

February 16, 1999

No. 8

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR

REPORTS, HEARINGS, MEETINGS & NOTICES

**THE SENATE WILL MEET IN SESSION ON THURSDAY, FEBRUARY 18,
1999, AT 10:00 A.M.**

REPORTS

EDUCATION

SB 48-FN-L, relative to establishing an adequate education and education financing reform commission and relative to state grants for educational adequacy for the fiscal years 2000 and 20001, and making an appropriation therefor. Vote 9-0

Inexpedient to legislate, Senator Larsen for the committee.

SB 49-FN-A-L, relative to establishing the cost of an adequate education, and relative to creating a commission to study the methodology used in establishing the cost of an adequate education, and making an appropriation therefor. Vote 7-2

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

SB 50, relative to the state's responsibility to provide an adequate education. Vote 7-2

Inexpedient to legislate, Senator McCarley for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 74, relative to the rulemaking authority of the real estate commission concerning practice relating to certain dwellings. Vote 7-0

Ought to pass, Senator Francoeur for the committee.

SB 82, relative to the termination of employees. Vote 5-2

Ought to pass, Senator Trombly for the committee.

FINANCE

SB 40, relative to the health care fund. Vote 8-0

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

AMENDMENTS

Senate Education

February 12, 1999

1999-0145s

04/09

Amendment to SB 49-FN-A-LOCAL

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

1 Purpose; Intent.

I. In December 1997, the New Hampshire supreme court in the Claremont II decision ruled that it is the state's duty to define and provide all New Hampshire's public school students with an adequate education, and further that the manner of raising revenue to pay for an adequate education be through a system of taxation that is proportional in substance and just and reasonable in application.

II. Through the passage of House Bill 1075, the general court defined an adequate education. The definition grew out of work undertaken in the early 1990's to develop curriculum frameworks which specifically address the importance of establishing and measuring what all New Hampshire students should know and be able to do. The curriculum frameworks were developed with the widespread participation of educators, business people, government officials, community representatives, and parents. They have evolved into a critical component of providing a quality public education to New Hampshire students.

III. The New Hampshire educational improvement and assessment program ("NHEIAP") tests were developed in conjunction with the curriculum frameworks as a measure of student performance. The general court therefore finds that the NHEIAP tests are a measure of student performance and can be used to develop and implement effective methods for assessing learning and its application. The general court further finds that in determining the cost of a constitutionally adequate education, performance based outcome criteria, specifically the NHEIAP test scores, can be used to identify school districts that are delivering such a constitutionally adequate education. The NHEIAP tests are comprehensive and difficult. Students taking these tests in the third, sixth, and tenth grades are scored on 4 levels of performance: novice, basic, proficient, and advanced. The general court finds that students who score in the basic, proficient, and advanced levels on these state tests are making progress toward achieving the goals set forth in House Bill 1075. The general court also finds that school districts that have 40 to 100 percent of students scoring at or above the basic level are providing an adequate education. As such, in determining the cost of an adequate education, the general court includes all school districts with 40 to 100 percent of students scoring at or above the basic level. Furthermore, each school district shall receive 70 percent of its total transportation costs. Each school district shall receive special education costs as defined in this act.

IV. The general court recognizes the inherent imprecision, subjectivity, and difficulty in determining the cost of an adequate education. Numerous complex financial, budgetary, administrative, and educational elements must be in place in order for the state to fully meet the mandates of Claremont II. Those mandates coupled with the policy of the state recognize that an adequate public education is not a static concept removed from the demands of an evolving world. An adequate education transcends mere competence in the reading, writing and arithmetic. Such an

education shall provide all students with a meaningful opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and civic realities of society, now and in the years to come. To ensure these fundamental rights, as recognized by the court, thoughtful and deliberate planning with the involvement of many sources of expertise as well as phased-in implementation of the major elements over time is required. Concomitantly, such planning and implementation is required in order to ensure:

(a) That the educational needs of all children are met, including regular education students, students with special needs such as students with disabilities, students who are economically disadvantaged or are otherwise educationally at risk, or those who are intellectually gifted;

(b) That the needed changes are long-term in nature, truly embedded on the local and state level, gain acceptance and are both cost and educationally effective, and to those ends address underlying or systemic issues; and

(c) Compliance with all applicable federal laws.

V. Under Claremont II, and as recently reaffirmed by the court in its November 1998 opinion, a constitutionally adequate education funding system must be in place for the beginning of the 1999 tax year, that is April 1, 1999.

VI. Therefore, in order to meet the aforementioned competing requirements of a long-range, carefully planned, and phased-in solution and to address the need to have an acceptable system in place by April 1, 1999, this act establishes a special commission to develop long-term plans and solutions to comprehensively and permanently meet constitutional mandates and details the amount of funding and allocations between the state and the local school districts of the 1999-2000 and 2000-2001 school years. While the initiative for 1999-2000 does not by necessity constitute a full and comprehensive resolution, it significantly approximates compliance with the constitutional mandates articulated by the court in Claremont II and represents a good faith and substantial effort and significant accomplishment on the part of the legislature and governor in performing their respective roles as the 2 other co-equal branches of state government.

2 New Subdivision; State Aid for Educational Adequacy. Amend RSA 198 by inserting after section 37 the following new subdivision:

State Aid for Educational Adequacy

198:38 Definitions. In this subdivision:

I. "Municipality" means a city, town, or unincorporated place.

8. II. "Elementary school" means a school with any of the grades kindergarten through

III. "High school" means a school with any of the grades 9 through 12.

IV. "Base expenditure per pupil" for each school district that operates an elementary school means the amounts calculated in accordance with RSA 198:39, I and III.

V. "Average base cost per pupil" means average base cost per pupil as calculated in accordance with RSA 198:39, II and III.

VI. "Weighted pupil" means a resident pupil who has been assigned to one of the following classifications, based on the type of education the pupil received:

(a) An elementary pupil, which shall include kindergarten pupils, 1.0, except as provided for in subparagraph VI(c) of this section.

(b) A high school pupil, 1.14, except as provided for in subparagraph VI(d) of this section.

(c) An elementary pupil who receives a free or subsidized lunch, 1.1.

(d) A high school pupil who receives a free or subsidized lunch, 1.25.

VII. "Educationally disabled child" shall be as defined in RSA 186-C:2, I.

VIII. "Consumer price index" means the most recent available consumer price index for the Boston metropolitan area published by the United States Department of Labor.

IX. "Special education costs" means the 1997-98 cost of special education reported by school districts on the MS-25 form less any federal funds and state general fund revenues received by the district for special education.

X. "Average daily membership in attendance" means the aggregate half-day membership of the students in attendance divided by the number of half-days actually in session for a given school district in a given school year.

XI. "Average daily membership in residence" means the average daily membership of students enrolled in public schools within the district or students whose tuition is being paid by the district to another approved public or private school for a given school district in a given school year.

198:39 Methodology for Calculating the Cost of an Adequate Education.

I. The department of education shall calculate the base expenditure per pupil for each school district that operates an elementary school by subtracting from the total expenditures at the elementary school level, tuition to other school districts or approved educational programs, capital costs and debt service on such costs, special education costs, food service costs, transportation costs, and state and federal revenues not otherwise deducted. For each school district, this amount shall be divided by the average daily membership in attendance at the elementary school level to attain the base expenditure per pupil.

II. The cost of an adequate education shall be calculated as follows:

(a) The department of education shall identify those school districts where 40 to 100 percent of the elementary pupils enrolled in the grades tested on the day testing began, achieved a scaled score, in the statewide improvement and assessment program administered pursuant to RSA 193-C, in all areas tested, equivalent to performance at the basic level or above.

(b) From the school districts identified in subparagraph II (a) of this section, the department of education shall then identify those school districts that have the lowest base expenditure per pupil as calculated pursuant to paragraph I and which represent, as nearly as possible, 50 percent of the average daily membership in attendance at the elementary level of the school districts identified in subparagraph II(a) of this section.

(c) The department of education shall calculate the average base cost per pupil of an adequate education at the elementary school level by multiplying the base expenditure per pupil of each school district identified in subparagraph II(b) of this section by the average daily membership in attendance at each of the selected school districts, and add the results across all districts selected. This sum shall then be divided by the total average daily membership in attendance at the elementary school level in all of the selected school districts.

III. The methodology set forth in paragraphs I and II of this section shall also be used to calculate the reported total expenditures for high school pupils.

IV. The statewide cost of an adequate public education for elementary and high school pupils shall be calculated by multiplying the average base cost per pupil of an adequate education at the elementary school level by the weighted number of the average daily membership in residence of pupils statewide and then adding special education costs plus 70 percent of total district transportation costs statewide. All such costs shall be adjusted annually for inflation in each year of distribution using the latest consumer price index in the year of distribution.

V. For the biennium ending June 30, 2001, the department of education shall use financial information and average daily membership information reported to it by local school districts for the 1997-1998 school year and the statewide education improvement and assessment program scores from 1998 in calculating the cost of an adequate education.

198:40 Per Pupil Cost of an Adequate Education; Distribution and Payments to School Districts.

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the state shall pay annually to each municipality an amount of money that is equal to the weighted average daily membership in residence multiplied by the base cost per pupil of an adequate education at the elementary school level plus the school district's special education costs plus 70 percent of the school district's transportation costs. All such costs shall be adjusted annually for inflation in each year of distribution using the latest consumer price index in the year of distribution.

(a) Each school district's grant shall be calculated by using the following formula:

(The weighted average daily membership in residence multiplied by the base cost per pupil of an adequate education at the elementary school level) plus the school district's special education costs plus 70 percent of the school district's transportation costs. All such costs shall be adjusted annually for inflation in each year of distribution using the latest consumer price index in the year of distribution, less any federal funds or state general fund revenues received by the district for special education.

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

(a) The amount calculated in accordance with subparagraph I (a) of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education.

III. The general court is constitutionally obligated to fund the cost of an adequate education, and there are hereby appropriated, for the biennium ending June 30, 2001, the funds necessary to make the payments required by paragraphs I and II of this section. The governor is authorized to draw a warrant for such sums out of any money in the treasury not otherwise appropriated.

IV. The annual payments required by paragraphs I or II of this section shall be made over the biennium in 8 approximately equal installments. Installment payments by the state shall be made on or before July 1, October 1, January 1, and April 1 of each year of the biennium.

V. The annual payments required under paragraphs I and II of this section shall be made to municipalities. Each municipality receiving a payment shall, within 10 days of receipt, pay the money over to the municipality's school district or districts.

198:41 Adequate Education and Education Financing Reform Commission Established; Membership.

I. There is hereby established an adequate education and education financing reform commission which shall be composed of 23 members as follows:

(a) The chairperson of the house education committee, appointed by the speaker of the house.

(b) The chairperson of the senate education committee, appointed by the president of the senate.

(c) Two members appointed by the governor.

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

(e) The commissioner of the department of education or designee.

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

(g) The chancellor of the university system of New Hampshire or designee.

(h) The commissioner of the regional community-technical college system.

(i) One member from the state board of education, appointed by the chairperson of the state board of education.

(j) One member from the New Hampshire Municipal Association, appointed by the chief executive officer of the association.

(k) One member from a special education advocacy organization, appointed by such organization; and

(l) Eleven members who shall be agreed to and jointly appointed by the governor, the president of the senate, and the speaker of the house consisting of the following:

(1) One elementary or secondary school teacher who does not teach special education.

(2) One elementary or secondary school teacher with a special education certification who is currently providing instruction to students with educational disabilities.

(3) One local school board member, recommended by the New Hampshire School Board Association.

(4) One school administrator, recommended by the New Hampshire School Administrators Association.

(5) One special education administrator at the elementary or secondary school level, recommended by the New Hampshire Association of Special Education Administrators.

(6) Two parents of school-age children, one of whom shall be the parent of a child with an educational disability, who is a member of the Advocacy Committee for Children and Students with Educational Disabilities.

(7) One member who has expertise or is currently engaged in research on educating students; and

(8) Three members from the business community, one of whom shall be associated with the School to Work Initiative.

II. The commission shall elect a chairperson from among its membership and may form subcommittees as it deems necessary to perform its duties. The chairperson shall determine the frequency of meetings at its first meeting.

III. The members of the commission shall serve without compensation, provided that legislative members of the commission shall receive mileage at the legislative rate while attending to the duties of the commission, and provided that the parent members of the commission shall be reimbursed for travel expenses associated with their duties on the commission.

IV. In order to ensure that all students are provided an adequate education, the duties of the commission shall be as follows:

(a) Determine the costs of an adequate education for all students in New Hampshire by determining and calculating adjustments for individual school districts based on yearly inflation, cost of living variances, diseconomies of scale, transportation variability, demographics, including for school districts with a disproportionate number of students who are economically disadvantaged or have educational disabilities, and such other factors as deemed relevant.

(b) Determine the amount of state aid, including building aid, to be distributed to cities and towns based upon the cost of an adequate education as set forth in subparagraph (a) and the method for distributing the state aid.

(c) Study and determine whether and what further changes or new measures are necessary in:

(1) Aspirational education goals, minimum education standards, curriculum frameworks, and indicators and methods assessing student and school performance and success.

(2) State educational regulations and policies.

(3) Infrastructure on the school, school district, and state level including but not limited to such areas as:

(A) Training of teachers, aides and other education personnel at institutions of higher education in New Hampshire, and on the preservice training, in-service training, and continuing educational levels.

(B) Strategies to attract qualified educational and related services personnel especially in disciplines in which shortages exist.

(C) Availability and quality of technical assistance available to all education personnel and other supports to teachers and students alike for the purpose of promoting best practices in instruction and learning for all students.

(D) Student-teacher ratios.

(E) Parental involvement.

(F) Interagency or wrap-around collaboration for students whose needs require services from several agencies.

(d) Interim and permanent processes to ensure adequate planning and implementation on the local and state level, including on an interagency basis, to ensure that reforms are properly implemented, such as planning for and development of local school based options for students who have been placed in alternative or separate schools who could be placed back in appropriate less restrictive options if available.

V. The commission shall be divided into the following policy subcommittees: adequacy and cost, accountability, special education, and school building aid.

VI. The commission shall report its findings and recommendations no later than December 1, 2000. The report shall include, for each recommendation, proposed implementation schedules with timelines, specific steps, agencies and persons responsible, and resources needed. Where feasible, all plans, measures and initiatives shall be proposed as legislation or regulation so that they will have the force of law. All recommendations and plans shall be designed to be fully implemented no later than September 1, 2004.

VII. The department of justice shall provide the commission with such legal assistance as the commission deems necessary.

3 New Subparagraph; Special Education; Catastrophic Aid Payments Constitutionally Obligated. Amend RSA 186-C:18, III by inserting after subparagraph (c) the following new subparagraph:

(d) The general court is constitutionally obligated to fund the cost of an adequate education, and there are hereby appropriated, for the biennium ending June 30, 2001, the funds necessary to make the payments required in this section. The governor is authorized to draw a warrant for such sums out of any money in the treasury not otherwise appropriated.

4 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 2000, is hereby appropriated for the purposes of the commission established in RSA 198:41 as inserted by section 2 of this act. This sum shall be nonlapsing until June 30, 2001. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

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

1999-0145s

AMENDED ANALYSIS

This bill:

(1) Establishes an educational adequacy and education financing reform commission.

(2) Establishes a system for calculating and disbursing state grants for educational adequacy for fiscal years 2000 and 2001 by multiplying the average base cost per pupil of an adequate education by the weighted number of the average daily membership in residence of pupils statewide and adding to that sum 70 percent of total district transportation costs and the school district's costs for special education less any federal or state moneys received to offset such special education expenses.

(3) Appropriates funds to the commission and to the department of education for the purposes of this bill.

(4) Provides that all expenses related to catastrophic special education are constitutionally mandated and shall be borne by the state.

Senate Finance

February 12, 1999

1999-0144s

01/09

Amendment to SB 40

Amend RSA 167:74, V as inserted by section 1 of the bill by replacing it with the following:

V. Notwithstanding any provision of law to the contrary, beginning with the fiscal biennium ending June 30, 2003, the amount of principal in the fund shall remain at least the same at the end of each biennium as it was at the beginning of the biennium, unless specifically authorized by both houses of the general court in separate legislation.

1999-0144s

AMENDED ANALYSIS

This bill requires any transfer of funds from the health care fund which is not for the purposes stated for such fund to be introduced in separate legislation requiring 2/3 approval of both houses of the general court. The bill also requires the principal in the fund to remain at least the same amount at the end of each biennium as at the beginning of such biennium, unless specifically authorized by the general court.

HEARINGS

WEDNESDAY, FEBRUARY 17, 1999

EDUCATION, Room 105-A, SH

8:30 a.m. **SB 13**, establishing a committee to study joint maintenance agreements in school districts.

8:50 a.m. **CACR 16**, relating to use of statewide property and personal income taxes. Providing that the general court shall use net revenues from statewide property and personal income taxes exclusively for educational purposes.

9:10 a.m. **CACR 17**, relating to 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 deposited into such trust fund, and that the moneys in such trust fund shall be used exclusively for state aid to education.

9:30 a.m. **SB 18**, relative to the rulemaking authority of the state board of education regarding certain educational personnel.

JUDICIARY, Room 102, LOB

10:15 a.m. **SB 45-FN-A**, allowing a waiver of interest for the time period of an extension of the date of payment of the legacies and successions tax.

10:30 a.m. **SB 26**, establishing a committee to study trustee process.

10:45 a.m. **SB 25**, expanding the waiver of administration under the law regarding decedents' estates.

11:00 a.m. **SB 16**, relative to revocation of wills by divorce.

PUBLIC AFFAIRS, Room 104, LOB

1:00 p.m. **SB 12-FN-A**, relative to the World War II memorial campaign and making an appropriation therefor.

1:45 p.m. **SB 38**, relative to the optional term for the election of a cooperative school district moderator.

2:15 p.m. **SB 39**, eliminating the voting column for vice-president on the presidential primary ballot.

WILDLIFE & RECREATION, Room 101, LOB

2:45 p.m. **SB 21**, relative to domestic animals.

3:05 p.m. **SB 37-FN**, relative to fees for testing of domestic animals for disease.

3:25 p.m. **SB 29-L**, relative to the proper sheltering of dogs.

3:45 p.m. **SB 41**, correcting a reference in provisions relating to hunting and fishing licenses for members of the armed forces.

THURSDAY, FEBRUARY 18, 1999

INTERNAL AFFAIRS, Room 103, LOB

2:45 p.m. **SB 23**, urging the President and Congress to extend the Older Americans Act for a 3-year period.

3:05 p.m. **SB 124**, establishing a committee to study the integration of technology at the state and municipal level.

3:30 p.m. **CACR 20**, relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected.

TUESDAY, MARCH 2, 1999

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

1:00 p.m. **SB 83**, relative to the regulation of the practice of veterinary medicine.

1:20 p.m. **SB 89-L**, relative to library trustees.

1:40 p.m. **SB 113**, establishing a division of travel and tourism development within the department of resources and economic development.

2:00 p.m. **SB 136-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work.

INSURANCE, Room 103, SH

8:30 a.m. **SB 115**, relative to participation by certain judges in the state employee group health and dental insurance plans.

9:00 a.m. **SB 32**, relative to an employer exemption under the unemployment compensation laws.

9:30 a.m. **SB 63**, relative to applicability of workers' compensation to persons employed by 2 or more employers.

9:50 a.m. **SB 96**, relative to pre-approval of payment of medical services by workers' compensation insurers.

10:10 a.m. **SB 95**, relative to uninsured motor vehicle coverage.

10:30 a.m. **SB 52**, requiring insurance coverage for infertility treatments.

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 102, LOB

1:00 p.m. **SB 53-FN**, relative to licensure of physicians providing teleradiology services in this state.

1:20 p.m. **SB 60**, establishing a committee to study the licensure of radiographers and radiologic technicians.

1:35 p.m. **SB 65**, establishing a study committee to review field activities conducted by the department of health and human services relative to children, youth and families.

1:50 p.m. **SB 140**, relative to ear piercing.

2:05 p.m. **SB 100-FN-A-L**, establishing a pilot program to provide homeless people with free meals in exchange for volunteer work and continually appropriating certain funds for this purpose.

TRANSPORTATION, Room 104, LOB

2:45 p.m. **SB 34**, requiring at least two crew members on trains.

3:15 p.m. **SB 75**, relative to out-of-state boats.

3:45 p.m. **SB 87**, relative to the authority of the auxiliary marine patrol.

WEDNESDAY, MARCH 3, 1999

BANKS, Room 103, LOB

8:30 a.m. **SB 11-FN**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund.

9:15 a.m. **SB 81**, permitting the city of Manchester to issue bonds to finance unfunded liability of the city's employee retirement system.

9:45 p.m. **SB 97**, relative to testamentary trusts which are institutional funds.

EDUCATION, Room 105-A, SH

8:30 a.m. **SB 77**, relative to authorized regional enrollment area schools.

8:50 a.m. **SB 117**, relative to the duties of the board of trustees of the community-technical college system.

9:10 a.m. **SB 129-L**, requiring towns to disclose any reimbursements received to offset special education expenditures.

9:30 a.m. **SB 119**, relative to the withdrawal of a pupil from school.

PUBLIC AFFAIRS, Room 104, LOB

1:00 p.m. **SB 17**, relative to funeral arrangements.

2:00 p.m. **SB 94**, relative to absentee voter affidavits.

2:15 p.m. **SB 101**, relative to landlord-tenant obligations.

WILDLIFE & RECREATION, Room 101, LOB

2:45 p.m. **SB 30**, relative to the cruelty to animals law.

- 3:10 p.m. **SB 59-L**, relative to bonding of animal owners convicted of animal cruelty.
- 3:30 p.m. **SB 92-FN**, relative to education grants funded by the companion animal neutering fund.

THURSDAY, MARCH 4, 1999

ENVIRONMENT, Room 104, LOB

- 1:00 p.m. **SB 68**, establishing minimum 400 foot zones around sensitive areas from application of herbicides.
- 2:00 p.m. **SJR 1**, supporting the reduction of the sulfur content of gasoline.
- 2:30 p.m. **SB 135-FN**, relative to the water supply land protection grants.
- 3:00 p.m. **SB 132**, requiring the removal of the telecommunications tower on Mount Kearsarge.

MONDAY, MARCH 8, 1999

JUDICIARY, Room 306-308, LOB

- 10:00 a.m. **SB 44-FN**, relative to physician aid-in-dying for certain persons suffering from a terminal condition.
- 1:00 p.m. **SB 24**, extending the application of certain provisions of the child protection act to all children in out-of-home placements.

PUBLIC AFFAIRS, Representatives Hall, SH

- 8:30 a.m. **SB 80**, relative to adding the name of Martin Luther King, Jr. to Civil Rights Day.

WILDLIFE & RECREATION, Room 101, LOB

- 9:00 a.m. **SB 47-FN**, relative to compensation for time lost by fish and game conservation officers for injuries received in the line of duty, and restoring certain leave time for a conservation officer injured while on duty on August 19, 1997.
- 9:20 a.m. **SB 154**, relative to wildlife species under the endangered species conservation act.
- 10:00 a.m. **SB 142**, establishing a process for appeal of decisions of the executive director of fish and game.

TUESDAY, MARCH 9, 1999

- **PLEASE NOTE DUE TO TOWN MEETINGS THE INSURANCE COMMITTEE HEARINGS SCHEDULED FOR THIS DATE HAVE BEEN CANCELLED.**

WEDNESDAY, MARCH 10, 1999

BANKS, Room 103, LOB

8:30 a.m. **SB 99**, allowing the same rates and charges on small loans under \$1,500 as is allowed for small loans over \$1,500.

9:00 a.m. **SB 123**, allowing nontestamentary transfer on death of mutual fund shares under the uniform transfer on death (TOD) security registration act.

9:30 a.m. **SB 27**, relative to assessment fee schedules for trust companies and banks.

WILDLIFE & RECREATION, Room 101, LOB

2:45 p.m. **SB 62-FN-A-L**, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor.

3:15 p.m. **SB 144**, relative to qualifications for members of the fish and game commission.

THURSDAY, MARCH 11, 1999

ENVIRONMENT, Room 104, LOB

1:00 p.m. **SB 72**, exempting certain portions of Seabrook Beach Village District and certain portions of Hampton Beach from certain provisions of the excavating, filling, and construction permit laws.

1:30 p.m. **SB 70**, changing the safe drinking water standard for MTBE.

2:00 p.m. **SB 71**, establishing a ban on MTBE in gasoline as of January 1, 2000.

3:00 p.m. **SB 91**, designating segments of the Cold River as protected under the rivers management and protection program.

monday, MARCH 15, 1999

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES

PLEASE NOTE THE FOLLOWING HEARING WILL BE HELD IN REPRESENTATIVES HALL IN THE STATE HOUSE:

8:30 a.m. **SB 54-FN**, relative to partial birth abortion.

TUESDAY, MARCH 16, 1999

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 102, LOB

1:00 p.m. **SB 120**, relative to the health services planning and review board.

- 1:30 p.m. **SB 134-FN**, relative to medicaid reimbursement rates and dental care.
- 2:00 p.m. **SB 137-FN**, relative to use of social security numbers in child support enforcement and in the issuance of driver's licenses.
- 2:30 p.m. **SB 84**, relative to eligibility for welfare benefits.
- 2:45 p.m. **SB 128**, replacing the housing assistance fund trust fund with a homeless prevention fund.

TRANSPORTATION, Room 104, LOB

- 2:45 p.m. **SB 156**, granting the commissioner of transportation authority to layout and approve the construction of a restricted use driveway onto a public highway.

WEDNESDAY, MARCH 17, 1999

PUBLIC AFFAIRS, Room 104, LOB

- 1:00 p.m. **SB 116**, eliminating straight ticket voting.

WILDLIFE & RECREATION, Room 101, LOB

- 2:45 p.m. **SB 160**, establishing a committee to study and identify or establish the duties of the fish and game commission.

MONDAY, MARCH 22, 1999

WILDLIFE & RECREATION

PLEASE NOTE THE FOLLOWING HEARING WILL BE HELD IN REPRESENTATIVES HALL IN THE STATE HOUSE:

- 9:00 a.m. **sb 61**, relative to the definition of ski craft.

TUESDAY, MARCH 23, 1999

TRANSPORTATION, Room 104, LOB

- 2:45 p.m. **SB 155**, relative to the naming of certain bridges in the city of Concord.

MEETINGS

WEDNESDAY, FEBRUARY 17, 1999

- **PLEASE NOTE THE FISCAL COMMITTEE OF THE GENERAL COURT HAS BEEN RESCHEDULED TO FEBRUARY 24TH.**

THE DEPARTMENT OF TRANSPORTATION Stratford Town Hall, Downstairs, Route 3,
Stratford

7:00 p.m. Public Officials Meeting (US 3 And Bridge Over Stratford Bridge)

THURSDAY, FEBRUARY 18, 1999

FINANCE AND WAYS AND MEANS COMMITTEE Room 103, SH

There Will Be A Work Session Immediately Following Session

THE DEPARTMENT OF TRANSPORTATION Peterborough Town House, 1 Grove Street,
Peterborough

7:00 p.m. Public Officials Meeting

FRIDAY, FEBRUARY 19, 1999

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

9:00 a.m. Meeting

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25,I) Room 203, LOB

1:00 p.m. Complaint Hearing

SENATE STEERING COMMITTEE ON SCHOOL FINANCE Room 103, SH

3:00 p.m. Meeting

MONDAY, FEBRUARY 22, 1999

THE DEPARTMENT OF TRANSPORTATION Selectman's Office Old Grange Hall, 7
Meetinghouse Hill Road, New Boston

7:00 p.m. Public Officials Meeting (NH 13/ Molly Stark Lane)

WEDNESDAY, FEBRUARY 24, 1999

● **PLEASE NOTE THE FOLLOWING MEETING HAS A TIME CHANGE:**

FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a,I) Room 210-211, LOB

8:30 a.m. Regular Business

9:00 a.m. Audits: New Hampshire Retirement System Comprehensive Annual Financial
Report For The FY Ended June 30, 1998; New Hampshire Retirement System Management Letter

For The Year Ended June 30, 1998; Single Audit of Federal Financial Assistance Programs For The Year Ended June 30, 1998

THE DEPARTMENT OF TRANSPORTATION Somersworth High School, Memorial Driver,
Somersworth

6:30 p.m. Technical Advisory Task Force (exit 10 Study, Spaulding Turnpike)

THURSDAY, FEBRUARY 25, 1999

THE DEPARTMENT OF TRANSPORTATION Senior Center Depot Street, Plymouth

7:00 p.m. Public Informational Meeting (NH Route 175A)

FRIDAY, FEBRUARY 26, 1999

WORKER'S COMPENSATION ADVISORY (RSA 281-A:62) Room 306, LOB

9:00 a.m. Regular Meeting

MONDAY, MARCH 1, 1999

NEW Hampshire CONSERVATION NUMBER PLATE (RSA 261:97-d) Room 203, LOB

9:00 a.m. Regular Meeting

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

9:30 a.m. Meeting

FINANCE AND WAYS AND MEANS COMMITTEE Room 103, SH

10:00 a.m. Work Session With Stan Arnold

THE DEPARTMENT OF TRANSPORTATION Town Hall, 12 School Street, Hudson

7:00 p.m. Public Informational Meeting (NH Route 3A)

TUESDAY, MARCH 2, 1999

**NEW Hampshire COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN
FOLKLIFE** (SJR 20, Chapter 204, 1996) Room 205, LOB

3:00 p.m. Regular Meeting

WEDNESDAY, MARCH 3, 1999

THE DEPARTMENT OF TRANSPORTATION Bristol Town Hall, Downstairs Conference Room,
230 Lake Street, Bristol

7:00 p.m. Public Informational Meeting (NH 3A)

THURSDAY, MARCH 4, 1999

THE DEPARTMENT OF TRANSPORTATION Belmont High School Cafeteria, Seavey Road,
Belmont

7:00 p.m. Advisory Task Force Meeting (NH 140 Study)

THE DEPARTMENT OF TRANSPORTATION Effingham Town Hall, Town House Road, State
Route 153

7:30 p.m. Public Informational Meeting (NH Route 143 Over Ossipee River)

FRIDAY, MARCH 5, 1999

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

8:30-5:00 Regular Meeting

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

9:00-12:00 Meeting

MONDAY, MARCH 8, 1999

PERINATAL CHEMICAL DEPENDENCY COMMITTEE (RSA 132:19) Room 101, LOB

9:00 a.m. Regular Meeting

DEVELOPMENTAL DISABILITY WAITLIST FUND (RSA 171-A:1-b) Room 207, LOB

12:30 p.m. Regular Meeting

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

2:00-4:00 Regular Meeting

FRIDAY, MARCH 19, 1999

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

9:00 a.m. Meeting

MONDAY, MARCH 29, 1999

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

9:30 a.m. Meetings

FRIDAY, APRIL 2, 1999

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

9:00-12:00 Meeting

MONDAY, APRIL 5, 1999

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

9:30-12:00 Regular Meeting

FRIDAY, APRIL 16, 1999

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

9:00 a.m. Meeting

FRIDAY, MAY 7, 1999

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

9:00-12:00 Meeting

FRIDAY, MAY 21, 1999

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

9:00 a.m. Meeting

FRIDAY, JUNE 4, 1999

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

9:00-12:00 Meeting

FRIDAY, JUNE 18, 1999

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

9:00 a.m. Meeting

FRIDAY, JULY 16, 1999

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

9:00 a.m. Meeting

FRIDAY, AUGUST 20, 1999

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

9:00 a.m. Meeting

FRIDAY, SEPTEMBER 17, 1999

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

9:00 a.m. Meeting

FRIDAY, OCTOBER 15, 1999

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

9:00 a.m. Meeting

FRIDAY, NOVEMBER 19, 1999

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

9:00 a.m. Meeting

FRIDAY, DECEMBER 17, 1999

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

9:00 a.m. Meeting

FISCAL NOTES NOW AVAILABLE IN THE SENATE CLERK'S OFFICE:

SB 15, SB 46, SB 48, SB 49, SB 50

NOTICES

Legislators For Limited Spending Will Meet At 8:30 a.m. At The Upham Walker House on: Tuesday, March 2nd, Tuesday, March 16th, and Tuesday, March 30th.

Senator Mary Brown

MONDAY, MARCH 8, 1999

The 1999 Legislative Ski Day Will Be Held At Loon Mountain On Monday, March 8, 1999. Ski NH Is Joining Forces With The New Hampshire Automobile Dealers Association Charitable Foundation To Raise Money For Their Keep Kids S.A.F.E.

The Keep Kids S.A.F.E. Program (Safety Awareness For Everyone) Is A Cooperative Effort Of The NHADA Charitable Foundation And WMUR-TV To Raise Public Awareness Concerning The Health, Safety, And Health, Safety And Welfare Of Children And Families.

Keep Kids S.A.F.E. Is To Provide Free KIDS AND COMPANY: Together For Safety Child Safety Curriculums To Every Elementary School In New Hampshire (Public And Private) That Commits TO Its Implementation. KIDS AND COMPANY Is The Child Safety Curriculum Of The National Center For Missing And Exploited Children.

Legislative Ski Day Is A Chance For State Legislators To See How A Ski Area Is Run, As Well As An Opportunity To Get Out And Make Some Turns. The Day's Events Will Include Snowmaking And Grooming Tours, Shaped Ski, Snowboard, And Race Clinics, A Dual Slalom Race, And An Apres Race Party/Award Ceremony.

Ski NH Is The Statewide Association Representing 35 Alpine And Cross Country Ski Resorts And Nine Lodging Bureaus. For More Information On Legislative Ski Day, Call Ben McLeod At Ski NH At (800) 88-SKI-NH Ext. 82 (800-887-5464) Or E-mail Him At ben@skinh.com. On Line Surfers Can Check Out The Ski NH Web Site At www.skinh.com.

Senator Fred King

THURSDAY, MARCH 11, 1999

As Has Been The Custom (With The Exception Of Last Year), The University Of New Hampshire Would Like To Invite All Members Of The Senate To Attend A Breakfast For The Purpose OF Being Briefed On The University System Of New Hampshire Issues.

The Breakfast Will Be Held On Thursday, March 11, From 7:30-9:00 a.m. At The Eagle's Nest Restaurant Located At One Eagle Court In Concord.

Doctor John Leitzel, President Of The University Will Be Making A Few Comments And Be Available To Answer Any Questions Legislators May Have. The University Alumni Trustees Will Be In Attendance As Well.

Senator Clesson Blaisdell

WEDNESDAY, MARCH 17, 1999

The Salem Boys & Girls Club Is Hosting The Annual John P. Ganley Saint Patrick Luncheon On Wednesday, March 17th, beginning at 11:45 a.m. At The Club. All Senators Are Cordially Invited To Attend.

Senator Clesson Blaisdell

THE STATE OF NEW Hampshire
SUPREME COURT
N O T I C E

No. 99-086, Request of the Senate for an Opinion of the
Plan Referendum)

Justices (Tax

The following request of the senate for an opinion of the justices was adopted and filed with the supreme court on February 11, 1999:

SENATE RESOLUTION 1

Whereas, Senate Bill 51-FN-A-LOCAL, "An act establishing a referendum for a new taxation plan to fund public education," is presently pending in the senate; and

Whereas, Part I, Article 28 of the Constitution of New Hampshire states: "No subsidy, charge, tax, impost, or duty, shall be established, fixed, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body," N.H. CONST. pt. I, art. 28 (emphasis added); and

Whereas, in Claremont School District v. Governor, 142 N.H. 462 (1997) (Claremont II), the New Hampshire Supreme Court held that the current school tax as presently structured is disproportionate and unreasonable in violation of the Constitution of New Hampshire; and

Whereas, the decision in Claremont II necessitates a major change in the tax structure of the state of New Hampshire that will have a substantial impact on the people of New Hampshire; and

Whereas, Senate Bill 51-FN-A-LOCAL establishes a procedure whereby the legislature may submit a question regarding the imposition of statewide taxes for the funding of a constitutionally adequate education to the vote of the people by ballot and would allow the New Hampshire people to choose among tax plans enacted by the legislature; and

Whereas, that portion of Part I, Article 28 stating "without the consent of the people, or their representatives" appears to reserve a right for the people of New Hampshire to consent to taxation, and that this

right is distinct from and in addition to the authority of the legislature to establish taxes; and

Whereas, Part II, Articles 2 and 5 of the Constitution of New Hampshire generally vest the power and authority to enact laws in the New Hampshire Senate and House of Representatives; and

Whereas, a public hearing has been held before the senate committee on public affairs on SB 51-FN-A-LOCAL, and a question has been raised as to whether a referendum to secure the consent of the people as to a tax plan enacted by the legislature, offered under the apparent right vested in the people in Part I, Article 28, is precluded by the power and authority vested in the legislature under Part II, Articles 2 and 5; and

Whereas, SB 51-FN-A-LOCAL raises an important question of law awaiting further consideration and action in the New Hampshire Senate; now, therefore, be it

Resolved by the Senate:

That the Justices of the Supreme Court be respectfully
requested to give their opinion as expeditiously as possible on the following
questions of law:

1. Would the process contained in SB 51-FN-A-LOCAL,
providing for a referendum enabling the New Hampshire people to choose a
tax plan enacted by the legislature to fund a constitutionally adequate public education, based on the
authority and right of Part I, Article 28, be in any way repugnant or contrary to the Constitution of
New Hampshire?

2. Would the process contained in SB 51-FN-A-LOCAL,
providing for a referendum enabling the New Hampshire people to choose a
tax plan enacted by the legislature to fund a constitutionally adequate public education be an
unconstitutional delegation of legislative authority that is repugnant or contrary to the Constitution
of New Hampshire?

That the clerk of the senate transmit copies of this
resolution and SB 51-FN-A-LOCAL, as introduced, to the Justices of the New
Hampshire Supreme Court.

Typewritten memoranda on the questions presented by the request may be furnished by any
legislator, attorney, organization, interested party, or member of the public on or before March 1,
1999. An original and twelve copies of any memorandum must be filed with the clerk's office.

Date: February 12, 1999 _____

Howard J. Zibel, Clerk

Distribution:

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