

May 26, 1998

No. 36

# STATE OF NEW HAMPSHIRE

Legislative

## SENATE CALENDAR

REPORTS, AMENDMENTS, HEARINGS, MEETINGS, AND  
NOTICES

THE SENATE WILL MEET IN SESSION ON THURSDAY, MAY 28, 1998, AT  
10:00 A.M.

## LAI D ON TABLE

**CACR 51**, establishing a restricted education trust fund. Providing that an education trust fund be established, that all moneys designated for the purpose of state aid to education shall be directly transferred to such trust fund shall be used exclusively for state aid education.

**SB 359**, providing immunity to the state and public employees for any harm resulting from certain computer errors in the millenium changeover.

**SB 369**, relative to the appeal of disciplinary actions of the New Hampshire real estate commission.

**SB 491**, relative to residential care facilities.

**SB 508-FN**, relative to foundation aid to schools and the Augenblick formula.

**HB 1280-L**, clarifying the procedures for background criminal checks for school employees and volunteers.

**HB 1368**, relative to distribution services and metering and billing in electric utility restructuring.

**HB 1424**, relative to filling a vacancy in the position of a county officer.

## **REPORTS**

### **EDUCATION**

**HB 1226-FN**, creating the educational credential of master teacher. Vote 5-2

Ought to Pass, Senator Gordon for the committee.

### **INSURANCE**

**HB 555**, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. Vote 7-0

Ought to pass with amendment, Senator Francoeur for the committee.

**HB 630-FN-L**, relative to additional voluntary contributions to provide for early retirement by members of the retirement system. Vote 6-1

Ought to pass with amendment, Senator Squires for the committee.

**HB 749-FN**, relative to disability retirement benefits for retirement system members permanently incapacitated for duty. Vote 7-0

Ought to pass with amendment, Senator Blaisdell for the committee.

**HB 1411**, establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized

subscribers and establishing the individual health insurance market mandatory risk sharing plan. Vote 8-0

Ought to pass with amendment, Senator Fraser for the committee

**HB 1446**, relative to certain private employers under workers' compensation. Vote 8-0

Inexpedient to legislate, Senator Hollingworth for the committee.

**HB 1541-FN-A**, creating a position in the insurance department. Vote 6-2

Inexpedient to legislate Senator Blaisdell for the committee.

### **JUDICIARY**

**HB 682-FN-L**, requiring the division of state police to maintain a central offender registry and relative to public access to information contained in the registry. Vote 6-2

Ought to pass with amendment, Senator Gordon for the committee.

**HB 774-FN**, relative to child support, custodial rights, and visitation. Vote 5-1

Ought to pass with amendment, Senator D. Wheeler for the committee.

**HB 1129**, relative to the penalty and substance abuse treatment for multiple DWI offenders who have previously successfully completed a multiple DWI offender intervention detention center program. Vote 6-0

Ought to pass with amendment, Senator Gordon for the committee.

**HB 1290**, relative to the authority of the state fire marshal. Vote 8-0

Ought to pass with amendment, Senator Francoeur for the committee.

**HB 1307**, relative to penalties for habitual offenders. Vote 7-0

Ought to pass with amendment, Senator Pignatelli for the committee.

**HB 1471**, allowing loss of familial relationship damages in wrongful death actions.

**SPLIT REPORT**, Ought to Pass, Senator Cohen for the committee Vote 4-4

**SPLIT REPORT**, Inexpedient to legislate, Senator Podles for the committee Vote 4-4

**HB 1500**, relative to powers of appointment. Vote 8-0

Interim Study, Senator Podles for the committee

**HB 1516**, requiring a criminal background investigation for certain department of health and human services personnel who come into direct contact with children. Vote 8-0

Ought to pass with amendment, Senator D. Wheeler for the committee.

**HB 1543-FN-L**, relative to disbursement of income of persons held or imprisoned in a county department of corrections facility.

**MAJORITY REPORT**, Ought to Pass, Senator Squires for the committee. Vote 5-3

**MINORITY REPORT**, Inexpedient to legislate, Senator D. Wheeler for the committee. Vote 3-5

**HB 1553-FN**, prohibiting the possession or use of rohypnol, ketamine, and GHB. Vote 7-1

Ought to pass with amendment, Senator Squires for the committee.

**HB 1622-FN**, relative to remedies and appeals under the whistleblowers' protection act. Vote 5-1

Inexpedient to legislate, Senator Francoeur for the committee.

#### **PUBLIC AFFAIRS**

**HB 798**, relative to the regulation of health clubs. Vote 6-0

Ought to pass with amendment, Senator Roberge for the committee.

**HB 1011-FN**, making it a felony to operate certain gambling businesses and prohibiting possession of gambling machines unless specifically authorized under state laws.

**MAJORITY REPORT**, Ought to pass with amendment, Senator Roberge for the committee. Vote 5-2

**MINORITY REPORT**, Ought to pass with amendment, Senator K. Wheeler for the committee. Vote 2-5

**HB 1121**,. making technical corrections to the election laws. Vote 6-0

Ought to Pass, Senator Roberge for the committee.

**HB 1170-FN**, allowing municipalities to designate areas and conditions for the placement of political advertising and relative to the removal of improperly placed political advertising. Vote 5-2

Inexpedient to Legislate, Senator Barnes for the committee

**HB 1204**, relative to political party expenditures. Vote 6-1

Inexpedient to legislate, Senator Patenaude for the committee

**HB 1252**, relative to the right to farm. Vote 4-3

Interim Study, Senator Patenaude for the committee

**HB 1279-FN-L**, relative to the procedures for vacating uninhabitable or unsafe buildings. Vote 6-1

Ought to pass with amendment, Senator McCarley for the committee.

**HB 1417-L**, relative to involvement in mediation in collective bargaining negotiations by certain municipalities. Vote 7-0

Inexpedient to legislate, Senator Roberge for the committee.

**HB 1435-L**, relative to board of tax and land appeals jurisdiction over town line disputes, relative to time limits for abatement and appeal of a land use change tax, relative to the vote required for a legislative body of a municipality to accept a street, and relative to allowing municipalities to except islands from certain requirements concerning sts. Vote 5-0

Ought to Pass, Senator Roberge for the committee.

**HB 1447-L**, relative to approval by the legislative body of cost items in a collective bargaining agreement. Vote 7-0

Ought to Pass, Senator Roberge for the committee.

**HB 1488**, amending the definition of candidate and requiring additional reporting under the political expenditures and contributions act. Vote 7-0

Inexpedient to legislate, Senator Roberge for the committee.

#### **WAYS AND MEANS**

**HB 676-FN-L**, relative to distribution of proceeds from the sale of tax-deeded property and repurchase of tax-deeded property by a former owner. Vote 6-0

Ought to pass with amendment, Senator Hollingworth for the committee.

**HB 1496**, relative to energy facility evaluation. Vote 6-0

Ought to pass with amendment, Senator Danais for the committee.

### **WILDLIFE & RECREATION**

**HB 1481**, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters. Vote 5-0

Ought to pass with amendment, Senator Cohen for the committee.

## **AMENDMENTS**

Insurance

May 1, 1998

1998-1578s

09/01

### **Amendment to HB 555**

Amend RSA 511:2, XIX as inserted by section 1 of the bill by replacing it with the following:

***XIX. Subject to the Uniform Fraudulent Transfer Act, RSA 545-A, any interest in a retirement plan or arrangement qualified for tax exemption purposes under present or future Acts of Congress; provided, any transfer or rollover contribution between retirement plans shall not be deemed a transfer which is fraudulent as to a creditor under the Uniform Fraudulent Transfer Act. "Retirement plan or arrangement qualified for tax exemption purposes" shall include without limitation, trusts, custodial accounts, insurance, annuity contracts, and other properties and rights constituting a part thereof. By way of example and not by limitation, retirement plans or arrangements qualified for tax exemption purposes permitted under present Acts of Congress include defined contribution plans and defined benefit plans as defined under the Internal Revenue Code (IRC), individual retirement accounts including Roth IRA's and education IRA's, individual retirement annuities, simplified employee pension plans, Keogh plans, IRC section 403(a) annuity plans, IRC section 403(b) annuities, and eligible state deferred compensation plans governed under IRC section 457. This paragraph shall be in addition to and not a limitation of any other provision of New Hampshire law which grants an exemption from attachment or execution and every other species of forced sale for the payment of debts. This paragraph shall be effective for retirement plans and arrangements in existence on, or created after January 1, 1999, but shall apply only to extensions of credit made, and debts arising, after January 1, 1999 for which the debtor is seeking discharge in bankruptcy.***

Insurance

May 20, 1998

1998-1836s

10/09

#### **Amendment to HB 630-FN-LOCAL**

Amend RSA 100-A:16, I(c)(2) as inserted by section 1 of the bill by replacing it with the following:

***(2)(A) Any member, or a member's employer, may make additional contributions on behalf of a member at an additional rate as determined by the actuary and approved by the board of trustees or its designee. Any additional contributions made by a member who intends to retire pursuant to RSA 100-A:5, I(c), or additional contributions of the employer, may be used to offset the reduction, or a portion thereof, in retirement benefits for early retirement as provided in RSA 100-A:5, I(c). Any actuarial fees incurred in determining the amount of additional contributions required for early retirement as provided by this subparagraph shall be paid by the member.***

***(B) Any additional contributions made under this subparagraph shall become part of the member's accumulated contributions including interest, and may be withdrawn, in cash, upon the member's retirement in lieu of the provisions in subparagraph (c)(2)(A).***

***(C) If the member is not covered by the provisions of a collective bargaining agreement pursuant to RSA 273-A, the appropriation for such early retirement shall be expressly approved by the legislative body, provided however that in political subdivisions using the town meeting form of government such approval shall be by separate warrant article.***

Insurance

May 20, 1998

1998-1837s

10/09

## **Amendment to HB 749-FN**

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

1 Group I; Burden of Proof Before Board. RSA 100-A:6, I(c) is repealed and reenacted to read as follows:

(c)(1) Upon the application of a group I member in service or of the member's employer, any member shall be retired by the board of trustees on an accidental disability retirement allowance where the member has been totally and permanently incapacitated for duty as the natural and proximate result of either:

(A) An accident occurring while in the actual performance of duty at some definite time and place; or

(B) Repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment; or

(C) Any occupational disease arising out of or in the course of employment as defined by RSA 281-A:2, XI, RSA 281-A:2, XIII, or RSA 281-A:17.

(2) The provisions of subparagraph (c)(1) shall apply provided that:

(A) The member is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent;

(B) The incapacitating accident, trauma, degeneration, or occupational disease has been found to be compensable by the commissioner of labor pursuant to RSA 281-A:43; and

(C) The injury was without willful negligence on the member's part.

(3) The member applying pursuant to this subparagraph shall have the burden of proving causation before the board of trustees if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the labor commissioner or the compensation appeals board after hearing pursuant to RSA 281-A:43.

2 Group II; Burden of Proof Before Board. RSA 100-A:6, II(c) is repealed and reenacted to read as follows:

(c)(1) Upon the application of a group II member in service or of the member's employer, any member shall be retired by the board of trustees on an accidental disability retirement

allowance where the member has been totally and permanently incapacitated for duty as the natural and proximate result of either:

(A) An accident occurring while in the actual performance of duty at some definite time and place; or

(B) Repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment; or

(C) Any occupational disease arising out of or in the course of employment as defined by RSA 281-A:2, XI, RSA 281-A:2, XIII, or RSA 281-A:17.

(2) The provisions of subparagraph (c)(1) shall apply provided that:

(A) The member is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent;

(B) The incapacitating accident, trauma, degeneration, or occupational disease has been found to be compensable by the commissioner of labor pursuant to RSA 281-A:43; and

(C) The injury was without willful negligence on the member's part.

(3) The member applying pursuant to this subparagraph shall have the burden of proving causation before the board of trustees if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the labor commissioner or the compensation appeals board after hearing pursuant to RSA 281-A:43.

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

Insurance

May 20, 1998

1998-1835s

10/09

**Amendment to HB 1411**

Amend the bill by replacing all after section 5 with the following:

6 New Chapter; Individual Health Insurance Market Mandatory Risk Sharing Plan. Amend RSA by inserting after chapter 404-F the following new chapter.

## CHAPTER 404-G

### INDIVIDUAL HEALTH INSURANCE MARKET

#### MANDATORY RISK SHARING PLAN

404-G:1 Purpose of Provisions. The purpose of this chapter is to:

I. Protect the citizens of this state who participate in the individual health insurance market by providing a mechanism to equitably distribute the excessive risk sometimes associated with this market and to enable insurers to better protect against the costs of covering high risk individuals.

II. Create a nonprofit, voluntary organization to facilitate the availability of affordable individual nongroup health insurance by establishing an assessment mechanism and an individual health insurance market mandatory risk sharing plan as a mechanism to distribute the risks associated within the individual nongroup market.

404-G:2 Definitions. In this chapter:

I. "Actively marketing" means actively marketing, issuing, and renewing all of the health coverages the respective carrier sells in the individual market to all individuals.

II. "Assessment" means the liability of the member insurer to the association.

III. "Association" means the entity created within this chapter which shall be the same association as that created under the order, defined in paragraph X.

IV. "Commissioner" means the insurance commissioner.

V. "Covered lives" shall include all persons living or working in New Hampshire for which a carrier provides health insurance evidenced by a policy or a group certificate issued in New Hampshire. For group excess loss insurance, or other types of group health insurance for which no certificates are issued, covered lives shall mean those New Hampshire employees and their dependents who are protected, in part, by a policy, issued in New Hampshire, and purchased by a group health insurance plan subject to the Employee Retirement Income Security Act of 1974, Public Law No. 93-406 (ERISA).

VI. "Group health insurance" means health insurance coverage other than individual health insurance coverage.

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.

VIII. "Individual health insurance" means health insurance sold directly to an individual and not on a group remittance basis. Individual health insurance shall include franchise health insurance.

IX. "Insurer" means any entity licensed pursuant to RSA 402, RSA 420-A, or RSA 420-B.

X. "Order" means the insurance department findings and final order dated November 26, 1997, in the matter of the individual health insurance market in New Hampshire pursuant to RSA 404-C.

XI. "Writer" means a writing carrier.

#### 404-G:3 Association's Powers and Duties.

I. The association shall be a not-for-profit, voluntary corporation under RSA 292 and shall possess all general powers as such and additional powers that are approved by the commissioner.

II. The board of directors of the association shall:

(a) Conduct activities in accordance with a plan of operation as approved by the commissioner;

(b) Determine and collect assessments and disburse subsidy payments, as provided in the plan of operation;

(c) Enter into contracts as necessary or proper to administer the plan of operation;

(d) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessments for, on behalf of, or against members of the association or other participating persons;

(e) Appoint from among members appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent legal consultants as necessary; and

(f) Perform any other functions within the authority of the association, as may be necessary or proper in carrying out the plan of operation.

#### 404-G:4 Association Membership and Governance.

I. The association shall be comprised of all writers of health insurance.

II. The initial board of directors of the association shall be the same as that set forth in the order. Except as provided in paragraph IV, each successor board shall consist of 5 individuals who are representative of categories of members of the association and the commissioner who shall be an ex-officio member. In the initial and in each successor board, 2 directors shall be representative of and elected by qualified writers of group health insurance and 3 directors shall be eligible to receive a subsidy under this chapter and shall be representative of and elected by qualified writers of individual health insurance.

III. There shall be no more than one director representing any one qualified writer or its affiliate. For purposes of this section, the insurance activities of any elected director's affiliate shall be deemed to be insurance activities of the elected director.

IV. Qualified writers of individual or group health insurance shall be those that provide coverage for at least 500 covered lives or 5 percent of the total covered lives in the relevant market. A member's votes for individual or group market representatives shall be proportional to the member's assessment in that market.

V. If, at any board election subsequent to the establishment of the initial board, one or more elected group representatives are also writing individual health insurance, then the membership of the board shall be altered by applying the provisions in subparagraphs (a) through (d) to such elected group representatives.

(a) If the elected group representative writing in the individual market is also an elected individual representative, then that member shall take a seat on the board as an individual representative and relinquish the group seat. The group writer with the next highest number of group votes shall take the relinquished group seat.

(b) If the elected group representative writing in the individual market is not also an elected individual representative, then up to 2 directors will be added to the board as follows:

(1) If the total size of the board-elect is 5 or 6, the elected group representative shall remain on the board, but neither as a group or an individual representative, and the group writer with the next highest number of group votes shall join the board as a group representative; but

(2) If the total size of the board-elect is 7, the elected group representative shall not remain on the board and the group writer with the next highest number of group votes shall take the relinquished group seat.

(c) The provisions in subparagraphs (a) and (b) shall be applied to elected group representatives in the order of the number of votes received.

(d) The seats added to the board pursuant to subparagraph (b) shall not survive the term of the seat-holder.

VI. Members of the board of directors shall be elected to terms of one year.

VII. The board of directors shall take action by affirmative vote of one less than the total number of directors.

VIII. The board shall elect officers in accordance with the bylaws of the association. The bylaws of the association shall also govern the place and frequency of meetings of directors and their reimbursement for expenses incurred.

404-G:5 Plan of Operation. The board of directors of the association shall adopt a plan of operation which shall be the same plan of operation as that adopted pursuant to the order. Any amendments to the current plan of operation shall be approved by the commissioner. The plan of operation shall provide substantially the following:

I. Description of risks to be shared. Sharing shall be implemented through a risk adjustment and subsidization mechanism whereby writers in the group market will subsidize losses of writers in the individual market. The mechanism shall include parameters which will limit its costs and ensure proper claims management by the nongroup writers.

II. Subsidy determination. Subsidies shall be determined on a calendar year basis. Subsidy calculations in a given calendar year shall be based on the experience of the prior year. Only individual health insurance writers who are actively marketing individual health insurance, in accordance with the provisions of RSA 420-G, during the calendar year in which the subsidy is distributed shall be eligible for a subsidy. For companies which utilize health status factors, only individuals whose coverage is written at the maximum allowable health status factors under RSA 420-G shall be eligible for a subsidy. For companies which do not utilize varied health status factors, all individuals whose coverage is written under RSA 420-G shall be eligible for a subsidy. The subsidy determination process shall recognize and compensate writers based on the risk characteristics of coverages eligible for consideration in the subsidy relative to standards established by the association board.

III. Assessment determination.

(a) Assessment liabilities shall commence on the effective date of this chapter.

(b) Assessments shall be calculated based on the number of covered lives. The number of covered lives shall be determined each month during the calendar year. The assessment shall be calculated as the number of covered lives times a specified amount. The specified amount shall be fixed throughout the calendar year and shall be determined by the board no later than the first day of November preceding the calendar year for which the amount is to be used. The amount shall be subject to approval by the commissioner. The board shall provide a basis for recommending the specified amount, including a projection of the calculated subsidy and consideration of any prior year shortfalls or overages. For the calendar years 1999 and 2000, the specified amount shall be 18 cents per covered life per month, provided, however, that the board may petition the commissioner for approval of a greater specified amount. The commissioner shall approve such amount if he or she finds, after consideration of the:

- (1) Board's subsidy determination process;
- (2) Number of subsidy-eligible lives;
- (3) Size of the entire non-group market;
- (4) Morbidity experience of the subsidy-eligible lives; and

(5) Morbidity experience of the entire non-group market; that the amount petitioned by the board is no greater than is necessary to fulfill the purposes of this chapter. For the purpose of making this determination, the commissioner may, at the expense of the association, seek independent actuarial certification of the need for the increase.

(c) Each covered life should be included in the assessment only once. The board shall adopt procedures by which affiliated carriers calculate their assessment on an aggregate basis and procedures to ensure that no covered life is counted more than once.

IV. Administrative matters. The plan of operation shall further provide for all of the following:

(a) Responsibility for the handling and accounting of funds and other assets of the association.

(b) The financial and other records required to be kept, including the annual report to be submitted to the commissioner.

(c) Such other administrative provisions as are necessary or proper for the execution of the powers and duties of the association.

404-G:6 Commissioner's Powers and Duties. In addition to duties and powers enumerated elsewhere in this chapter:

I. The commissioner shall upon request of the board of directors, serve a demand upon the member insurer to pay an assessment within a reasonable time; the failure of the member insurer to promptly comply with such demand shall not excuse the association from the performance of its

powers and duties under this chapter.

II. The commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed 5 percent of the unpaid assessment per month, but no forfeiture shall be less than \$100 per month. Any amounts so collected shall be credited to the assessment fund administered by the association.

III. Any action of the board of directors or the association may be appealed to the commissioner by any member insurer if the appeal is taken within 30 days of the final action being appealed. If a member company is appealing an assessment, the amount assessed shall be paid to the association and available to meet association obligations during the pendency of an appeal. If the appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company from available funds of the association. Any final action or order of the commissioner shall be subject to judicial review, pursuant to RSA 541.

IV. The commissioner may adopt rules as necessary to carry out the purposes of this chapter.

V. The powers of the commissioner enumerated in this chapter shall be in addition to those established under RSA 404-C.

404-G:7 Examination and Annual Report. The association shall be subject to examination by the commissioner. The board of directors shall submit to the commissioner each year, not later than 120 days after the association's fiscal year, a financial report in a form approved by the commissioner and a report of its activities during the proceeding fiscal year. The association's fiscal year shall be the calendar year.

404-G:8 Tax Exemption. The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions, except taxes levied on real property.

404-G:9 Immunity for Members and Employees. There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or the commissioner's representatives, for any action or omission by them in the performance of their powers and duties under this chapter.

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

7 Purpose of Chapter. RSA 420-G:1, III is repealed and reenacted to read as follows:

III. To prohibit or constrain underwriting and rating practices in the small employer and individual markets, so as to prevent health carriers from excluding higher risk applicants from coverage or charging unaffordable premium rates to those unable to meet selection standards. With the help of the mandatory risk sharing mechanism described in RSA 404-G, nongroup health carriers will be expected to manage the risk of individuals having above average experience.

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

XIII-a. "Modified experience rating" means a rating methodology to apply only to individual policies sold in the nongroup market, which modifies community rating to allow for limited consideration of health status, as detailed in RSA 420-G:4, I(a).

9 Premium Rates. Amend RSA 420-G:4, I(a) to read as follows:

(a) All premiums charged to ~~[either individuals or]~~ small employers shall be solely based on a community rating basis and shall be guaranteed for at least 6 months. ***All premiums charged to individuals shall be solely based on a modified experience rating basis, as detailed in subparagraph I(a)(2) and shall be guaranteed for at least 6 months.***

(1) Community rating shall be set by each health carrier as the single average premium computed for each month or quarter for each membership type (including single, 2 person, and family) with no modification for gender, geographical location, occupation, health status, individual and/or group claims experience or duration of health coverage, ***except as provided in subparagraph I(a)(2) for individual coverage.***

(2) Health carriers may modify such average premium **as established pursuant to subparagraph I(a)(1)** for age **and health status** only in accordance with the following limitations:

(A) The maximum premium differential for age as determined by ratio shall be 3 to 1[ $\frac{3}{1}$ ].

(B) Health carriers modifying such average premium for age may do so only by using the following age brackets:

[0 — 24

25 — 34

35 — 44

45 — 54

55 — 64

65 — +]

0 — 18

19 — 24

25 — 29

30 — 34

35 — 39

40 — 44

45 — 49

50 — 54

55 — 59

60 — 64

65 — +

(C) In the individual market only, the maximum differential due to health status shall be 1.2 to 1.

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

10 Premium Rates. Amend RSA 420-G:4, I(c) to read as follows:

(c) The same rating methodology shall apply to ~~[new]~~ ***newly covered*** individuals ***and to individuals renewing at each annual renewal date***, or ***to*** new small employers ~~[and to individuals renewing]~~ and small employers renewing at each annual renewal date or anniversary date. There shall be no adjustments in the form of new group discounts, rebates, experience, or tier or durational factors or any other factor which affects ~~[an individual's or]~~ ***a*** small employer's rate, ***nor shall there be such adjustments to an individual's rates, with the exception of the consideration of health status as permitted under modified experience rating***. Rating methodology shall not be construed to include health carrier incentives to individual subscribers or members to participate in wellness and fitness programs provided such incentives are approved by the insurance department.

11 Medical Underwriting. Amend RSA 420-G:5 to read as follows:

420-G:5 Medical Underwriting.

I. Health carriers providing health coverage for ~~[individuals, or]~~ small employer groups~~[, or both]~~ shall not:

(a) Perform medical underwriting, including the use of group health statements or screenings or the use of prior individual or group claims history to establish or modify premium rates.

(b) Make any adjustments to the community rate due to any past, current, or anticipated medical condition.

(c) Make any inquiry about applicant's avocations, hobbies, or other activities.

(d) Require attending physician statements, questionnaires or any investigations or reviews regarding health status, health history or family health status.

(e) Knowingly provide health coverage to ~~[small employer]~~ groups where medical underwriting has been performed by the employer or anyone acting on the group's behalf.

~~[(f) Offer riders or endorsements which provide for medical underwriting or offer incentives to individuals or small employers to provide medical information.]~~

II. ~~[Health carriers shall not offer riders or endorsements to exclude certain illnesses or health conditions in order to avoid the purpose of this chapter]~~ ***Health carriers providing health coverage for individuals may perform medical underwriting, including the use of individual health statements or screenings or the use of prior individual claims history, to the extent necessary to establish or modify premium rates, only as provided in RSA 420-G:4. Such underwriting may be limited to the use of standardized health statement for use in adjustments to rating pursuant to RSA 420-G:4. The commissioner may, by rule, require carriers to use a standardized health statement.***

***III. Health carriers shall not:***

***(a) Offer riders or endorsements which provide for medical underwriting or offer incentives to individuals or small employers to provide medical information.***

***(b) Offer riders or endorsements to exclude certain illnesses or health conditions in order to avoid the purpose of this chapter.***

12 New Paragraph; Issue and Renewability. Amend RSA 420-G:6 by inserting after paragraph II the following new paragraph:

II-a. Health carriers shall not be required to issue individual health insurance to individuals who are otherwise eligible for group health coverage. For the purposes of this section, group health coverage shall include publicly-funded health insurance programs.

13 Discontinued Products. Amend RSA 420-G:6, VI(b) and (c) to read as follows:

(b) Offer to each individual or employer with such health coverage, the option to purchase any other health coverage currently being offered by the health carrier in the relevant market; ~~and~~

(c) Act uniformly without regard to the claims experience of those employers, and without regard to any health status related factor of any covered person or any individual, employee, or eligible dependent who may become a covered person; ***and***

***(d) Make no adjustments in the health status factor applied to individuals moving from a discontinued product of that health carrier to another product of that health carrier if the individual was newly covered under the previous product within the last 5 years, or a health status factor adjustment was made with respect to that individual within the last 5 years.***

14 Discontinued Health Coverage. Amend RSA 420-G:6, VII(b) to read as follows:

(b) The health carrier may not provide health coverage in such discontinued market or markets during the 5-year period beginning on the date of the discontinuation of the last health coverage not so renewed, ***provided that this subparagraph shall not apply to individual health insurance discontinued prior to July 1, 1998.***

15 Minimum Participation Requirements. RSA 420-G:9 is repealed and reenacted to read as follows:

420-G:9 Minimum Participation Requirements.

I. A health carrier may not require more than the minimum participation percentage of the employees eligible for health coverage in a small employer group to participate in the health carrier's health coverage plan. The minimum participation percentage shall be 75 percent when the health carrier's plan is the sole health coverage plan being sponsored by the employer group, and 37.5 percent when the health carrier's plan is not the sole health coverage plan being sponsored by the employer group.

II. For the purpose of calculating whether or not a small employer group's enrollment meets a carrier's minimum participation requirements:

(a) Any full-time or part-time employees who are covered as a dependent on another person's health coverage shall be excluded from the count.

(b) The total number of full-time employees and part-time employees who are otherwise eligible for health coverage shall be counted.

III. The minimum participation requirements shall be calculated on an employer-by-employer basis if the small employer is part of an association, trust or other similar arrangement.

IV. In performing the computation to determine the actual enrollment necessary to meet the minimum participation requirement as a small employer group, the health carrier shall round any fractional number to the higher integer.

16 New Sections; Requested Information; Prohibited Transactions. Amend RSA 420-G by inserting after section 14 the following new sections:

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

420-G:14-b Prohibited Transactions. No health care provider shall submit a claim for reimbursement, or otherwise accept payment, for health care services provided to a patient covered by individual health insurance if the provider has paid the premium for such individual health insurance.

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

Judiciary

May 21, 1998

1998-1848s

09/08

#### **Amendment to HB 682-FN-LOCAL**

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

AN ACT relative to public access to records and information regarding registered criminal offenders.

Amend the bill by replacing section 2 with the following:

2 Availability of Information to the Public. RSA 651-B:7 is repealed and reenacted to read as follows:

651-B:7 Availability of Information to the Public.

I. Except as provided in this section, the records established and information collected pursuant to the provisions of this chapter shall not be considered "public records" subject to inspection under RSA 91-A:4. However, nothing in this chapter shall be construed to limit any law enforcement agency from making any use or disclosure of any such information as may be necessary to the performance of a valid law enforcement function. Nothing in this chapter shall be construed to limit an individual's ability to obtain access to the individual's own records, or to limit access to a person's criminal record under the provisions of RSA 106-B:14, including address information obtained under the provisions of this chapter.

II.(a) The division shall maintain a separate list of all individuals registered pursuant to this chapter who have been convicted of any violation or attempted violation of one of the following offenses, or of any law of another state or the federal government reasonably equivalent to one of the following offenses:

- (1) RSA 632-A:2, I(1).
- (2) RSA 632-A:2, II.
- (3) RSA 632-A:3, III.
- (4) RSA 645:1, II.
- (5) Any offense described in RSA 651-B:1, V.

(b)(1) The list described in subparagraph (a) shall include:

- (A) The name and address of the registered individual;
- (B) The offense for which the individual was convicted; and
- (C) The date and court of the conviction for which the individual is registered.

(2) Where such information is available, the list may also include:

- (A) A photograph or physical description of the individual;
- (B) The date and court of the individual's other convictions, if any;

(C) Information on the profile of the victim or victims of the individual's offense or offenses; and

(D) The method of approach utilized by the individual.

(3) In no event shall the list include the identity of any victim.

III. At periodic intervals, not less frequently than once each month, the commissioner of the department of corrections and the superintendent of each county department of corrections shall forward to the division a statement identifying every offender who is confined in a facility under their control who has committed an offense described in subparagraph II(a), and who is eligible at that time for any unsupervised work detail or other assignment which may bring the offender into contact with members of the public. These statements shall include the information set forth in subparagraphs II(b)(1)(A), (B), and (C), and may also include the information set forth in subparagraphs II(b)(2)(A)-(D). In no event shall the statements include the identity of any victim. These statements shall be incorporated by the division into the list maintained under paragraph II.

IV. The division shall forward a copy of the list described in this section to each local law enforcement agency at periodic intervals, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to the local law enforcement agency. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in a specified city or town. The rules shall also include provisions for identifying and maintaining a record of the parties to whom information from the list has been disclosed, and may also provide for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

V. Local law enforcement agencies, employees of local law enforcement agencies, and county and state officials shall be immune from civil and criminal liability for good faith conduct under this chapter. Nothing in this paragraph shall be deemed to grant any such immunity to any person for that person's reckless or wanton conduct.

1998-1848s

#### AMENDED ANALYSIS

This bill requires the division of state police to maintain a list of all persons required to be registered as criminal offenders. Information contained in the list shall be made available to the public, upon application of interested members of the public and in accordance with rules adopted by the department of safety. The bill allows the department to charge a reasonable fee to defray the administrative costs of collecting information and making it available to the public.

Judiciary

May 11, 1998

1998-1699s

04/09

#### Amendment to HB 774-FN

Amend the bill by deleting section 1 and renumbering the original section 2-10 to read as 1-9 respectively.

Amend RSA 458-C:5, I (i) as inserted by section 7 of the bill by replacing it with the following:

***(i) The economic consequences to either party of providing for the voluntary or court-ordered postsecondary educational expenses of a natural or adopted child;***

Amend the bill by replacing section 9 with the following:

9 Effective Date. This act shall take effect 120 days after its passage.

Judiciary

May 22, 1998

1998-1866s

04/09

#### Amendment to HB 1129

Amend RSA 265:82-b, II (b) (2) as inserted by section 1 of the bill by replacing it with the following:

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to imprisonment for a period of not less than 30 consecutive 24-hour periods, and shall complete at the person's own expense ~~a 28-day treatment program~~ ***a residential treatment program of at least 28 days duration or an intensive course of substance abuse treatment based upon a formal evaluation by a***

***licensed alcohol and other drug counselor and approved by the department of health and human services*** before the driver's license may be restored.

1998-1866s

#### AMENDED ANALYSIS

This bill modifies the penalty for a person who is convicted of a DWI offense after having successfully completed a multiple DWI offender intervention detention center program. The bill requires that the offender either complete a minimum 28 day residential treatment program or an intensive course of treatment, with no set time limit, based on evaluation by a licensed alcohol and other drug counselor.

Judiciary

May 26, 1998

1998-1880s

01/09

#### Amendment to HB 1290-FN

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

1 Fire Safety. Amend RSA 153:14, II to read as follows:

II. The state fire marshal, ~~[his]~~ ***the state fire marshal's*** authorized officers, or fire chief upon complaint or whenever ~~[he or they]~~ ***the state fire marshal, such authorized officers, or fire chief*** shall deem it necessary, may inspect all buildings, ***excluding single family dwellings and multi-unit dwellings containing 2 units***, and premises within their jurisdiction and, if consent for such inspection is denied or unobtainable, may obtain an administrative inspection warrant under RSA 595-B. ~~[Whenever any of the said officers shall find any condition which shall endanger the safety of persons in a public building or other structure which, for want of repairs, lack of, or insufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or other dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, or whenever such officer shall find in any building combustible matter or flammable conditions dangerous to the safety of such building or to property therein, or to lives and safety of the public, he shall order the same to be removed or remedied by written order.]~~ ***Whenever any of the said officers shall find any condition that such officer deems to be hazardous to life or property, the officer shall order the hazardous condition to be removed or remedied by written order.*** If such order requires a structural change or alteration, it shall be approved by the state fire marshal or fire chief before it is effective. Such order shall be complied with by the owner of such premises or buildings within the time limit specified in such order, provided, however, that any such owner, who is aggrieved by any such order, may, within 14 days after the service of such order as hereinafter provided, file a petition with the superior court, praying for a review of such order. It shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require.

2 Criminal Penalty Added. RSA 153:16 is repealed and reenacted to read as follows:

153:16 Failure to Comply With Order. If any owner fails to comply with the lawful order of the state fire marshal, ***the state fire marshal's authorized officers, or fire chief*** under RSA 153:14, II, or with the order as modified on appeal as provided in RSA 153:14, and within the time fixed, such owner shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Each day of noncompliance shall constitute a separate offense.

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

Judiciary

May 11, 1998

1998-1697s

04/09

#### **Amendment to HB 1307**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Annulment of Criminal Records; Exception of Habitual Offender Offenses. Amend the introductory paragraph of RSA 651:5, III to read as follows:

III. Except as provided in RSA 265:82-c or in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction and sentence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA 265:82 ***and any offense specified in RSA 259:39***, for a period of time as follows:

1998-1697s

#### **AMENDED ANALYSIS**

This bill prohibits a court from vacating a conviction specified under the habitual offender statute until at least 7 years after the conviction date, and amends the exceptions for criminal annulment to include habitual offender offenses.

This bill is a request of the department of safety.

Judiciary

May 26, 1998

1998-1877s

04/08

### **Amendment to HB 1516**

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

2 New Section; State Registry and Criminal Records Check. Amend RSA 170-G by inserting after section 8-b the following new section:

170-G:8-c State Registry and Criminal Records Check.

I. The department shall, prior to adding new or transferred staff members whose job descriptions would cause them to come into direct contact with children, submit the names, birth names, birth dates, and addresses of such individuals for review against the state registry of founded abuse and neglect reports and the division of state police for information about criminal convictions.

II. Prior to the renewal of any current employment contract of existing employees whose job description would cause them to come into direct contact with children, the department shall submit the names, birth names, birth dates, and addresses of such individuals for review against the state registry of founded abuse and neglect reports, and for review by the division of state police for information about criminal convictions.

III. The department shall, for every name submitted on the application and for each new or transferred staff member, or for existing staff members in accordance with paragraph II of this section, review the names, birth names, birth dates and current and previous addresses of such persons against the state registry of founded abuse and neglect reports. The department shall submit the names, birth names, birth dates, and addresses to the division of state police to obtain information about criminal convictions.

IV. If any individual whose name has been submitted for a check under this section has been convicted of crimes against minors or adults, or is the subject of a founded report of child abuse or neglect, the department may deny employment to such person pending the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with rules adopted under this chapter to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence and to show that the individual does not pose a threat to the safety of children.

V. For any current employee convicted of a crime against a minor or adult, or who is or becomes the subject of a founded report of child abuse or neglect, the department may terminate, suspend, demote, or transfer that employee, and may require the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with the rules adopted under this chapter to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence and to show that the individual does not pose a threat to the safety of children.

VI. Any employee transferred to the department from another state department or agency, whose job description within the department of health and human services would cause such employee to come into direct contact with children, shall be subject to provisions of this section.

VII. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the confidentiality of information collected under this section and to the release, if any, of such information.

3 Effective Date.

I. RSA 170-G:8-c, V as inserted by section 2 of the bill shall take effect January 1, 1999.

II. The remainder of this act shall take effect 60 days after its passage.

1998-1877s

#### AMENDED ANALYSIS

This bill requires criminal background investigations for new, existing or transferred employees of the department of health and human services who are required by the terms of their job description to have direct contact with children.

Judiciary

May 20, 1998

1998-1844s

09/08

#### Amendment to HB 1553-FN

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

2 Contingent Repeal. If the commissioner of health and human services chooses to schedule flunitrazepam, gamma-hydroxy-butyrate, or ketamine hydrochloride pursuant to an administrative rule adopted by the commissioner and pursuant to RSA 318-B, then the affected part of RSA 318-B:1-c as inserted by section 1 of this act, as it pertains to each individual substance so scheduled, shall be repealed at 12:01 a.m. the day after such substance is scheduled. The commissioner of the department of health and human services shall certify to the secretary of state the date on which flunitrazepam, gamma-hydroxy-butyrate, or ketamine hydrochloride is scheduled by rule.

3 New Subparagraph; Penalty for Possession of Flunitrazepam. Amend RSA 318-B:26, I(b)(6) to read as follows:

(6) Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants[-];

**(7) Flunitrazepam in a quantity of 500 milligrams or more.**

4 New Subparagraph; Penalty for Possession of Flunitrazepam. Amend RSA 318-B:26, I(c)(6) to read as follows:

**(6) Flunitrazepam in a quantity of 500 milligrams or less;**

**(7) Any other controlled drug or its analog, other than those specifically covered in this section, classified in schedules I, II, III or IV.**

5 New Subparagraph; Penalty; Possession of Flunitrazepam. Amend RSA 318-B:26, II by inserting after subparagraph (d) the following new subparagraph:

(e) In the case of flunitrazepam, the person shall be guilty of a class A felony for each offense, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed.

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

1998-1844s

#### AMENDED ANALYSIS

This bill prohibits the possession or use of rohypnol, ketamine, and gamma-hydroxy-butyrate (GHB) by placing rohypnol on schedule I, GHB schedule II, and ketamine on schedule III of the controlled drug schedules. The bill also establishes enhanced penalties for possession of rohypnol (flunitrazepam).

Public Affairs

May 26 1998

1998-1875s

01/09

## Amendment to HB 798

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

1 Definition Revised. RSA 358-I:1, I is repealed and reenacted to read as follows:

I. "Contract" means a monthly contract or a term contract:

(a) "Monthly contract" means any contract where services are paid on a monthly basis.

(b) "Term contract" means any contract where services are paid for in advance for a period of time greater than one month.

2 Definition Revised. Amend RSA 358-I:1, IV(a) to read as follows:

(a) Any nonprofit public or private school, college, or university ***except where such organization offers health club services to the general public for a fee;***

3 New Paragraph; Definition Added. Amend RSA 358-I:1 by inserting after paragraph IV the following new paragraph:

IV-a. "Initiation fee" means any sum of money received at the initiation of a membership for the incurred costs including but not limited to advertising, administration, commissions, and orientation.

4 Bond Requirements. Amend RSA 358-I:2, I and II to read as follows:

358-I:2 Registration; Surety Bond; Escrow of Deposits.

I. Any person, corporation, partnership, association, or other entity operating or intending to open or operate a health club within this state shall file a registration statement with the attorney general. Such registration statement shall be updated [~~semiannually~~] ***annually***, and shall contain the name and address of the health club; the names and addresses of the officers, directors, and ***those*** stockholders ***who hold in excess of 20 percent*** of the health club and its parent corporation, if such an entity exists; the type of available facilities; a written list of each piece of equipment and each service which the club has available for use by buyers; approximate size of the health club measured in square feet; whether or not a shower area is provided [~~; the names and addresses of employees who provide guidance, instruction, or training to members, and their respective qualifications for employment in the health club field~~]; type of membership plans to be offered and their cost; and a full and complete disclosure of any completed or pending litigation initiated against the health club and any of its officers or directors within the last 3 years.

II. Each health club registering pursuant to this chapter shall maintain in the files of the health club a copy of its registration statement filed pursuant to this section. [~~This registration~~

~~statement]~~ ***A current registration certificate issued by the bureau of consumer protection and antitrust, department of justice, shall be posted or placed at all times in a conspicuous place and the registration statement shall be*** made available for inspection by current health club members or prospective purchasers of health club memberships; provided, however, that the addresses of employees need not be disclosed, nor shall the attorney general publicly disclose such addresses except in connection with the prosecution of legal proceedings instituted under this chapter or other provisions of the RSA.

5 Exemptions From Bonding Requirements. Amend RSA 358-I:2, IV(a) and (b) to read as follows:

(a) Provides the attorney general with a statement that the club accepts membership fees on a monthly basis only [~~;- provided, however, that any club charging an initiation fee shall comply with RSA 358 I:2, VI].~~

(b) Establishes to the satisfaction of the attorney general that its membership refund liability does not exceed [~~\$1,000~~] ***\$5,000***.

6 Initiation Fees. RSA 358-I:2, VI is repealed and reenacted to read as follows:

VI. Any initiation fee shall not exceed 25 percent of an annualized monthly fee.

7 Disclosure Statement. Amend RSA 358-I:3, II to read as follows:

II. Each prepaid contract shall state in at least 10 point boldface type the following:

***(a) "NOTICE TO BUYER: DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ ALL OF IT. ALSO, DO NOT SIGN THIS CONTRACT IF IT CONTAINS ANY BLANK SPACES."***

***(b) "STATE LAW REQUIRES THAT THIS HEALTH CLUB REGISTER WITH THE BUREAU OF CONSUMER PROTECTION AND ANTITRUST OF THE DEPARTMENT OF JUSTICE AND MAY REQUIRE THAT THIS CLUB POST A BOND OR OTHER SECURITY WITH THE ATTORNEY GENERAL TO PROTECT CUSTOMERS WHO PAY INITIATION FEES OR WHO PAY IN ADVANCE FOR MEMBERSHIP OR SERVICES IN THE EVENT THIS CLUB CLOSES. YOU SHOULD ASK TO SEE EVIDENCE THAT THIS CLUB HAS EITHER POSTED A BOND IN COMPLIANCE WITH THE LAW OR HAS BEEN EXEMPTED FROM THIS REQUIREMENT BY THE ATTORNEY GENERAL BEFORE YOU SIGN THIS CONTRACT. IF THIS CLUB HAS NOT POSTED SUCH A BOND, AND YOU PAY THIS HEALTH CLUB FOR MORE THAN ONE MONTH'S MEMBERSHIP OR SERVICES IN ADVANCE, THEN YOU ARE PAYING FOR FUTURE SERVICES, AND YOU MAY BE RISKING THE LOSS OF YOUR MONEY IN THE EVENT THAT THE CLUB CEASES TO CONDUCT BUSINESS."***

8 Membership Contracts. Amend RSA 358-I:5 to read as follows:

358-I:5 Length of Membership Contract; Automatic Renewal Prohibited; Required Membership Options.

***I.*** No ***term*** contract for health club services shall be for a term of more than [~~2 years~~] ***1 year***, nor shall any health club ***term*** contract contain an automatic renewal clause. A contract may

provide for a renewal option for continued membership, but any such renewal must be accepted in writing by a buyer and is effective only upon payment of the renewal price. Under no circumstances may a contract for health club services be renewed more than [30] 90 days before the contract's expiration date. ***The annualized price of the buyer's first term contract or membership option with a seller may not exceed the annualized price of any subsequent term contract or other membership option with the seller by more than 25 percent.***

***II. Every seller shall offer a month-to-month membership option in addition to any other term contract the seller elects to offer. The availability of month-to-month memberships shall be stated in any written or broadcast advertisement or posting or marketing materials that describe any other membership option the seller offers. No seller shall limit the availability of month-to-month memberships in any manner in which the seller does not also limit the availability of any term contract; nor may a seller accept payment from a buyer or enter into a term contract unless and until the seller has informed the buyer both orally and in writing of the availability of the month-to-month membership. Month-to-month memberships shall offer the same access to health club facilities and services that term contracts offer. A buyer may cancel a month-to-month membership option with 30 days written notice to the seller, provided the original contract obligations have been met, for any reason, and have no further obligation to the seller. The provisions of this paragraph shall apply to a university, college, or educational institution to the extent that it offers health club services to the general public, but shall not apply to a university, college, or educational institution in its offer of health club services to its student body.***

***III. The annualized price of a month-to-month membership shall not exceed the annualized price of any term contract the seller offers by more than 25 percent.***

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

1998-1875s

#### AMENDED ANALYSIS

This bill:

(1) Requires health clubs to annually update the registration statement which is filed with the department of justice.

(2) Increases the membership refund liability for purposes of the exemption from the bonding requirement.

(3) Requires sellers of health club services to offer month-to-month memberships.

(4) Limits initiation fees.

Public Affairs - Majority

May 26, 1998

1998-1884s

09/01

### **Amendment to HB 1011-FN**

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

AN ACT creating a study committee to consider making it a felony to operate certain gambling businesses and prohibiting possession of gambling machines unless specifically authorized under state law.

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

1 Committee Established. There is established a committee to study whether to make it a felony to operate certain gambling businesses and to prohibit possession of electronic games of chance for amusement purposes only unless specifically authorized under state law. For purposes of this study:

I. "Electronic game of chance" shall mean any machine or device, which, upon the insertion of cash or tokens, or upon the payment of any consideration to another, is available to play or simulate the play of any game of chance.

II. "Game of chance" is any game the result of which is determined totally or predominately by chance, including but not limited to poker, keno, line-up, or blackjack.

#### **2 Membership and Compensation.**

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

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

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

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

#### **3 Duties. The committee shall consider:**

I. Whether to make it a felony to operate, conduct, finance, manage, supervise, or direct certain gambling businesses or to knowingly have a proprietary interest in such a business.

II. Whether to make it a felony to possess electronic games of chance and the effect such a law would have on charities, fraternal organizations, veterans' organizations, the hotel and restaurant industry, tourism, and other similar organizations and activities.

4 Chairperson; Meetings; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1998.

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

1998-1884s

#### AMENDED ANALYSIS

This bill creates a study committee to consider making it a felony to operate certain gambling businesses and prohibiting possession of gambling machines unless specifically authorized under state law.

Public Affairs - Minority

May 26, 1998

1998-1885s

09/01

#### **Amendment to HB 1011-FN**

Amend RSA 647:3, I and II as inserted by section 2 of the bill by replacing them with the following:

I. A person is guilty of an offense if such person knowingly possesses any gambling machine. Any person having any interest in a gambling machine, who knowingly receives any money or proceeds from such machine, shall also be guilty of an offense. Liability under this section shall not require any showing that the machine was actually used, or that the person was aware or believed that the machine was being used, for gambling as defined in RSA 647:2, III(a). An offense under this section shall be a misdemeanor, unless the person has previously been convicted of an offense under this chapter, or under a reasonably equivalent law of another jurisdiction, in which case the offense shall be a class B felony.

II. For purposes of this section "gambling machine" means any machine or device, whether or not it is in working order or requires some act of manipulation, repair, adjustment, or modification to render it operational, which, upon the insertion of cash or tokens, is available to play or simulate the play of any game of chance. As used in this paragraph, a game of chance is any game the result of which is determined totally or predominantly by chance, including but not limited to

poker, keno, line-up, or blackjack. A machine or device shall be considered a gambling machine notwithstanding the use of a payment system rendering the insertion of cash or tokens unnecessary.

Amend RSA 647:3, IV as inserted by section 2 of the bill by inserting after subparagraph (c) the following:

(d) A family entertainment center having redemption slot machines or redemption poker machines. For the purpose of this section, a "family entertainment center" means a place of business having at least 50 games or devices designed and manufactured only for bona fide amusement purposes on premises which are operated for the entertainment of the general public and tourists as a bona fide entertainment facility and not having more than 15 percent of the total games or machines being redemption slot machines or redemption poker machines. "Redemption slot machine" or "redemption poker machine" means any gambling machine as defined in paragraph II which may entitle the person playing or operating the game or machine the opportunity of additional chances or free plays or to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the value for such points or coupons does not exceed 2-1/2 cents for each credit on the game or machine.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 Reference Change. Amend RSA 287-C:1 to read as follows:

287-C:1 Manufacture Authorized. Notwithstanding any other provision of law, gambling machines as defined in RSA ~~[647:2, II]~~ **647:3, II** may be repaired, reconditioned, sold, designed, developed and manufactured in this state, provided however that such machines shall not under any circumstances, be sold, leased, used, or made available for use, or be shipped or delivered to any location in this state or any other state whose laws prohibit the possession or use of such machines.

4 Reference Change. Amend RSA 287-D:1, I to read as follows:

I. "Games of chance" means any game involving gambling as defined by RSA ~~[647:2, II]~~ **647:2, III(a)**, or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine.

1998-1885s

## AMENDED ANALYSIS

This bill makes it a felony for a person to operate certain gambling businesses. This bill also requires persons convicted of gambling or operating an illegal gambling business to forfeit any property used in furtherance of the crime to the state. Current law limits such forfeiture to implements, equipment, and apparatus.

The bill makes it a class B felony for a second offense of knowingly possessing a gambling machine, except for antique gambling machines which are not operated for gambling purposes, gambling machines on cruise ships, gambling machines at family entertainment centers, and gambling machines which are licensed or otherwise specifically authorized under state law.

Public Affairs

May 19, 1998

1998-1822s

08/09

### **Amendment to HB 1279-FN-LOCAL**

Amend the bill by replacing sections 1-3 with the following

1 New Section; Procedure for Ordering Building Vacated. Amend RSA 147 by inserting after section 16 the following new section:

147:16-a Procedure for Ordering Building Vacated. The health officer shall have the authority to order occupants to vacate a building, structure, or other premises if the officer determines, based on reasonable information and belief, that the condition of such premises constitutes a clear and imminent danger to the life or health of occupants or other persons, and that protection of life or health requires vacating the premises. For the purposes of this section, "officer" shall mean any municipal official who orders such vacation, including the health officer acting under the authority of this section, RSA 147:4 or RSA 147:11, the building inspector acting under RSA 674:52-a, or the fire chief acting under RSA 154:21-a. The following procedure shall apply:

I. The officer shall inform the owner and all occupants of the premises of the order, orally or otherwise, as soon, and by such means, as are practicable. The order, if not effective immediately, shall include a reasonable time, in light of the seriousness and immediacy of the danger, within which vacation must occur.

II. A prominent notice shall be posted at each entrance to the building or other premises providing a brief description of the dangerous condition, and informing all persons that the premises has been ordered vacated, and of the officer making the order and the effective date and time of the order. Such notice shall not be removed during the period such order is in effect, and anyone removing such notice shall be guilty of a misdemeanor. The following wording, though not exclusive, shall be deemed sufficient:

"DANGER. THIS BUILDING (or other premises) IS UNSAFE BECAUSE OF THE FOLLOWING DANGEROUS CONDITION: (brief description) \_\_\_\_\_ EFFECTIVE (date and time). OCCUPANCY IS PROHIBITED BY ORDER OF THE (officer's title) OF THE TOWN (City) OF \_\_\_\_, UNDER AUTHORITY OF RSA 147:16-a. DETAILS OF THIS VIOLATION ARE ON FILE AT \_\_\_\_\_. ANYONE ENTERING THIS BUILDING (premises) WITHOUT PERMISSION OF THE (officer's title), OR ANYONE REMOVING THIS NOTICE SHALL BE GUILTY OF A MISDEMEANOR. PERSONS AGGRIEVED BY THIS ORDER MAY REQUEST A HEARING IN THE \_\_\_\_\_ DISTRICT COURT, AND MAY ASK THE COURT TO DIRECT THE RESPONSIBLE PARTY TO REMOVE OR ABATE THE DANGEROUS CONDITION."

III. The officer shall cause written notice of the order to vacate to be sent, registered mail, to the owner of the property, if known, and to known lessees or others known to exercise control over the premises. Such written notice shall be mailed within 24 hours of the order to vacate, or upon the next business day thereafter, provided, however that no such mailing shall be necessary in cases where, due to immediate removal or abatement of the source of danger, the order has been countermanded before that time. In the alternative, the officer may cause the written notice to be served personally by a peace officer. The written notice shall contain the address and description of the premises, a statement of the particulars of the danger to life, health, or safety, a statement of the date and time that the order becomes or became effective, and a statement of the right to a hearing in district court to contest the order or to have the court consider whether to direct the responsible party to remove or abate the source of danger. The officer shall also forward a copy of the order to the local law enforcement agency having jurisdiction to enforce the order, and shall file a copy of the order, and a service list of the names and addresses of the people to whom the officer sent notice of the order, in the district court for the district in which the property is located. Any court filing fee shall be paid by the municipality.

IV. Any person specially aggrieved by the order to vacate may file a written request with the clerk of the district court for the district in which the property is located for a hearing to contest the order or to have the court consider whether to direct the responsible party to remove or abate the source of danger. The hearing shall be held no later than 7 days after the request is received by the clerk who shall send a hearing notice to the aggrieved person, the municipality, and any other person whose name appears on the service list filed in court by the municipality. The hearing shall concern whether the order to vacate is justified and/or whether the court shall order the responsible party to prospectively remove or abate the source of danger. Other issues, including any challenge to outstanding ordinance or code violations, cease and desist orders, or removal or repair orders, shall be contested only under the statutes appertaining to them. The court, upon presentation of such evidence as it may require, shall affirm, modify, or set aside the order to vacate, issue any such other appropriate order as is consistent with this paragraph, and enter judgment accordingly.

V. Any person who fails to comply with an order under this section, after having received due notice of it, either orally, in writing, or by posted notice, shall be guilty of a misdemeanor unless the district court has set aside the order. A deficiency in the municipal officer's adherence to this section shall not constitute a defense to the misdemeanor charge unless it amounts to failure of notice to the defendant.

VI. A municipality may combine any order to vacate under this section with other lawful orders, including but not limited to orders under RSA 147:7-a, RSA 154:20, RSA 155-B:2, or RSA 676:17-a, as long as the minimum procedures of this section are met. When and if the source of danger is removed or abated following the issuance of any order to vacate under this section or any order under paragraph IV or if the order to vacate is set aside by the district court, the displaced occupants shall have the right to return to occupancy in the building, structure, or other premises.

VII. The provisions of this section shall not apply to a residence which is occupied only by the owner and his or her immediate family, unless the condition of such premises constitutes a clear and imminent danger to the life or health of persons other than the occupant or occupants.

VIII. Nothing in this section shall be deemed to affect a municipality's duty to provide general assistance under RSA 165. No proceeding under this section shall be deemed to affect any legal rights between landlord and tenant.

IX. If the district court finds that a municipality's order to vacate under this section was frivolous, or was commenced in bad faith, or was not based upon reasonable information and belief, then the court may order the municipality to pay the costs and reasonable attorney's fees of any aggrieved person requesting a hearing on the order to vacate under paragraph IV.

2 New Section; Ordering Building Vacated. Amend RSA 154 by inserting after section 21 the following new section:

154:21-a Ordering Building Vacated.

I. The fire chief or designee or state or local fire marshal or designee shall have the authority to order occupants to vacate a building, structure, or other premises if the chief or state or local fire marshal or designee determines, based on reasonable information and belief, that the condition of such premises constitutes a clear and imminent danger to the life or safety of occupants or other persons and that protection of life or safety requires vacating the premises. Such an order shall be subject to the procedures of RSA 147:16-a.

II. The provisions of paragraph I shall not apply to a residence which is occupied by the owner and his or her family, unless the condition of such premises constitutes a clear and imminent danger to the life and health of persons other than the occupant or occupants.

III. Nothing in this section shall be construed to diminish the authority of the fire officer in charge at the scene of a fire or other emergency under RSA 154:7.

3 New Subdivision; Ordering Building Vacated. Amend RSA 674 by inserting after section 52 the following new subdivision:

Authority to Order Building Vacated

674:52-a Ordering Building Vacated.

I. The building inspector shall have the authority to order occupants to vacate a building, structure, or other premises if the inspector determines, based on reasonable information and belief, that there is imminent danger of failure or collapse, or the condition of such premises otherwise constitutes a clear and imminent danger to the life or safety of occupants or other persons and that protection of life or safety requires vacating the premises. Such an order shall be subject to the procedures of RSA 147:16-a, which shall supersede inconsistent provisions contained in any local code or code adopted by reference.

II. The provisions of paragraph I shall not apply to a residence which is occupied by the owner and his or her immediate family, unless the condition of such premises constitutes a clear and imminent danger to the life or health of persons other than the occupant or occupants.

Ways and Means

April 24, 1998

1998-1507s

03/08

### **Amendment to HB 676-FN-LOCAL**

Amend the bill by replacing section 1 with the following:

1 Statement of Intent. The purpose of this act is to prevent unjust enrichment of a municipality when property which a municipality has acquired by tax deed is sold for substantially more than the amount of taxes, costs and interest owed, or is retained by a municipality, while at the same time retaining a sufficient incentive for a taxpayer to redeem property prior to tax deeding. The accumulation of interest on unpaid taxes does not by itself provide such an incentive, because at the time the owner gets notice of the impending tax deed under RSA 80:77, such interest is already owed. This act therefore provides for an additional penalty, as set forth in RSA 80:90, I(f), of 15 percent of the equalized assessed value of the property. This amount can be thought of as a sort of brokerage commission paid by the taxpayer to the municipality for its marketing and disposal of the property, but one which is sufficiently higher than typical commissions charged by private brokers, so as to dissuade a taxpayer from voluntarily opting to let the municipality market the property.

Amend RSA 80:89 as inserted by section 2 of the bill by replacing it with the following:

#### **80:89 Notice to Former Owner and Opportunity for Repurchase.**

I. Between 120 and 90 days prior to the offering for sale or conveyance by a municipality of property which is acquired by tax deed on or after the effective date of this section, the municipal governing body or its designee shall send notice by certified mail, address service requested, return receipt requested, to the last known post office address of the owner of the property at the time of the tax deed, if known, or to the person to whom notice of the impending tax deed was given under RSA 80:77. The notice shall set forth the terms of the offering and the right of the former owner or owners to repurchase the property, as set forth in paragraph II. Copies of any such notice shall also be sent by certified mail, return receipt requested, to any mortgagee to whom notice of the impending tax deed was sent under RSA 80:77-a. For any notice sent pursuant to this paragraph, \$10 may be added to the municipality's "costs" as defined in RSA 80:90.

II. Within 30 days after the notice required by paragraph I, or if no such notice is received, at any time within 3 years after the date of recording the tax deed, any former owner of the property may give notice by certified mail, return receipt requested, of intent to repurchase the property from the municipality, and stating that such owner is ready, willing and able to pay all back taxes, interest, costs and penalty, as defined in RSA 80:90. If all such back taxes, interest, costs and penalty have not been actually tendered within 15 days of such notice of intent to repurchase, the municipality may proceed with its offering and dispose of the property without any interest by the former owner.

III. The deed from the municipality upon such repurchase shall convey the municipality's interest in the property, or such portion as has not been previously disposed of by the municipality, to all record former owners in the same proportional undivided interests as the former owners of record.

IV. The former owners' title upon repurchase shall be subject to any liens of record against the property as of the time of the tax deed to the municipality, and subject to any leases, easements, or other encumbrances as may have been granted or placed on the property by the municipality. In the case of multiple former owners, any owner paying more than a proportional share of the purchase price to the municipality shall have a lien against the other owners for the amount of the excess paid.

V. A notice of intent to repurchase under this section may also be filed by the holder of any recorded mortgage interest in the property which was unredeemed as of the date of the tax deed. Upon payment the property shall be deeded as provided in paragraph III, but the mortgagee shall be entitled to add the amount paid to the municipality to the amount due under the mortgage.

VI. Conveyances to a former owner under this section shall not be subject to the real estate transfer tax under RSA 78-B.

VII. For purposes of this section, the date of sale or conveyance of the property shall mean the date the municipality enters into a binding contract to convey the property to a third party buyer, whether or not such contract is subject to any contingencies.

VIII. The duty of the municipality to notify former owners and to distribute proceeds pursuant to RSA 80:88, and the former owners' right of repurchase under RSA 80:89, shall terminate 3 years after the date of recording of the deed.

Amend RSA 80:91 as inserted by section 2 of the bill by replacing it with the following:

80:91 Liability and Obligations Limited. With respect to actions of a municipality under RSA 80:88 and 80:89, if the municipality has complied with the provisions of this chapter it shall not have any liability whatsoever to any former owner or lienholder in connection with its management of the property or for the amount of consideration received upon disposition of the property. After the execution of a tax deed, the municipality may treat the property in all respects as the fee owner thereof, including leasing or encumbering all or any portion of the property, without any accountability to former owners, except that the proceeds of any sale must be accounted for as provided in RSA 80:88. Nothing in this chapter shall obligate a municipality to dispose of property acquired by tax deed, except as provided in RSA 80:89. Nothing in RSA 80:88 or 80:89 shall be construed to preclude a municipality from granting more favorable terms to a former owner pursuant to RSA 80:80, VI.

Ways and Means

May 20, 1998

1998-1829s

03/09

### **Amendment to HB 1496**

Amend RSA 162-H:5, IV as inserted by section 3 of the bill by replacing it with the following:

IV.(a) Notwithstanding RSA 162-H:2, II, all electric generating station equipment and associated facilities designed for, or capable of, operation at a capacity of greater than 30 megawatts proposed and to be owned by entities not subject to rate regulation by the commission shall be considered energy facilities, and shall not be considered bulk power supply facilities. All transmission lines which would otherwise be considered bulk power supply facilities under RSA 162-H:2 and which are necessary to interconnect one electric generating facility or group of energy facilities to the transmission grid shall also be considered energy facilities, and shall not be considered bulk power supply facilities.

(b) After the date when competition has been certified to exist, pursuant to RSA 38:36, in that portion of the state or in more than half of the state as a whole, all proposed electric generating facilities of capacity greater than 30 megawatts shall be considered energy facilities, and shall not be considered bulk power supply facilities.

Wildlife and Recreation

April 13, 1998

1998-1395s

10/09

### **Amendment to HB 1481**

Amend RSA 211:27, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A person not licensed to take lobster in accordance with RSA 211:18 may possess, transport, and land in accordance with RSA 211:39, RSA 211:49-a, RSA 211:49-aa, and RSA 211:49-c lobster greater than the maximum legal length if the lobster was legally taken from waters outside the jurisdiction of the state.

## **COMMITTEES OF CONFERENCE**

**SB 102-FN**, relative to the possession of certain weapons in the commission of a violent crime.

Senate Conferees: Senators Gordon, D. Wheeler, Hollingworth.

House Conferees: Representatives R. Lyman, A. Christie, W. Mikowski, W. Knowles.

**SB 197-FN**, relative to final dispositional orders in child protection cases.

Senate Conferees: Senators Gordon, Squires, Pignatelli.

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

Senate Conferees: Senators Roberge, Whipple, K. Wheeler.

**SB 397**, relative of the composition of the pharmacy board.

Senate Conferees: Senators Danais, J. King, Francoeur.

**HB 170-L**, exempting temporary, demountable, plastic-covered greenhouses from property taxation.

Senate Conferees: Senators F. King, Johnson, Blaisdell.

House Conferees: Representatives D. Hess, D. Teschner, R. Noyes, B. Coes.

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities.

Senate Conferees: Senators Rubens, Whipple, Barnes.

House Conferees: Representatives: C. Dokmo, J. Stone, R. Brundige, M Fraser.

**HB 1118**, relative to the expiration of contact lens prescriptions and relative to continuing education for ophthalmic dispensers.

Senate Conferees: Senators D. Wheeler, McCarley, Squires.

House Conferees: Representatives L. Emerton, M. Morello, B. French, E. Dawe.

## **HEARINGS**

***WEDNESDAY, MAY 27, 1998***

**CAPITAL BUDGET**, Room 103, SH

3:00 p.m.        **EXECUTIVE SESSION ON PENDING  
LEGISLATION.**

**EDUCATION**, Room 306-308, LOB

10:00 a.m.        **HB 1075-FN-A-L**, implementing the Advancing  
Better Classrooms program to provide a constitutionally adequate  
public education to all the children of New Hampshire.

**JUDICIARY**, Room 103, SH

10:00 a.m.        **EXECUTIVE SESSION ON ALL PENDING  
LEGISLATION.**

***THURSDAY, MAY 28, 1998***

**ECONOMIC DEVELOPMENT**, Room 103, LOB

2:00 p.m.        **EXECUTIVE SESSION ON ALL PENDING  
LEGISLATION.**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**, Room 104, LOB

●        **THE FOLLOWING BILL WAS CANCELLED ON MAY 14 AND MAY 21  
NAD RESCHEDULED TO THIS DATE:**

1:30 p.m.        **HB 1655-FN-A**, relative to the authority of the length  
of service awards program committee and making an appropriation  
therefor.

**EXECUTIVE SESSION ON PENDING LEGISLATION. HB 256,  
535, 651, 721, 1337, 1459.**

**FINANCE**, Room 103, SH

2:00 p.m.        **EXECUTIVE SESSION ON ALL PENDING  
LEGISLATION.**

**INTERNAL AFFAIRS**, Room 103, LOB

●        **THE FOLLOWING BILLS WERE RECESSED AND RESCHEDULED  
TO THIS DATE:**

3:00 p.m.        **HB 1304-FN**, relative to the qualifications and  
compensation of division directors of the department of  
environmental services.

3:30 p.m.        **HB 1636-FN**, relative to the executive director of fish  
and game and the fish and game commission.

## ***MONDAY, JUNE 1, 1998***

**EDUCATION**, Room 306-308, LOB

6:00-10:00p.m. **HB 1075-FN-A-L**, implementing the Advancing Better Classrooms program to provide constitutionally adequate public education to all the children of New Hampshire.

## ***WEDNESDAY, JUNE 3, 1998***

**INSURANCE**, Room 101, LOB

8:30 a.m. **EXECUTIVE SESSION ON ALL PENDING LEGISLATION, HB 490, HB 1281, HB 1336.**

**PUBLIC AFFAIRS**, Room 104, LOB

10:30 a.m. **EXECUTIVE SESSION ON ALL PENDING LEGISLATION.**

# **MEETINGS**

## ***WEDNESDAY, MAY 27, 1998***

**CAPITAL BUDGET OVERVIEW COMMITTEE**, Room 201, LOB

9:00 a.m. Meeting

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Southern NH Planning Commission, 438 Dubuque Street, Manchester

10:00 a.m. Hillsboro County #1, 1998 Regional Safety Conference (concerning speed limits, highway markings, traffic lights, highway signs, intersections, and other safety concerns relative to the state highway system)

**THE DEPARTMENT OF TRANSPORTATION**, 1 Hazen Drive, Room 3, Concord, NH

11:00 a.m. Commission Meeting

**THE DEPARTMENT OF TRANSPORTATION**, Wentworth Coolidge State Historic Mansion, Little Harbor Road, Portsmouth

12:00 p.m. Special Committee Meeting, Nashua, Amherst, Milford.

**THE DEPARTMENT OF TRANSPORTATION**, Middle School Gym, Locust Street, Dover

6:30-8:30        Technical Advisory Task Force Meeting, Dover,  
Rochester, Somersworth.

***FRIDAY, MAY 29, 1998***

**NEW HAMPSHIRE COLLEGE TUITION SAVINGS PLAN COMMISSION** (RSA 195-H:2),  
Room 103, SH

**PLEASE NOTE THE ADDITION OF THE FOLLOWING MEETINGS:**

9:00 a.m.        Legal Subcommittee  
  
10:00 a.m.        Administration Subcommittee  
  
11:00 a.m.        Marketing Subcommittee  
  
1:30 p.m.        Commission Meeting

***Monday, June 1, 1998***

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

9:30 a.m.        Regular Meeting

**WATER QUALITY ISSUES STUDY** (HB 693, Ch. 213:1, 1997),  
Room 305, LOB

1:00 p.m.        regular Meeting

***TUESDAY, JUNE 2, 1998***

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Keene Recreation Center, 312  
Washington Street, Keene

10:00 a.m.        Cheshire County, 1998 Regional Safety Conference  
(concerning speed limits, highway markings, traffic lights, highway  
signs, intersections, and other safety concerns relative to the state  
highway system)

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Sugar river Savings Bank  
community Room, 10 North Main Street, Newport

2:00 p.m.        Sullivan County, 1998 Regional Safety Conference  
(concerning speed limits, highway markings, traffic lights, highway  
signs, intersections, and other safety concerns relative to the state  
highway system)

**THE NEW Hampshire COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE** (SJR 20, chapter 204, laws of 1996), Room 307, LOB

3:00 p.m.          Commission Meeting

***WEDNESDAY, JUNE 3, 1998***

**THE DEPARTMENT OF TRANSPORTATION**, Lin-Wood Public School, Multi Purpose Room, Main Street, Lincoln

7:00 p.m.          Combined Public Officials/Public Informational Meeting, sidewalk/bicycle pedestrian path, NH Route 112

***THURSDAY, JUNE 4, 1998***

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Berlin City Hall, 168 Main Street, Berlin

10:00 a.m.          Coos County #1, 1998 Regional Safety Conference (concerning speed limits, highway markings, traffic lights, highway signs, intersections, and other safety concerns relative to the state highway system)

**THE DEPARTMENT OF TRANSPORTATION**, (RSA 228:93), Ossipee Town Hall, 55 Main Street, Ossipee

2:00 p.m.          Carroll County, 1998 Regional Safety Conference (concerning speed limits, highway markings, traffic lights, highway signs, intersections, and other safety concerns relative to the state highway system)

**THE DEPARTMENT OF TRANSPORTATION**, Troy Elementary School Gymnasium, 44 School St., Troy

7:00 p.m.          Public Hearing (Special Committee), NH Route 12

***FRIDAY, JUNE 5, 1998***

●      **PLEASE NOTE THE TIME CHANGE FOR THE FOLLOWING MEETING:**

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

9:00 a.m.          Regular Meeting

***MONDAY, JUNE 8, 1998***

**LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE** (RSA 17-M:1), NH Hospital Acute Psych Services Building, Conference Room.

9:00 a.m. Subcommittee Meeting

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

9:00 a.m. Meeting

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

10:00 a.m. Meeting

● **PLEASE NOTE THE PUBLIC WATER ACCESS ADVISORY BOARD  
HAVE CANCELLED THE FOLLWING MEETINGS UNTIL FURTHER  
NOTICE:**

**JULY 13, AUGUST 10, SEPTEMBER 14, OCTOBER 13,  
NOVEMBER 9, AND DECEMBER 14.**

***WEDNESDAY, JUNE 10, 1998***

**LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE**, Room 201, LOB

9:00 a.m. Meeting

**FISCAL COMMITTEE OF THE GENERAL COURT**, Room 210-211, LOB

9:00 a.m. Regular Business

9:30 a.m. Audits: State of New Hampshire Fish and Game  
Department Audit Report for the Fiscal Year Ended June 30, 1997.

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Lancaster Town Hall, 25 Main  
Street, Lancaster

10:00 a.m. Coos County #2, 1998 Regional Safety Conference  
(concerning speed limits, highway markings, traffic lights, highway  
signs, intersections, and other safety concerns relative to the state  
highway system)

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Haverhill Town Hall, Main Street,  
Haverhill

2:00 p.m. Grafton County, 1998 Regional Safety Conference  
(concerning speed limits, highway markings, traffic lights, highway  
signs, intersections, and other safety concerns relative to the state  
highway system)

***THURSDAY, JUNE 11, 1998***

**THE DEPARTMENT OF TRANSPORTATION**, Grafton Fire/Ambulance Station, Library Road, Grafton

7:00 p.m. Combined Public Officials/Public Informational Meeting, Removal of Railroad Bridge over Route 4.

***FRIDAY, JUNE 12, 1998***

**BOARD OF CLAIMS** (RSA 541-B:3), Room 202, LOB

9:00 a.m. Quarterly Meeting

***MONDAY, JUNE 15, 1998***

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

10:00-1:00 Complaint Hearing

**LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE**, Room 103, SH

3:00 p.m. Meeting

**THE JUDICIAL COUNCIL** (RSA 494:1), Room 208, LOB

3:00 p.m. Regular Meeting

***TUESDAY, JUNE 16, 1998***

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

9:00 a.m. Regular Meeting

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Nashua Public Library, 2 Court Street, Nashua

10:00 a.m. Hillsboro county #2, 1998 Regional Safety Conference (concerning speed limits, highway markings, traffic lights, highway signs, intersections, and other safety concerns relative to the state highway system)

**THE DEPARTMENT OF TRANSPORTATION**, Anchor Darling Building (Formerly Scott & Williams) 32 Moulton Street, Laconia

7:00 p.m. Public Hearing

***WEDNESDAY, JUNE 18, 1998***

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Exeter Town Hall, 10 Front Street, Exeter

10:00 a.m.      Rockingham County, 1998 Regional Safety Conference (concerning speed limits, highway markings, traffic lights, highway signs, intersections, and other safety concerns relative to the state highway system)

***FRIDAY, JUNE 19, 1998***

- **PLEASE NOTE THE JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES HAS BEEN RESCHEDULED TO JUNE 22.**

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

9:00 a.m.      Regular Meeting

***MONDAY, JUNE 22, 1998***

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

9:00 a.m.      Regular Meeting

***TUESDAY, JUNE 23, 1998***

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Laconia City Hall, 45 Beacon Street East, Laconia

10:00 a.m.      Belknap County, 1998 Regional Safety Conference (concerning speed limits, highway markings, traffic lights, highway signs, intersections, and other safety concerns relative to the state highway system)

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Concord City Council, 35 Green Street, Concord

2:00 p.m.      Merrimack County, 1998 Regional Safety Conference (concerning speed limits, highway markings, traffic lights, highway signs, intersections, and other safety concerns relative to the state highway system)

**THE DEPARTMENT OF TRANSPORTATION**, Holderness Town Hall, Route 3, Holderness

7:00 p.m.      Public Hearing

***THURSDAY, JUNE 25, 1998***

**THE DEPARTMENT OF TRANSPORTATION** (RSA 228:93), Dover City Hall, 288 Central Avenue, Dover

10:00 a.m.      Strafford County, 1998 Regional Safety Conference  
(concerning speed limits, highway markings, traffic lights, highway signs, intersections, and other safety concerns relative to the state highway system)

***FRIDAY, JUNE 26, 1998***

**NEW HAMPSHIRE COLLEGE TUITION SAVINGS PLAN COMMISSION** (RSA 195-H:2), Room 103, SH

1:30 p.m.      Meeting

***MONDAY, JUNE 29, 1998***

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

9:30 a.m.      Regular Meeting

***MONDAY, JULY 13, 1998***

**NH BRAIN & SPINAL CORD INJURY ADVISORY COUNCIL**  
(RSA 137-K:2), Room 205, LOB

2:00-5:00      Public Hearing

***FRIDAY, JULY 17, 1998***

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

9:00 a.m.      Regular Meeting

***MONDAY, JULY 20, 1998***

**VICTIM'S ASSISTANCE SUBCOMMITTEE OF THE GOVERNOR'S COMMISSION ON DOMESTIC VIOLENCE**, Room 103, LOB

9:30 a.m.      Meeting

***FRIDAY, AUGUST 21, 1998***

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

9:00 a.m. Regular Meeting

***FRIDAY, SEPTEMBER 11, 1998***

**BOARD OF CLAIMS** (RSA 541-B:3), Room 202, LOB

9:00 a.m. Quarterly Meeting

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

10:00 a.m. Regular Meeting

***FRIDAY, SEPTEMBER 18, 1998***

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

9:00 a.m. Regular Meeting

***FRIDAY, OCTOBER 2, 1998***

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

10:00 a.m. Regular Meeting

***FRIDAY, OCTOBER 16, 1998***

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

9:00 a.m. Regular Meeting

***MONDAY, OCTOBER 19, 1998***

**VICTIM'S ASSISTANCE SUBCOMMITTEE OF THE GOVERNOR'S COMMISSION ON DOMESTIC VIOLENCE**, Room 103, LOB

9:30 a.m. Meeting

***FRIDAY, NOVEMBER 6, 1998***

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

10:00 a.m. Regular Meeting

***FRIDAY, NOVEMBER 20, 1998***

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

9:00 a.m. Regular Meeting

***FRIDAY, DECEMBER 4, 1998***

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

10:00 a.m. Regular Meeting

***FRIDAY, DECEMBER 11, 1998***

**BOARD OF CLAIMS (RSA 541-B:3), Room 202, LOB**

9:00 a.m. Quarterly Meeting

***FRIDAY, DECEMBER 18, 1998***

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

9:00 a.m. Regular Meeting

**REVISED/AMENDED FISCAL NOTES NOW AVAILABLE IN THE SENATE CLERK'S OFFICE:**

**SB 53, SB 102, SB 161, SB 205, SB 32, SB 391, SB 452, SB 457, SB 505, HJR 24, HB 111, HB 177, HB 256, HB 443, HB 467, HB 485, HB 552, HB 559,, HB 565, HB 579, HB 587, HB 605, HB 606, HB 616, HB 630, HB 651, HB 670, HB 676, HB 682, HB 697, HB 707, HB 717, HB, 730, HB 734, HB 747, HB 749, HB 753, HB 774, HB 784, HB 1000, HB 1115, HB 1211, HB 1224, HB 1259, HB 1291, HB 1297, HB 1328, HB 1330, HB 1331, HB 1336, HB 1337, HB 1338, HB 1350, HB 1354, HB 1456, HB 1473, HB 1490, HB 1526, HB 1541, HB 1545, HB 1573, HB 1573, HB 1579, HB 1582, HB 1583, HB 1593, HB 1594, HB 1598, HB 1599, HB 1600, HB 1601, HB 1602, HB 1603, HB 1617, HB 1639, HB 1644, HB 1660, HB 1662, HB 1664**

## **NOTICES**

The third round of funding for the Health Care Transition Fund, Community Grant Program is about to begin. The Department of Health and Human Services, under the leadership of the Legislature, the Governor and the Executive Councilors, has initiated this grantmaking process to assist communities in their efforts to improve access to health care services. Grants will be awarded for up to eighteen months to encourage creativity and innovation in health care. Successful proposals will demonstrate broad community collaboration as an essential method of achieving project objectives. A *Request for Proposals* was mailed to the leadership of the New Hampshire House and Senate including Committee Chairs and 1,200 community organizations and providers. All legislators are invited to request a copy of the proposal by contacting Therese Smith of the

Department's Office of Planning and Research at 271-5256 or access a copy through the Department's website at <http://www.state.nh.us/dhhs/deptlinks.htm>.

Senator Amy Patenaude

The Department of Administrative Services, Division of Information Technology Management (DITM) has just completed work on a paper entitled, The Year 2000 Report. This report is a compilation of a survey taken in the fall of 1997 to gauge the level of awareness and preparedness of state agencies relative to agency computers and the Year 2000 century date change.

Copies of the Year 2000 report are also available from the Legislative Budget Assistants Office, Room 102, State House. The report is also expected to be available soon in the electronic form on the State's web site.

Senator Ned Gordon

### ***MONDAY, JUNE 8, 1998***

The Executive Council will hold a public hearing regarding the privatizing/leasing of the Mt. Sunapee Ski Area on Monday, June 8<sup>th</sup>, in Representative Hall at 4:00 p.m.

Senator John King

Senator John Barnes

### **REQUESTS OF THE SENATE FOR AN OPINION OF THE JUSTICES (SCHOOL FINANCING)**

Typewritten memoranda on the questions presented by the requests may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before June 2, 1998. An original and fifteen copies of any memorandum must be filed with the clerk's office. The memorandum shall indicate whether the party filing it desires oral argument. Oral argument on the questions presented by the requests shall take place at a special session of the court at 9:00 a.m. on June 5, 1998. The court shall issue an order on June 3, 1998, regarding who shall present oral argument and times allotted therefor.

Howard J. Zibel, Clerk