

March 30, 1999

No. 17A

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR

ADDENDUM

REPORTS

EDUCATION

SB 18, relative to the rulemaking authority of the state board of education regarding certain educational personnel. Vote 6-0

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

SB 77, relative to authorized regional enrollment area schools. Vote 5-1

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

SB 152-L, relative to the procedures for establishing a charter school. Vote 5-1

Ought to Pass, Senator D'Allesandro for the committee.

SB 170-FN-A, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor. Vote 6-0

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

SB 204, establishing the New Hampshire excellence in higher education endowment trust fund. Vote 6-0

Ought to Pass, Senator Larsen for the committee.

SB 207-FN, relative to authorizing bonds for the construction and renovation of regional vocational education centers. Vote 7-0

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

ENVIRONMENT

HB 249, relative to the membership of the rivers management advisory committee. Vote 6-0

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

SB 178-FN-A, appropriating funds for mitigation relative to the dredging of Little Harbor. Vote 7-0

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

SB 195-FN-A, appropriating funds for sludge testing. Vote 6-0

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

INSURANCE

SB 212-FN, requiring the insurance department to develop a plan to address the needs of persons with chronic illnesses and disabilities. Vote 5-0

Ought to Pass, Senator Squires for the committee.

JUDICIARY

SB 146, granting district courts exclusive jurisdiction over actions involving real estate purchase deposits held in escrow accounts. Vote 5-0

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

PUBLIC AFFAIRS

SB 80, relative to adding the name of Martin Luther King, Jr. to Civil Rights Day. Vote 5-2

Ought to Pass, Senator Russman for the committee.

SB 116, eliminating straight ticket voting. Vote 5-0

Ought to Pass, Senator Krueger for the committee.

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES

SB 22, relative to the pilot program relative to the administration of medication in residential care facilities. Vote 3-1

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

SB 28, relative to food production and distribution and food service licensure. Vote 4-0

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

SB 53-FN, relative to licensure of physicians providing teleradiology services in this state. Vote 2-2, OTP/ITL

Ought to Pass, Senator Squires for the committee.

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. Vote 4-0

Inexpedient to Legislate, Senator Gordon for the committee.

SB 134-FN, relative to medicaid reimbursement rates and dental care. Vote 4-0

Ought to Pass, Senator Wheeler for the committee.

SB 137-FN, relative to use of social security numbers in child support enforcement and in the issuance of driver's licenses.

MINORITY REPORT: Inexpedient to Legislate, Senator Krueger for the committee. Vote 1-3

MAJORITY REPORT: Ought to pass with amendment, Senator Squires for the committee. Vote 3-1

SB 225-FN, relative to a pharmaceutical program for low income individuals. Vote 4-0

Rereferred to Committee, Senator Squires for the committee.

AMENDMENTS

Senate Education

March 26, 1999

1999-0599s

04/10

Amendment to SB 18

Amend RSA 21-N:9, II (s) as inserted by section 1 of the bill by replacing it with the following:

(s) Certification standards for educational personnel, and educator certification fees for granting credentials to educational personnel, including teachers, paraprofessionals, superintendents, assistant superintendents, special education administrators, business administrators, principals, vocational directors, coordinators of comprehensive health education and services, directors of pupil personnel services, guidance directors, guidance counselors, school psychologists, associate school psychologists, speech-language specialists, social workers, health educators, physical education teachers, ~~[home economics teachers]~~, ***consumer and family science teachers***, elementary teachers, specialists in assessment of intellectual functioning, media supervisors, ~~[and]~~ media generalists, ***and master teachers*** as authorized by RSA 186:8 and RSA 186:11, X, ~~[and]~~ professional credentials including beginning educator credentials, experienced educator credentials, and intern licenses, ***and other classifications of educators, administrators, specialists, and paraprofessionals necessary to address educational needs as determined by the state board upon the recommendation of the professional standards board pursuant to RSA 186:60.***

1999-0599s

AMENDED ANALYSIS

This bill revises the rulemaking authority of the state board of education to include master teachers, and other educators, administrators, and paraprofessionals necessary to address certain educational needs.

Senate Education

March 26, 1999

1999-0598s

04/10

Amendment to SB 77

Amend RSA 195-A:3, V as inserted by section 1 of the bill by replacing it with the following:

V. An area school planning board may recommend that there be established an authorized regional enrollment area plan for elementary or secondary schools, or both, or any other reasonable combination of grades, composed of all the school districts represented by its membership or any specified combination thereof. The planning board shall prepare a written plan for the proposed regional enrollment area, which shall be signed by at least a majority of the membership of such board, which shall set forth the following: (a) the name or names of each area school or schools proposed, and the receiving district in which such schools shall be located; (b) the sending districts or portions thereof which, together with the receiving district, shall form the region which each area school or schools shall serve; (c) the grades for which each area school or schools shall be responsible (which may include a combination of elementary and secondary grades or any other reasonable classification); (d) the formula for calculation of tuition; (e) the manner in which any form of state aid shall be credited, unless otherwise expressly provided by law; (f) the existing school buildings in the several school districts which shall be discontinued; (g) the existing school buildings in the receiving district which shall be designated as an area school or schools including any existing buildings to be initially enlarged; (h) the proposed new area school building or buildings to be initially constructed in the receiving district and the initial location of same; (i) the estimated initial enrollment in each area school from each of the sending districts and from the receiving district; (j) the proposed date or dates of operating responsibility of each planned area school, which date may be subsequently postponed by the state board upon petition of a receiving or sending district, in the event of unforeseen circumstances or for good cause shown; (k) the scheduled date or dates during each year upon which tuition payments shall be made by the sending districts to the receiving districts and whether the tuition shall be payable in installments, or in a lump sum; (l) procedure for improvement or changes in curriculum and other school programs and services; (m) the method, time, and manner in which the plan may be amended, subject to state board approval, where not incompatible with law; (n) ***the term of the agreement shall be for a minimum of 10 years unless otherwise provided by mutual agreement of the school districts consistent with the provisions of RSA 195-A:3, IX;*** (o) ***the manner in which the interests of the school boards of the sending districts will be addressed;*** (p) any other matters, not incompatible with law, which the area school planning board may consider appropriate to include in such written plan.

Amend RSA 195-A:14, IX as inserted by section 2 of the bill by replacing it with the following:

IX. The vote to withdraw from an AREA agreement shall take effect on July 1 of the calendar year which shall be at least 2 years after the date on which the withdrawal vote is adopted. The plan may provide for an earlier date subject to the mutual agreement of the districts involved.

1999-0598s

AMENDED ANALYSIS

This bill provides for certain changes in the current area school law with regard to the length of an area agreement, the withdrawal of a district from an area agreement, the representation of the sending district on the receiving district's school board, and the manner in which the interests of the school boards of the sending districts will be addressed within the area plan.

Senate Education

March 31, 1999

1999-0669s

04/09

Amendment to SB 170-FN-A

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

1 New Subdivision; Parents as Teachers Program. Amend RSA 193 by inserting after section 33 the following new subdivision:

Parents as Teachers Program

193:34 Policy and Purposes.

I. This act recognizes the importance of the early childhood years upon children's brain development. Given appropriate stimulation, babies develop critical cognitive and social skills from birth to age 3. These early years provide a window of opportunity to enrich a child's cognitive and social development. The least intrusive and most successful way to impact early childhood experiences is to educate parents as to how they can best teach their children. Studies have shown that parents who are trained as to how to interact with their children can help their children enter school ready to learn and are more likely to stay involved with their child's educational process throughout the school years of the child. Without such training, parents may not develop the skills necessary to help stimulate for their children and a critical opportunity for parent involvement may be lost.

II. An established program, known as "parents as teachers," creates a partnership between parents and early childhood development professionals. Early childhood development professionals conduct regular home visits and group meetings to help parents understand what to expect from their children in each stage of development and to teach parents how to encourage learning, manage challenging behavior and promote stronger parent-child relationships. The "Parents as Teachers Program" has existed in the United States since 1981, and now has a presence in 49 states across the United States, including some sites in New Hampshire administered by the Parent Information Center, as well a presence in 6 foreign countries.

III. The purpose of this act is to expand the "parents as teachers" program in New Hampshire by developing a school district based site in Sullivan county to operate for 4 years. The program may also be made available in urban areas. Sullivan county has been chosen because of its unique demographic profile, including: the high number of risk factors affecting its children and the children and the existence of a good referral source for the parents as teachers program through the "Good Beginnings" program at the county's major hospital, the Valley Region Hospital. This act will create an oversight committee to monitor the implementation of the school district based site program during the 4 year period and to make recommendations concerning the replication of the parents as teachers program in other school districts in New Hampshire.

193:35 Parents as Teachers Program Established.

I. There is hereby established a parents as teachers program in Sullivan county to be administered statewide by the Parent Information Center, in cooperation with local school

administrative unit 6 and the department of education. The program shall be made available to parents of children born and residing in Sullivan county during the effective period of the program. The program shall offer specific components recommended by the Parents as Teachers Program National Center which may include home visits to each family by a certified parent educator, group meetings for participating families, child development screenings, and a resource network to help families access other early childhood development programs in the county.

II. School administrative unit 6, in cooperation with the Parent Information Center, shall develop specific guidelines and procedures for implementing the parents as teachers program.

III. The parents as teachers program shall allow for the participation of 180 families over the 4-year period in accordance with a schedule to be determined by the parents as teachers oversight committee established in RSA 193:36. The commissioner of the department of education shall ensure that funds appropriated for the purposes of the parents as teachers program are distributed for the purposes established in this subdivision.

193:36 Parents as Teachers Oversight Committee Established; Membership; Duties.

I. There is hereby established a parents as teachers oversight committee to assess the effectiveness of the parents as teachers program in Sullivan county and to make recommendations concerning the replication of the program in other school districts in the state.

II. The committee shall be comprised of 14 members as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) One member appointed by the governor.
- (d) The commissioner of education, or designee.
- (e) The commissioner of health and human services, or designee.
- (f) One member from the Parent Information Center, appointed by said organization.
- (g) One member from school administrative unit 6, appointed by the superintendent of that organization.
- (h) One member from school administrative unit 43, appointed by the superintendent of that organization.
- (i) Two members who are parents participating in the program, appointed by the superintendents of school administrative units 6 and 43.
- (j) One member from the Children's Alliance of New Hampshire, appointed by said organization.

(k) One member from New Hampshire Head Start, appointed by the Head Start Directors Association.

(l) One member from the university of New Hampshire, appointed by the president of said organization.

(m) One member from the business community, appointed by the superintendents of school administrative units 6 and 43.

III. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall perform the following duties:

(a) Examine the effectiveness of a school based site for the parents as teachers program.

(b) Identify early childhood care and education collaboration partners.

(c) Involve parental input in the evaluation of the school based program.

(d) Recommend whether appropriations should be sought to replicate the parents as teachers programs in other school districts in New Hampshire, including a recommendation, during the second year of operation of the program, as to whether appropriations should be sought to begin a second school district based site in another county in New Hampshire. For purposes of choosing a second school district based site, preference shall be given to a county with an urban population so that the demographics of New Hampshire are reflected.

V. The members of the oversight committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member of the committee. The first meeting shall be held within 45 days of the effective date of this section. Six members of the committee shall constitute a quorum.

VI. The committee shall issue an initial report on its findings and any recommendations for any proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2000. A final report of findings and recommendations shall issue within 90 days of the end of the final fiscal year for which funding for the parents as teachers program in Sullivan county is appropriated.

VII. The department of education shall provide administrative support to the committee as may be necessary to implement the parents as teachers program.

2 Appropriation. There is hereby appropriated the sum of \$54,000 for the fiscal year ending June 30, 2000, \$66,000 for the fiscal year ending June 30, 2001, \$79,000 for the fiscal year ending June 30, 2002, and \$84,000 for the fiscal year ending June 30, 2003, to the department of education to implement and administer the provisions of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Prospective Repeal. Section 1 of this act, relative to the Parents as Teacher Program is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2003.

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

Senate Education

March 31, 1999

1999-0672s

04/01

Amendment to SB 207

Amend the bill by replacing section 1 with the following:

1 Regional Vocational Education Centers; Bonding Authority Amended. RSA 188-E:10 is repealed and reenacted to read as follows:

188-E:10 Renovation and Construction of Regional Vocational Education Centers; Bonds Authorized. To provide funds for the renovation and construction of regional vocational education centers, the state treasurer, as may be requested by the department of education, is authorized to borrow upon the credit of the state such amounts so that the total state obligation shall at no time exceed \$85,000,000 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. The department of education shall request and the treasurer shall issue bonds only for such amounts as are required for the purposes of this section, provided, however, the department shall request and the treasurer shall issue no more than \$10,000,000 per biennium.

1999-0672s

AMENDED ANALYSIS

This bill authorizes the state treasurer, as requested by the department of education to issue bonds in such amounts not to exceed \$85,000,000 for the purpose of construction and renovation of regional vocational education centers, provided that no more than \$10,000,000 in such bonds shall be issued per biennium.

Environment

March 19, 1999

1999-0470s

03/01

Amendment to HB 249

Amend RSA 483:8, I(j) as inserted by section 1 of the bill by replacing it with the following:

(j) A representative of the agricultural community chosen from a list of 3 nominees submitted by the New Hampshire Farm Bureau Federation, the Northeast Organic Farming Association, and the New Hampshire Association of Conservation Districts.

1999-0470s

AMENDED ANALYSIS

This bill adds a member to the rivers management advisory committee to be nominated by the New Hampshire Farm Bureau Federation, the Northeast Organic Farming Association, and the New Hampshire Association of Conservation Districts.

Environment

March 24, 1999

1999-0538s

03/01

Amendment to SB 178-FN-A

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

AN ACT relative to appropriations to the port authority for dredging projects.

Amend the bill by replacing section 1 with the following:

1 1991 Appropriation; Port Authority; Dredging Projects Added. Amend 1991, 351:5, as amended by 1992, 260:20 and 1994, 204:1 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an 11-acre expansion of the north yard of the port, ~~and~~ the construction of a 750-foot pier, **and dredging projects including associated mitigation to maintain channels and harbors**. The sums hereinafter detailed are hereby appropriated for the project specified:

A. Port of Portsmouth Expansion	\$18,300,000
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Total state appropriation section 5	\$18,300,000
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(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. The remaining \$15,000,000 is designated for construction **and dredging projects including associated mitigation**. This appropriation shall be nonlapsing until the project is completed. ***The New Hampshire Port Authority shall not encumber, obligate, or expend any funds from this appropriation for dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for dredging projects including associated mitigation shall not exceed a total of \$1,000,000.***)

1999-0538s

AMENDED ANALYSIS

This bill makes certain money appropriated to the New Hampshire port authority available for dredging projects including associated mitigation.

Environment

March 19, 1999

1999-0466s

08/01

Amendment to SB 195-FN-A

Amend the bill by replacing section 1 with the following:

1 Transfer of Appropriation. The amount of \$500,000, appropriated for state aid grants by 1997, 350:1 PAU 03, 04, 02, 01, 04 for fiscal year 1999, shall be transferred as income to the sampling and analysis of sludge or biosolids samples fund under RSA 485-A:4, XVI-c.

1999-0466s

AMENDED ANALYSIS

This bill transfers \$500,000 appropriated for state aid grants to the sampling and analysis of sludge or biosolids samples fund.

This bill is a request of the department of environmental services.

Senate Judiciary

March 31, 1999

1999-0657s

05/10

Amendment to SB 146

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

AN ACT granting district courts exclusive jurisdiction over actions involving certain real estate purchase deposits held in escrow accounts.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Actions Involving Real Estate Purchase Deposits of \$5,000 or Less Held in Escrow. Amend RSA 502-A:14 by inserting after paragraph III the following new paragraph:

IV. In actions involving ownership of money deposited in escrow accounts pursuant to RSA 356-A:9-a, district and superior courts shall have concurrent jurisdiction, except that in actions originally filed in district court where the amount in controversy is \$5,000 or less, the district court shall have exclusive jurisdiction.

1999-0657s

AMENDED ANALYSIS

This bill grants district courts exclusive jurisdiction over actions filed there involving certain real estate purchase deposits held in escrow accounts.

Public Institutions, Health and Human Services

March 31, 1999

1999-0650s

01/09

Amendment to SB 22

Amend the bill by replacing section 3 with the following:

3 Resident Assessments. Amend 1998, 269:2, I(c)(4)(E) to read as follows:

(E) The resident shall be assessed utilizing the state's needs assessment no more than 30 days prior to request. A full resident needs assessment shall be done quarterly, ***or immediately if the physical condition or the medication of the resident has changed***, and sent to the bureau of health facilities within 7 days of completion.

1999-0650s

AMENDED ANALYSIS

This bill includes supported residential care facilities in the pilot program established in 1998, 269. The bill also clarifies the assessment of residents.

Public Institutions, Health and Human Services

March 31, 1999

1999-0654s

01/09

Amendment to SB 28

Amend the bill by replacing section 5 with the following:

5 Sale of Beverages. Amend RSA 143:11, I(a) and (b) to read as follows:

I.(a) Upon receipt of an application in writing from a new beverage manufacturer, or from a beverage manufacturer that has changed ownership, or from a beverage manufacturer which has had its previous license revoked, the commissioner of the department of health and human services shall issue a provisional license, valid for up to 90 days, if the commissioner determines that the applicant's plant is properly equipped and in a sanitary condition and that the products manufactured there are not adulterated or misbranded. ***Any beverage manufacturer which has had its license revoked shall not be eligible to reapply for a period of 3 years from the date of revocation. Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.***

(b) Within 45 days of issuance of a provisional license under this section, the commissioner shall conduct an inspection. If, following inspection, the commissioner determines that the applicant's plant is properly equipped and in a sanitary condition and that the products manufactured there are not adulterated or misbranded, the commissioner shall issue a license valid until the January 1 next following the date of issuance of the provisional license. ***Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.***

Amend the bill by replacing section 8 with the following:

8 Food Service Licensure. Amend RSA 143-A:6, I and II to read as follows:

I. Upon receipt of an application in writing from a new food service establishment or retail food store, or a food service establishment or retail food store which has changed ownership or a food service establishment or retail food store which has had its previous license revoked, the commissioner shall issue a provisional license, valid for up to 90 days, if the commissioner determines that the applicant's plan for operation and facilities are sufficient under rules adopted under RSA 143-A:9. ***If any food service establishment or retail food store has had its license revoked, it shall not be eligible to reapply for a period of 3 years from the date of revocation. Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.***

II. Within 45 days of issuance of a provisional license issued under this section, the commissioner shall conduct an inspection. If following such inspection the commissioner determines that the applicant's operation and facilities are sufficient under rules adopted under RSA 143-A:9, the commissioner shall issue to the applicant a license valid for a time period of one year following the date of issuance of the provisional license. ***Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.***

1999-0654s

AMENDED ANALYSIS

This bill clarifies procedures relative to sanitary production and distribution of food and food service licensure. The bill establishes a 3-year period for a facility which has had its license revoked before such facility may reapply for a license.

Public Institutions, Health and Human Services

March 31, 1999

1999-0659s

05/09

Amendment to SB 137-FN

Amend the bill by replacing section 1 with the following:

1 Revocation and Denial of Licenses; Child Support Enforcement. Amend RSA 161-B:11, VI-a to read as follows:

VI-a. The social security number of any applicant for a professional license, ~~[commercial]~~ driver's license, occupational license, **recreational license**, or marriage license shall be recorded on the application, provided that if the use of a number other than the social security number is allowed, ~~[the applicant shall be so advised. Any application required by this section to contain a]~~ **to be used on the face of the document, the social security number shall be kept on file at the agency. The** social security number shall be confidential and not subject to the right to know law. **Unless otherwise authorized by law,** the use of such number shall be limited to proceedings or actions to establish paternity or to establish or enforce support and shall only be provided to or entered in any out-of-state or federal data base for those cases for which the department is providing services.