:40-b is repealed and reenacted to read as follows:
198:40-b Use of Differentiated Aid.

I. A school district which receives differentiated aid under RSA 198:40-a, I(b)-(e) for schools within its jurisdiction, shall separately account for such aid as part of its financial accounting procedures. Differentiated aid shall only be used to provide enhanced programs in schools within its jurisdiction for which such aid has been allocated that are known to improve pupil achievement, including but not limited to: pre-kindergarten programs, full-day kindergarten programs, extended learning time, professional development opportunities for teachers, hiring of additional instructional and non-instructional personnel, programs designed to reduce class size, parental involvement programs, additional technology resources, drop out prevention programs, principal incentive programs, and curriculum enrichment programs. The school district shall determine which programs are most needed and most appropriate for their pupils. The department shall annually review and update the list of approved programs from which a school district may choose.

II. A school district which receives differentiated aid under RSA 198:40-a, I(b)-(e) for use in schools within its jurisdiction shall annually submit a report to the commissioner documenting for each school within its jurisdiction for which such aid has been allocated, the enhanced programs selected for implementation, an explanation of the specific educational needs which the program is intended to address, an explanation of how the program will be implemented in the school, and an estimate of the cost of implementing the program. The commissioner shall review these reports to ensure that differentiated aid will be used to provide programs approved under paragraph I.

III. A school district which receives differentiated aid for schools within its jurisdiction pursuant to RSA 198:40-a, I-III shall direct such aid to the schools for which such aid was calculated. A school district which receives differentiated aid for pupils that attend schools in another school district, shall direct such aid to the school district where its pupils are being educated. Any differentiated aid directed from one school district to another pursuant to this paragraph shall be a credit against any existing financial liability between the school districts.

7 School Money; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-b, each biennium the department shall calculate fiscal capacity disparity aid and provide that amount of aid in each year of the biennium to a municipality's school districts and to charter schools approved under RSA 194-B:3-a as follows:

(a) The department shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil and shall divide all quartiles in half. If there are an uneven number of municipalities in a quartile or half quartile, the department shall make the lower quartile or half quartile the one with fewer municipalities.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$2,000 multiplied by the municipality's average daily membership in residence.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$1,250 multiplied by the municipality's average daily membership in residence shall be distributed pursuant to RSA 198:42.

(d) A charter school approved under RSA 194-B:3-a shall receive \$2,000 per pupil multiplied by the number of pupils enrolled. The calculation of charter school enrollment and aid distribution shall be pursuant to RSA 194-B:11, I(c).

II. Except as otherwise provided in this section, aid shall be distributed pursuant to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's kindergarten through grade 12 average daily membership in residence, as defined in RSA 189:1-d for the determination year, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

8 New Section; Consumer Price Index Adjustment. Amend RSA 198 by inserting after section 40-c the following new section:

198:40-d Consumer Price Index Adjustment. Beginning July 1, 2011 and every biennium thereafter, the department of education shall adjust the sum of the amounts determined under RSA 198:40-a based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

9 School Money; Determination of Grants and Excess Tax. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Determination of Grants and Excess Tax.

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year, and from such amount; and

(c) Add the fiscal capacity disparity aid pursuant to RSA 198:40-c.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the

amount of the adequate education grant for each municipality as the lesser of the 2 following calculations:

- (a) The amount calculated in accordance with paragraph I of this section; or
- (b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

III. For the fiscal years beginning July 1, 2009 and July 1, 2010, the department of education shall not:

- (a) Distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds that municipality's total education grant for the 2009 fiscal year by more than 15 percent; or
- (b) Reduce the total state aid for an adequate education provided on behalf of all pupils who reside in a municipality to an amount less than that municipality's total state aid for an adequate education received in the 2009 fiscal year.

10 Excess Education Property Tax Payment. RSA 198:46, I is repealed and reenacted to read as follows:

I. A municipality in which education property tax revenue collected exceeds the amount necessary to fund the cost of an adequate education in a fiscal year as determined in RSA 198:40-a, shall collect and remit such excess to the department of revenue administration on or before March 15 of the tax year in which the excess occurs.

11 School Attendance; Duty of Parent; Version Effective July 1, 2009. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and [equitable] **adequate** education grants under RSA 198:41;

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

I. **(a)** There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For ~~any other~~ **a** charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department.

(b) For any charter school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition **pursuant to RSA 198:40-a and RSA 198:40-c** directly to the charter school for each pupil who is a resident of this state in attendance at such charter school [as follows:

~~(a) For the fiscal year beginning July 1, 2006, \$3,598 annual tuition.~~

~~(b) For every fiscal year thereafter, the department of education shall determine the tuition rate by adjusting for the average annual percentage rate of inflation based on the northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor. The average shall be based on the 4 calendar years ending 18 months before the beginning of the fiscal year for which the tuition rate is to be determined].~~

(c) Notwithstanding RSA 198:42, the commissioner of the department of education shall calculate and distribute charter school tuition payments as set forth herein. The first payment shall be 30 percent of the per pupil amount multiplied by the number of eligible pupils present on the first day of the current school year. Such payment shall be made no later than 15 days after the department of education receives the attendance report. The December 1 payment shall be

30 percent of the per pupil amount multiplied by the membership on November 1, and the March 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on February 1. To calculate the final payment, the commissioner of the department of education shall multiply the per pupil amount by the average daily membership in attendance for the full school year, and subtract the total amount of the first 3 payments made. The remaining balance shall be the final payment. Eligible charter schools shall report membership in accordance with RSA 189:1-d. In this subparagraph, "membership" shall be as defined in RSA 189:1-d, II. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year.

(d) The source of funds for payments under this section shall be moneys from the education trust fund established in RSA 198:39.

13 Joint Legislative Oversight Committee on Accountability for An Adequate Education.

I. There is hereby established the joint legislative oversight committee on accountability for an adequate education. The members of the committee shall be as follows:

(a) Three members of the house of representatives, which shall include 2 members of the house education committee and one member of the house finance committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, which shall include 2 members of the senate education committee and one member of the senate finance committee, appointed by the president of the senate.

II. The committee shall review and study the assessment and assistance methods, reporting requirements, and other methods of accountability presently being used by the department of education and local school districts to determine whether such methods, programs, and standards will ensure the delivery of an adequate education as set forth in RSA 193-E:2-a.

III. Following a public hearing, the committee shall report its findings and recommendations concerning the sufficiency of existing statutory law to provide accountability for the delivery of the opportunity for an adequate education as defined in RSA 193-E:2-a, and the possible need for additional legislation, to the governor, the speaker of the house of representatives, the president of the senate, and the state librarian no later than November 15, 2008.

14 Joint Legislative Committee on Fiscal Capacity, Transition Aid, and Diseconomies of Scale.

I. There is hereby established a joint legislative committee on fiscal capacity, transition aid and diseconomies of scale. The members of the committee shall be as follows:

(a) Six members of the house of representatives, which shall include 2 members of the house finance committee, 2 members of the house ways and means committee, and 2 at-large members, appointed by the speaker of the house of representatives.

(b) Six members of the senate, which shall include 2 members of the senate finance committee, 2 members of the senate ways and means committee, and 2 at-large members, appointed by the president of the senate.

II. The committee shall study the need for providing fiscal capacity and transition aid to municipalities, as well as additional aid to address the lack of economies of scale in small school districts, and the source of funds for such aid.

III. Following a public hearing, the committee shall report its findings and recommendations concerning the need for fiscal capacity disparity aid, transition aid, and small school district aid, and the need for additional legislation, to the governor, the speaker of the house of representatives, the president of the senate, and the state librarian no later than December 1, 2008.

15 References Amended. Amend the following RSA sections by replacing "statewide enhanced education tax" with "education tax": RSA 21-J:14-h; RSA 76:3; RSA 76:8, I; RSA 76:8, III; RSA 76:9; RSA 83-F:9; RSA 198:46; RSA 198:47; RSA 198:57, III(a); and RSA 198:57, IV(c).

16 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

17 Repeal. The following are repealed:

I. 2005, 257:8, relative to determination of grants and excess enhanced education property tax payments.

II. 2005, 257:23, I, relative to the July 1, 2009 effective date for 2005, 257:8.

III. RSA 198:41, III as inserted by section 9 of this act, relative to total education grants distributed in the 2010 and 2011 fiscal years.

18 Effective Date.

I. Paragraphs I and II of section 17 of this act shall take effect June 30, 2009.

II. Section 8 and paragraph III of section 17 of this act shall take effect July 1, 2011.

III. The remainder of this act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bill:

I. Determines the per pupil cost of the opportunity for an adequate education which includes differentiated aid distributed to schools based on the number of pupils receiving special education services, or eligible for a free or reduced-price lunch, or who are English language learners.

II. Requires schools receiving differentiated aid to use it to implement enhanced programs known to improve pupil achievement.

III. Establishes a joint legislative oversight committee on accountability for an adequate education.

IV. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality's equalized valuation, including utilities, per pupil and median family income.

V. Provides fiscal capacity disparity aid to state-approved charter school.

VI. Provides aid to certain municipalities for the 2010 and 2011 fiscal years by ensuring that no school district receives a total education grant exceeding that district's total education grant for the 2009 fiscal year by more than 15 percent and that no school district's total education grant is less than its total education grant for the 2009 fiscal year during that time period.

2008-1661h

Floor Amendment to SB 539-FN-LOCAL Proposed by Reps. DeJoie and Peterson

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

1 Statement of Purpose.

I. The general court finds that the cost of the opportunity for an adequate education for public school students, as established in this act, is based upon the definition of the opportunity for an adequate education enacted in the 2007 Laws of New Hampshire, chapter 270. The methodologies for costing, determination of resources, and elements of cost included in this act are intended to and do fulfill the state's duty under the Encouragement of Literature clause of the New Hampshire constitution to deliver the opportunity for an adequate education.

II. The individual components of the cost were selected on the basis of their effectiveness in delivering educational opportunity and after extensive review, debate and discussion by the joint legislative oversight committee on costing an adequate education and the general court. The legislative process consisted of obtaining information from professional educators, government officials, education policy and finance experts, and the public on the establishment of the cost of an adequate education.

III. The joint legislative oversight committee on costing issued detailed findings and recommendations on the composition of the cost of an adequate education and how the funds for an adequate education should be allocated and accounted for in order to ensure that the educational needs of all public schools students are met. These findings and recommendations were submitted to the general court and are an integral basis of the costing determinations reflected in this act.

IV. The cost of the opportunity for an adequate education consists of several elements. All such elements must be provided in order to ensure the delivery of the state's constitutional duty. The universal cost represents the per pupil resources necessary to provide an adequate education where no additional aid is necessary to cover the increased costs of providing that opportunity to

students who have special education needs, who have limited English language proficiency or are in schools with significant concentrations of economically disadvantaged students. The universal cost represents the costs attributable only to the subset of education that is included in the definition in RSA 193-E:2-a.

V. The general court further finds that additional aid, referred to as differentiated aid, is also required to fulfill the state's constitutional duty to provide the opportunity for an adequate education for certain students. This act allocates such differentiated aid to special education students, English language learners, and students in schools with significant concentrations of economically disadvantaged students, the latter category based upon eligibility for federally-provided free and reduced-price lunch programs and the concentration of such eligible students in a school.

VI. In determining the need for differentiated aid in addition to providing the universal cost for an adequate education, the general court recognizes that the resources needed to provide the opportunity for an adequate education are not the same for all students or at all schools.

VII. The general court recognizes that certain communities lack the relative wealth and fiscal capacity to fund local education to the extent desired by those communities. For this reason, the general court finds it appropriate to provide money above the cost of the opportunity for an adequate education based upon the fiscal capacity and relative need of certain communities.

VIII. The general court also finds that to preserve the advantages inherent in our system of funding public education it is desirable for our property tax system to evolve to henceforth allow a reasonable adjustment in statewide education property taxes levied on owner occupied homestead property, in the form of a homestead exemption, to the statewide property tax.

IX. This act is not intended to stand in isolation from the other statutes and rules relating to educating New Hampshire students as required by state and federal law.

2 Application of Receipts; Excess Education Tax Payments. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, ~~[RSA 198:46,~~ and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

3 Reference Deleted; Cooperative Assessment Districts; Purpose. Amend RSA 21-J:14-h to read as follows:

21-J:14-h Purpose. The general court finds that the encouragement and support of the establishment of multi-jurisdictional assessing districts is in the state's interest in order to ensure the accuracy and fairness of valuations of real property for the purposes of administration of ~~[the statewide enhanced education tax,~~ county property taxes, school district property taxes, municipal property taxes, the distribution of various forms of state aid, and the equalization of property values among jurisdictions. The general court further recognizes that many municipalities do not have sufficient numbers of real estate parcels, sufficient varieties of real property, or sufficient levels of new development to make it practical or economical to engage full-time, trained, and certified assessing professionals. The general court further finds that the state has a vested interest in encouraging and supporting the establishment of cooperative assessing districts which can efficiently and economically provide full-time, trained, and certified assessing professionals to serve the municipalities which elect to create and join said districts.

4 Education Property Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Property Tax.

I. An annual education property tax at the uniform rate of \$5.50 on each \$1,000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72, RSA 73, and subject to the exemption under RSA 76-A, except property subject to tax under RSA 82 and RSA 83-F.

II. Taxes due under this section shall be paid to the department of revenue administration. A municipality's tax collector, or other authorized municipal official, shall act as an agent of the department of revenue administration for the purpose of collecting and forwarding taxes due under this section. The commissioner of the department of revenue administration shall collect all taxes

due and certify such amount to the state treasurer for deposit into the education trust fund established in RSA 198:39.

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

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the department of revenue administration pursuant to RSA 76:3, II. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

6 New Chapter; Homestead Exemption. Amend RSA by inserting after chapter 76 the following new chapter:

CHAPTER 76-A EDUCATION PROPERTY TAX HOMESTEAD EXEMPTION

76-A:1 Definition. In this chapter, "homestead" or "homestead property" means the dwelling owned by a claimant, or in the case of a multi-unit dwelling, the portion of the dwelling, which is used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A, 79-B, or 79-C or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this section, dwelling owner includes one or more joint tenants or tenants in common and a trustee of a grantor trust pursuant to sections 671-679 of the United States Internal Revenue Code.

76-A:2 Homestead Exemption.

I. The first \$150,000 of equalized assessed value of the homestead of a qualifying taxpayer shall be exempt from the education property tax due under RSA 76:3.

II. A qualifying taxpayer is an individual who:

(a) On April 1 owns a homestead subject to the education property tax; and
(b) Files a claim certifying, under the pains and penalties of perjury, that such taxpayer qualifies under subparagraph (a) with the selectmen or assessing official on or before April 15 of the current tax year. Claims filed after April 15 each year shall not be considered timely for the current year, but shall be considered filed for the following tax year. The commissioner of the department of revenue administration may, for good cause, accept late filings of homestead exemption claims. The selectmen or local assessing official may waive the filing of a claim and list the homestead exemption for a taxpayer who has been granted a local property tax exemption under RSA 72:39-a and who is reasonably believed to currently qualify for that exemption.

III. Upon receipt of a claim for a homestead exemption under this section, the selectmen or assessing officials shall forward the claim to the commissioner of the department of revenue administration who shall review the claim and grant or deny the claim in writing to the applicant by May 15 following receipt of the claim. Failure of the commissioner to respond shall constitute acceptance of the claim. Accepted claims shall continue from year to year without necessity for refiling unless there is a change in ownership or use of the property. Accepted claims may at any time be revoked for any tax year or portion thereof following the occurrence of one or more of the following events:

(a) The claimant fails to file a return as required under this section within one year following the close of the tax year for which the exemption is claimed; or
(b) The claimant is no longer qualified under the definition of homestead in RSA 76-A:1 due to a change in ownership or use.

IV. Claims shall be made on forms prescribed by the commissioner of the department of revenue administration and provided to each municipality.

V. The following shall apply to the determination of the amount of property value exempted relative to a homestead which is part of a single tax parcel upon which is located either other dwelling units not owned or occupied by the taxpayer or significant non residential use of the property:

(a) If the tax parcel includes property used for business or other nonresidential use, the exempt homestead amount shall include, in addition to the actual homestead, the lesser of

1,000 square feet of floor area of such nonresidential use property or \$25,000 of equalized value, except that family owned and operated farms which are not owned by a business entity or held in the name of a non-natural person shall be eligible for the full homestead exemption on all property not assessed under RSA 79-A, 79-B, or 79-C.

(b) If the tax parcel includes other dwellings or dwelling units, the value of the homestead exemption relative to the claimed homestead shall be determined by the assessing official as follows:

(1) Divide the value of the tax parcel by the number of dwelling units; or

(2) If the square footage of each dwelling unit is known, multiply the value of the tax parcel by a fraction consisting of the square footage of the claimed homestead divided by the total square footage of all dwelling units in the parcel.

(c) In lieu of the method of determining the amount of homestead exemption in subparagraph (a) or (b), a taxpayer may present competent evidence of a greater proportion of exempt value to the assessing officials. In such instance the taxpayer bears the burden of proving the claimed exemption by the preponderance of the evidence.

(d) The commissioner of the department of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the enforcement of the homestead exemption under this chapter.

VI. Only one homestead exemption per married couple may be claimed in any tax year.

VII. A taxpayer who knowingly files a false or fraudulent homestead exemption claim shall be guilty of a class A misdemeanor.

7 Adequate Education; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:38 to read as follows:

~~[State Aid for Educational Equality]~~ **Adequate Education**; Education Trust Fund

8 Adequate Education; Definitions. RSA 198:38 is repealed and reenacted to read as follows:
198:38 Definitions.

I. "Average daily membership in attendance" or "ADMA" means the aggregate half-day membership of pupils in kindergarten through grade 12 attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance shall include any pupil who is a resident of New Hampshire educated at public expense.

II. "Commissioner" means the commissioner of the department of education.

III. "Department" means the department of education.

IV. "Determination year" means the fiscal year that was 3 years prior to the fiscal year for which aid is to be determined. Unless otherwise indicated, determination year data shall be used to calculate aid.

V. "Educationally disabled child" or "educationally disabled pupil" shall mean "educationally disabled child" as defined in RSA 186-C:2, I.

VI. "English language learner" means a child who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who is receiving regularly scheduled English language instruction.

VII. "Pupils eligible for a free or reduced-price meal" means pupils in grade 1 through grade 12 who are eligible for the federal free or reduced-price meal program.

VIII. "School district" means school district as defined in RSA 194:1 and shall include cooperative school districts as defined in RSA 195:1, I.

9 Cost of an Opportunity for an Adequate Education. RSA 198:40-a is repealed and reenacted to read as follows:

198:40-a Cost of an Opportunity for an Adequate Education.

I. Beginning July 1, 2009, and for every biennium thereafter, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be \$3,450 per pupil attending a public school, plus any applicable differentiated aid for which a pupil is eligible. Differentiated aid shall be calculated as follows:

(a) An additional \$431 per pupil in kindergarten through grade 12 eligible for the federal free and reduced-price meal program who attends a public school in which less than 12 percent of the

pupils reported in the school's ADMA in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional \$863 per pupil in a public school in which at least 12 percent but less than 24 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(c) An additional \$1,725 per pupil in a public school in which at least 24 percent but less than 36 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(d) An additional \$2,588 per pupil in a public school in which at least 36 percent but less than 48 percent of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(e) An additional \$3,450 per pupil in a public school in which 48 percent or more of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

II. In addition to the amount in paragraph I, an additional \$675 for each pupil reported in the public school's ADMA in the determination year who is an English language learner and who is receiving English language instruction.

III. In addition to the amounts in paragraphs I and II, an additional \$1,856 for each pupil reported in the public school's ADMA in the determination year who is receiving special education.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be used to determine the cost of an adequate education which shall be used in each year of the biennium.

(b) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the total amount of funds that have been allocated for each school within its jurisdiction during the fiscal year based on the sum of the school district's adequate education grant amount plus the amount available to the school district from the education property tax. In addition, the department shall furnish to each municipality a report showing the municipality's cost of an adequate education sorted by a pupil's municipality of residence.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

10 Use of Differentiated Aid. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Use of Differentiated Aid.

I. A school district which receives differentiated aid under RSA 198:40-a, I(b)-(e) for schools within its jurisdiction, shall separately account for such aid as part of its financial accounting procedures. Differentiated aid shall only be used to provide enhanced programs in schools within its jurisdiction for which such aid has been allocated that are known to improve pupil achievement, including but not limited to: pre-kindergarten programs, full-day kindergarten programs, extended learning time, professional development opportunities for teachers, hiring of additional instructional and non-instructional personnel, programs designed to reduce class size, parental involvement programs, additional technology resources, drop out prevention programs, principal incentive programs, and curriculum enrichment programs. The school district shall determine which programs are most needed and most appropriate for their pupils. The programs provided under this paragraph shall supplement but not supplant existing programs. Such enhanced programs shall be approved by the department, and the department shall annually review and update the list of programs.

II. A school district which receives differentiated aid under RSA 198:40-a, I(b)-(e) shall annually submit a report to the commissioner documenting for each school within its jurisdiction for which such aid has been allocated, the enhanced programs selected for implementation, an explanation of the specific educational needs which the program is intended to address, an explanation of how the program will be implemented in the school, and an estimate of the cost of implementing the program.

III. A municipality which receives differentiated aid under RSA 198:40-a shall direct such aid to its school district for use in the schools for which it was allocated.

11 School Money; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-b, each fiscal year the department shall provide fiscal capacity disparity aid to a municipality's school districts and to charter schools approved under RSA 194-B:3-a as follows:

(a) The department of revenue administration shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil and shall divide all quartiles in half.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$2,000 multiplied by the municipality's average daily membership in residence.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$1,250 multiplied by the municipality's average daily membership in residence shall be distributed pursuant to RSA 198:42.

(d) A charter school approved under RSA 194-B:3-a shall receive \$2,000 per pupil multiplied by the number of pupils enrolled. The calculation of charter school enrollment and aid distribution shall be pursuant to RSA 194-B:11, I(c).

II. Except as otherwise provided in this section, aid shall be distributed to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's average daily membership in residence, as defined in RSA 189:1-d for the determination year, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

12 New Sections; Sustainability Grants; Targeted Grants; Consumer Price Index Adjustment. Amend RSA 198 by inserting after section 40-c the following new sections:

198:40-d Sustainability Grants.

I. A school district in which the estimated state education aid in any fiscal year is less than the adequate education grant received by such school district in the 2008 fiscal year, plus any education property tax revenues raised pursuant to RSA 76:3 and retained by the municipality in the 2008 fiscal year, the commissioner shall disburse a grant to the municipality pursuant to RSA 198:42 in the amount of the difference.

II. Sustainability grants disbursed under this section shall be a charge against the education trust fund established in RSA 198:39.

III. For the purpose of this section, "state education aid" means the sum of the adequate education grant payments received by a school district pursuant to RSA 198:40-a and fiscal capacity disparity aid received by a school district pursuant to RSA 198:40-c.

198:40-e Targeted Grants. The commissioner shall make targeted grants to municipalities as follows:

I. For the biennium beginning July 1, 2009, and each biennium thereafter, the commissioner shall calculate an education equity index for each municipality that had any resident pupils during the applicable determination year as follows:

(a) Divide one by the sum of:

(1) 0.4 times the statewide average equalized valuation per pupil divided by the equalized valuation per pupil for the municipality;

(2) 0.2 times the statewide median income divided by the municipality's median income;

(3) 0.095 times the percentage of the municipality's pupils in grades one through 12 eligible to receive a free or reduced-price meal during the determination year as reported to the department divided by the statewide percentage of pupils in grades one through 12 eligible to receive a free or reduced-price meal during the determination year as reported to the department;

(4) 0.005 times the percentage of the municipality's pupils in kindergarten through grade 8 identified as English language learners and receiving at least 5 hours per week of special instruction in English during the determination year as reported to the department divided by the statewide percentage of pupils in grades kindergarten through 8 identified as English language learners and receiving at least 5 hours per week of special instruction in English during the determination year;

(5) 0.15 times the statewide average test score on the New England common assessment program divided by the municipality's average test score administered pursuant to 193-C;

(6) 0.075 times the statewide graduation rate for the determination year as reported by the department divided by the municipality's graduation rate for the determination year as reported to the department, where each municipality's graduation rate shall be equal to the graduation rate for the particular high school attended by the municipality's resident pupils that attend high school; and

(7) 0.075 times the statewide percentage of high school graduates that entered directly into postsecondary education in the determination year as reported by the department divided by the percentage of the municipality's high school graduates that entered directly into postsecondary education in the determination year as reported to the department, where each municipality's percentage of high school graduates that entered directly into postsecondary education in the determination year rate shall be equal to the percentage of such high school graduates for the particular high school attended by the municipality's resident pupils that attend high school.

(b) For the biennium beginning July 1, 2009, and every biennium thereafter, the commissioner shall determine the education equity index for each municipality not later than October 1 in the calendar year preceding the beginning of the biennium for which the education equity index is calculated.

II. In determining the education equity index for any municipality that sends pupils to more than one school or school district, the commissioner shall consider only data from schools or school districts within this state attended by 5 percent or more of the municipality's resident pupils, and the commissioner shall determine each value necessary to calculate the education equity index for such municipality by weighting the corresponding values for each school or school district to which the municipality sends pupils by the number of resident pupils from the municipality that attend such school or school district. If a municipality sends all of its resident pupils that are relevant to the determination of any value necessary to calculate the education equity index for such municipality to one or more schools not operated by any school district, then the municipality shall be assigned the statewide value for such value.

III. Each fiscal year, the commissioner shall determine the amount of state funds remaining after calculating the estimated amount of funds to be paid to school districts under RSA 198:40-a and RSA 198:40-c, and to municipalities under RSA 198:40-d, and distribute such remaining funds as targeted aid to municipalities, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) For each municipality with an education equity index for the applicable fiscal year which is less than 1.2, the commissioner shall determine a number of education equity units equal to the number of resident pupils in the municipality during the applicable determination year

multiplied by the excess of 1.2 over the municipality's education equity index for such biennium. Each other municipality shall be assigned zero education equity units for such biennium.

(b) Each municipality shall receive a targeted grant for such fiscal year equal to the total amount of targeted grants for the fiscal year multiplied by a fraction, the numerator of which is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

IV. The targeted grant amount for each municipality where all school districts therein provide education to all of their pupils by paying tuition to other institutions shall be the lesser of the following:

- (a) The amount calculated in accordance with paragraph III of this section; or
- (b) The total amount paid for education expense as determined by the commissioner.

V. Targeted grants disbursed under this section shall be a charge against the education trust fund established in RSA 198:39.

198:40-f Consumer Price Index Adjustment. Beginning July 1, 2011 and every biennium thereafter, the department of education shall adjust the sum of the amounts determined under RSA 198:40-a, based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

13 School Money; Determination of Grants. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Determination of Grants.

I. Each fiscal year, the commissioner shall disburse grants in the following order:

(a) First, the adequate education grant amount determined pursuant to RSA 198:40-a, shall be disbursed to the school district.

(b) Second, the sustainability grant determined pursuant to RSA 198:40-d shall be disbursed to the municipality.

(c) Third, the fiscal capacity disparity aid determined pursuant to RSA 198:40-c shall be disbursed to the school district.

(d) Fourth, the targeted grant amount determined pursuant to RSA 198:40-e shall be disbursed to the municipality. If the amount available for targeted grants in any fiscal year is insufficient to fund all targeted grants due under this section, the amount shall be prorated proportionally among all municipalities entitled to a targeted grant.

II. The department of education shall notify school districts and municipalities of the estimated amounts of grants by November 15 of the year preceding the fiscal year for which aid is determined.

14 School Money; Distribution Schedule. RSA 198:42 is repealed and reenacted to read as follows:

198:42 Grant Distribution Schedule; Appropriation.

I. The grants determined in RSA 198:41 shall be distributed from the education trust fund in 4 payments of 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the grant determined in RSA 198:41 shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

II. Each fiscal year, the amount necessary to fund the grants under RSA 198:41 is hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of

administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of grants.

III. The department of education shall certify the amount of each grant to the state treasurer and direct the payment thereof pursuant to RSA 198:41. When a payment of a grant is made to a school district, the municipality on whose behalf the payment is made shall receive notification from the state treasurer of the amount of the payment made to its school district or districts.

IV. Each fiscal year, the amount necessary to fund charter school tuition payments under RSA 194-B:11, I is hereby appropriated to the department from the education trust fund established under RSA 198:39. The education trust fund shall be used to satisfy the state's obligation under this paragraph. The payment shall be issued regardless of the balance of funds available in the education trust fund.

15 School Attendance; Duty of Parent; Version Effective July 1, 2009. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and ~~[equitable]~~ **adequate** education grants under RSA 198:41;

16 Cooperative School Districts; State Aid. Amend RSA 195:15 to read as follows:

195:15 State Aid. The state aid to which a cooperative elementary and/or secondary district shall be entitled shall be the total of those shares of the aid to which the pupils attending the cooperative district would have entitled the pre-existing districts, had they remained in the pre-existing districts. ~~[For the purposes of crediting the cooperative district's adequate education cost to the pre-existing districts, each such pre-existing district shall have its adequate education cost under RSA 198:38, VII credited against its share of the cooperative school district budget. However, cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district for the purposes of this section.]~~

17 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:46 to read as follows:

~~[Excess Education Property Tax Payment]~~ **Miscellaneous Provisions**

18 Reference Changes. Amend the following RSA provisions by replacing "statewide enhanced education tax" with "education property tax": RSA 76:8, I; RSA 76:8, III; RSA 76:9; RSA 83-F:9; RSA 198:57, III(a); and RSA 198:57, IV(c).

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

20 Repeal. The following are repealed:

- I. RSA 198:46, relative to excess education property tax payment.
- II. RSA 198:47, relative to forms for excess education property tax payment.
- III. 2005, 257:8, as amended by 2006, 6:2, relative to targeted aid.
- IV. 2005, 257:23, I relative to the prospective effective date for targeted aid.

21 Applicability. The provisions of RSA 76-A as inserted by section 6 of this act shall apply to claims filed on or after the tax year beginning April 1, 2009.

22 Effective Date.

I. Sections 4-5, 7-14, and paragraphs I-II of section 20 of this act shall take effect April 15, 2009.

II. Section 6 of this act shall take effect January 1, 2009.

III. Section 15 of this act shall take effect July 1, 2009.

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

AMENDED ANALYSIS

This bill:

I. Imposes an education property tax at \$5.50 per \$1,000 of taxable value.

II. Establishes a homestead exemption from the education property tax for the first \$150,000 of assessed value of homestead property.

III. Determines the per pupil cost of the opportunity for an adequate education which includes differentiated aid distributed to schools based on the number of pupils receiving special education services, or eligible for a free or reduced-price lunch, or who are English language learners.

IV. Requires schools receiving differentiated aid to use it to implement enhanced programs known to improve pupil achievement.

V. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality's equalized valuation, including utilities, per pupil and median family income.

VI. Provides fiscal capacity disparity aid to state-approved charter schools.

VII. Provides sustainability grants to municipalities.

VIII. Provides targeted grants to municipalities based on demonstrated need.

IX. Repeals the provisions governing excess education property tax payments.

2008-1565h

Amendment to SB 540-FN

Proposed by the Majority of the Committee on Commerce - R

Amend RSA 420-G:4-b, III as inserted by section 1 of the bill by replacing it with the following:

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the requirements for the standard wellness plan. Before adopting rules, the commissioner shall convene a standing advisory committee to include representatives of small employers, business groups and associations of small employers, consumers who obtain their coverage through the small employer market, one representative, appointed by the speaker of the house of representatives and one member of the senate, appointed by the president of the senate. The advisory committee shall, at least once every 3 years, make recommendations to the insurance commissioner on the requirements for the standard wellness plan. The standard wellness plan requirements shall be established so that small employer health insurance carriers would be reasonably expected to set the plan's health coverage plan rate, as defined in RSA 420-G:4, I(c), at or below the target rate of 10 percent of the prior year's median statewide wage as reported by the United States Department of Labor. In order to assist the advisory committee in making its recommendations, the commissioner shall engage an actuarial expert at the expense of the small employer carriers that are subject to RSA 420-G:4-b, II to confirm that the proposed standard wellness plan requirements are reasonable in relation to the target health plan coverage rate. The plan shall include benefit structure, cost sharing requirements, and provider payment initiatives consistent with the incentive required in RSA 420-G:46, IV. The committee shall recommend an out-of-pocket maximum for the standard wellness plan. Throughout the process of developing its recommendations, the advisory committee shall consult with interested health carriers, health insurance producers, health care providers, the actuarial expert retained by the commissioner, and, as necessary and appropriate, other available experts.

Amend RSA 420-G:4-b, VI and VII as inserted by section 1 of the bill by replacing them with the following:

VI. The plan shall be made available in accordance with this section on October 1, 2009, or as soon thereafter as practicable and shall be reviewed and revised as necessary, but no less frequently than once every 3 years after the date of initial offer.

VII.(a) Small employer carriers shall be required to file their standard wellness plan rates 60 days prior to the date on which the plan is to be made available. If at least one small employer carrier files a health coverage plan rate at or below the stated target, then each carrier subject to RSA 420-G:4-b, II shall offer the standard wellness plan at its own filed and approved rate. If no

small employer carrier files a health coverage plan rate at or below the stated target, then the commissioner shall hold a hearing on the reasonableness of the proposed standard wellness plan benefits in relation to the target health plan coverage rate to determine whether small employer carriers subject to RSA 420-G:4-b, II shall be required to offer the standard wellness plan at a health coverage plan rate equal to the target rate or whether changes should be made to the standard wellness plan requirements to adjust benefits or cost sharing requirements.

(b) Between plan revisions, carriers may request rate adjustments with appropriate supporting documentation. However, the commissioner shall not grant any rate adjustment in excess of the carrier's overall small group trend.

(c) All small employer carrier filings made in accordance with this section shall be subject to approval under RSA 420-G:4, I(h).

2008-1587h

Amendment to SCR 6

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend the third paragraph following the title of the resolution by replacing it with the following:

Whereas, there is an acute need for safe and appropriate short-term placements where elderly and disabled citizens can stay while their home caregivers have a period of respite from providing home-based care; and

2008-1236h

Amendment to SCR 11

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend the second paragraph after the title by replacing it with the following:

Whereas, the first chapter of the World Health Organization's (WHO) charter sets the goal of attaining the highest possible level of health for all persons; and

Amend the second paragraph after the resolving clause by replacing it with the following:

That the senate clerk shall send copies of this resolution to the President of the United States; to the United States Secretary of State; to the United States Secretary of Health and Human Services; to the director-general of the World Health Organization in Geneva, Switzerland; and to the Director-General of the Taipei Economic and Cultural Office in Boston.