

May 16, 2003
No. 23

STATE OF NEW HAMPSHIRE

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Legislative

SENATE CALENDAR

REPORTS, HEARINGS, MEETINGS & NOTICES

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, MAY 22, 2003 AT 10:00 A.M.**

LAID ON THE TABLE

CACR 14, relating to the funding of public education. Providing that the state shall fund an amount not less than 30 percent of the total average statewide expenditure for public education for kindergarten through grade 12 during the previous biennium and that the general court shall have the power to apportion this amount by statute; that the state shall assure the opportunity for an adequate public education for all pupils in the state in grades kindergarten through 12; and that no tax in any form on the value of real property shall be used to fund the state's obligation to cherish and support public education. **4/03/03, pending motion Re-refer to committee, Education, SJ 11, pg. 232**

SB 12-FN-A-L, establishing a property tax relief program for low income homeowners. **3/27/03, pending motion Re-refer to committee, Way & Means, SJ 10, pg. 203**

SB 27, extending the kindergarten construction program. **4/03/03, pending motion OTP with committee amendment failed, Finance, SJ 11 pg. 240**

SB 37-FN, increasing the amount paid to the firemen's relief fund from insurance department revenues. **3/27/03, pending motion OTP, Insurance, SJ 10 pg. 175**

SB 38-FN-A-L, (New Title) authorizing special number plates for firefighters. **4/03/03, pending motion ITL, Finance, SJ 11, pg. 240**

SB 102-FN, relative to the computation of tax on certain telecommunications services under the communications services tax. **3/20/2003, pending motion committee amendment (0715s), Ways & Means, SJ 9, pg. 134**

SB 106, relative to the operation of personal watercraft. **4/03/03, pending motion ITL, Wildlife & Recreation, SJ 11, pg. 264**

SB 144-FN, relative to the lease agreement between the department of regional community-technical colleges and Pease development authority. **4/10/03, pending motion OTP, Finance, SJ 12, pg. 291**

SB 151-FN-A-L, relative to the taxation of telecommunications poles and conduits. **3/27/03, pending motion Re-refer to committee, Energy and Economic Development, SJ 10, pg. 147**

SB 160-FN-A, making a capital appropriation to continue construction of the vocational center in Nashua. **4/03/03, pending motion Re-refer to committee, Capital Budget, SJ 11, pg. 231**

SB 189, relative to certain automobile accidents. **4/10/03, pending motion Re-refer to committee, Insurance, SJ 12, pg. 302**

SB 203-FN, requiring the New Hampshire court system to automate mental health records to comply with federal law prohibiting possession of firearms by certain persons. **3/27/03, pending motion ITL, Judiciary, SJ 10, pg. 179**

SB 208-FN, establishing a property tax cap and abatement program. **3/27/03, pending motion Re-refer to committee, Ways & Means, SJ 10, pg. 209**

SB 209, relative to permissible campaign contributions by business organizations and labor unions. **4/03/03, pending motion Re-refer to committee, Internal Affairs, SJ 11, pg. 254**

SB 214-FN-A, establishing new positions in the department of health and human services and making an appropriation therefor. **4/10/03, pending motion OTP, Finance, SJ 12, pg. 294**

SB 216-FN-A, relative to the developmental services priority waiting list and making an appropriation therefor. **4/03/03, pending motion OTP, Finance, SJ 11, pg. 243**

SB 217-FN, relative to the calculation of average daily membership in residence for the purpose of calculating the cost of an adequate education. **4/10/03, pending motion ITL, Finance, SJ 12, pg. 294**

SB 224-FN-A-L, relative to the education property tax and needs-based targeted education aid and reducing the rates of the business enterprise tax and the business profits tax. **3/27/03, pending motion Re-refer to committee, Ways & Means, SJ 10, pg. 209**

SCR 1, urging a study of the operating efficiency of state government. **3/13/03, pending motion OTP, Internal Affairs, SJ 8, pg. 82**

HB 79, relative to the regulation of the installation and servicing of fire suppression systems. **4/03/03, pending motion Re-refer to committee, Executive Departments & Administration, SJ 11, pg. 236**

HB 281-FN, (New Title) exempting automatic irrigation system installers from licensure by the electrician's board. **5/15/03, pending motion OTPA, Executive Departments & Administration, SJ 16, pg. TBA**

HB 293, establishing a commission to identify medical errors and their causes. **5/15/03, pending motion OTPA, Executive Departments & Administration, SJ 16, pg. TBA**

HB 327, establishing a committee to study the use of state vehicles. **4/17/03, pending motion ITL, Transportation, SJ 13, pg. 325**

HB 393, extending the reporting dates for certain study committees. **5/08/03, pending motion OTPA, Public Institutions, Health and Human Services, SJ 15, pg. 362**

HB 419, establishing a committee to study issues related to the management of railroads operating with leases on state property. **5/15/03, pending motion OTPA, Transportation, SJ 16 pg. TBA**

HB 461, establishing a commission to study financial exploitation of the elderly and persons with disabilities. **5/08/03, pending motion OTP, Public Affairs, SJ 15, pg. 361**

HB 676-FN, relative to lake level investigations. **4/24/03, pending motion OTP, Environment, SJ 14, pg. 334**

HB 819, relative to original and youth operators' licenses. **5/08/03, pending motion OTP, Transportation, SJ 15, pg. 366**

REPORTS

BANKS

HB 131, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code.

Ought to Pass, Vote 2-0

Senator Odell for the committee

HB 159, relative to meetings of the directors of nondepository trust companies.

Ought to Pass, Vote 2-0

Senator Barnes for the committee.

HB 160, relative to removal or replacement of trustees.

Ought to Pass, Vote 2-0

Senator Barnes for the committee.

HB 404, relative to common trust funds.

Ought to Pass, Vote 2-0

Senator Flanders for the committee.

HB 798, relative to gifts by fiduciaries.

Ought to pass with amendment, Vote 2-0

Senator Barnes for the committee.

HB 807-FN, increasing the filing fees for a fund raising counsel and a paid solicitor of a charitable trust.

Ought to Pass, Vote 2-0

Senator Barnes for the committee.

HB 816, making technical corrections to the securities laws.

Ought to Pass, Vote 2-0

Senator Flanders for the committee.

HB 817, relative to the regulation of first and second mortgage brokers and mortgage servicers.

Ought to Pass, Vote 2-0

Senator Flanders for the committee.

EDUCATION

HB 135-FN-L, relative to charter schools.

Ought to pass with amendment, Vote 3-2

Senator O'Hearn for the committee.

HB 608-FN-L, (New Title) reducing the education property tax rate and relative to the calculation of adequate education grants.

Ought to pass with amendment, Vote 3-2

Senator O'Hearn for the committee.

HB 621-FN-A-L, establishing an early childhood literacy program.

Ought to pass with amendment, Vote 5-0

Senator Larsen for the committee.

HB 717-FN-L, relative to targeted aid to education.

Inexpedient to Legislate, Vote 4-1

Senator Green for the committee.

HB 751-FN-L, implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants.

Ought to pass with amendment, Vote 5-0

Senator Johnson for the committee.

HB 786-FN-L, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

Ought to pass with amendment, Vote 5-0

Senator Foster for the committee.

ENERGY & ECONOMIC DEVELOPMENT

HB 75, relative to timber harvesting.

Ought to pass with amendment, Vote 3-0

Senator Gallus for the committee.

HB 446, relative to building permits.

Ought to Pass, Vote 3-0

Senator Odell for the committee

HB 547, (New Title) relative to the duties of the oversight committee on telecommunications and relative to the membership of the Mount Washington Commission.

Inexpedient to Legislate, Vote 3-0

Senator Gallus for the committee.

HB 562, (New Title) relative to an additional duty of the air pollution advisory committee.

Inexpedient to Legislate, Vote 3-0

Senator Prescott for the committee.

HB 565-FN-A, establishing a commission to implement the Hampton Beach Master Plan.

Ought to Pass, Vote 3-0

Senator Prescott for the committee.

HB 705, (New Title) establishing a committee to study the application of the communications services tax to the provision of Internet services and relative to the rate of the communications services tax and the property tax exemption for wooden poles and conduits.

Ought to Pass, Vote 2-0

Senator Prescott for the committee.

HB 787-FN-A, (New Title) relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force.

Ought to Pass, Vote 3-0

Senator Gallus for the committee.

HB 810-FN-A, relative to processing excavating and dredging and terrain alteration permits, changing the fees for permits, establishing 2 new positions, and making an appropriation therefor.

Ought to Pass, Vote 2-1

Senator Prescott for the committee.

HCR 15, relative to relaxing air quality standards by the United States Environmental Protection Agency.

Ought to pass with amendment, Vote 2-1

Senator Prescott for the committee.

EXECUTIVE DEPARTMENTS & ADMINISTRATION

HB 66-FN, relative to executive agency rulemaking authority.

Ought to pass with amendment, Vote 5-0

Senator Peterson for the committee.

HB 213, relative to reporting requirements for dedicated funds.

Inexpedient to Legislate, Vote 5-0

Senator Kenney for the committee.

HB 410, relative to disclosure of information for purposes of background investigations by criminal justice agencies of applicants for police, corrections, and security employment.

Inexpedient to Legislate, Vote 5-0

Senator Kenney for the committee.

HB 646-FN, relative to liquor licenses and fees.

Ought to Pass, Vote 4-0

Senator Prescott for the committee.

HB 719-FN-A, relative to the duties, function, and operation of the Pease development authority.

Ought to pass with amendment, Vote 5-0

Senator Cohen for the committee.

HB 825, establishing a committee to study methods of safely reducing the prison population in the state.

Ought to pass with amendment, Vote 5-0

Senator Estabrook for the committee.

FINANCE

HB 112-FN, establishing a point system for the annual moose permit lottery.

Ought to Pass, Vote 6-0

Senator Gatsas for the committee.

HB 166, relative to employees of the New Hampshire retirement system.

Ought to Pass, Vote 6-0

Senator Gatsas for the committee.

HB 356-FN, relative to including medical benefits costs in the purchase of creditable service in the retirement system.

Ought to Pass, Vote 6-0

Senator Boyce for the committee.

HB 387-FN, (New Title) allowing free admission to the state park system for certain members of the New Hampshire national guard.

Ought to Pass, Vote 6-0

Senator Boyce for the committee.

HB 521-FN, relative to requiring treatment for persons convicted of DWI offenses.

Ought to Pass, Vote 6-0

Senator Below for the committee.

HB 533, relative to health carrier disclosure for medical child support enforcement.

Ought to Pass, Vote 6-0

Senator Boyce for the committee.

HB 543, (New Title) relative to increasing the membership of the board of accountancy and relative to appeals of board decisions.

Ought to Pass, Vote 6-0

Senator Green for the committee.

HB 571-FN-L, relative to Old Newport Road and the end of Main Street in the town of Marlow.

Ought to Pass, Vote 6-0

Senator Odell for the committee

HB 578-FN-A, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor.

Ought to Pass, Vote 6-0

Senator Below for the committee.

HB 598-FN-A, relative to the agriculture nutrient management program and making an appropriation therefor.

Ought to Pass, Vote 6-0

Senator D'Allesandro for the committee.

HB 617-FN, relative to the licensure of dentists and regulation by the board of dental examiners.

Ought to Pass, Vote 6-0

Senator Green for the committee.

HB 659-FN, relative to penalties for failure to obey a subpoena or summons.

Ought to Pass, Vote 6-0

Senator Boyce for the committee.

HB 703-FN, permitting free admission to the state park system for disabled veterans.

Ought to Pass, Vote 6-0

Senator Green for the committee.

HB 728-FN-A, establishing a dedicated fund for organic certification inspections.

Ought to Pass, Vote 6-0

Senator D'Allesandro for the committee.

HB 802-FN-A, (New Title) encouraging the department of transportation to retrofit a highway rest stop to be a solar powered facility.

Ought to Pass, Vote 6-0

Senator Below for the committee.

HB 834-L, relative to River Road and Nimble Hill Road in the town of Newington.

Ought to Pass, Vote 6-0

Senator Green for the committee.

INSURANCE

HB 302-FN, (New Title) relative to the funding and use of the retirement system special account.

Ought to pass with amendment, Vote 5-0

Senator Flanders for the committee.

HB 316-FN, relative to insurance coverage for anesthesia for child dental care.

Ought to pass with amendment, Vote 5-0

Senator Prescott for the committee.

HB 596-FN, relative to health plan loss information.

Ought to Pass, Vote 4-0

Senator Flanders for the committee.

HB 671-FN-A, establishing a contributory defined benefit judicial retirement plan.

Ought to Pass, Vote 5-0

Senator Martel for the committee.

HB 684-FN, relative to the insurance rating law.

Ought to Pass, Vote 4-0

Senator Roberge for the committee.

HB 702-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system.

Ought to pass with amendment, Vote 5-0

Senator Prescott for the committee.

HB 788-FN-A, (New Title) transferring the duties of the health services planning and review board.

Inexpedient to Legislate, Vote 3-2

Senator Prescott for the committee.

INTERNAL AFFAIRS

HB 364-FN, relative to the use of automatic telephone dialing systems for political advocacy.

Ought to Pass, Vote 2-1

Senator O'Hearn for the committee.

HB 577-FN-A-L, (New Title) relative to implementing the Help America Vote Act of 2002 and relative to rulemaking by the secretary of state.

Ought to pass with amendment, Vote 3-0

Senator Boyce for the committee.

HB 605-FN, relative to prohibited election day activity.

Ought to pass with amendment, Vote 3-0

Senator Boyce for the committee.

HB 606, establishing a right-to-know study commission.

Ought to pass with amendment, Vote 3-0

Senator Flanders for the committee.

HB 627-FN, relative to domicile for voting purposes and penalties for voter fraud.

Ought to pass with amendment, Vote 3-0

Senator Boyce for the committee.

HB 670-FN, establishing a procedure for release by a state agency of statistical information for research purposes.

Ought to pass with amendment, Vote 3-0

Senator O'Hearn for the committee.

HB 693-FN, relative to the jurisdiction and constitution of the ballot law commission.

Ought to pass with amendment, Vote 2-1

Senator Boyce for the committee.

JUDICIARY

HB 134-FN, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

Re-refer to committee, Vote 4-1

Senator Foster for the committee.

HB 288-FN, imposing a criminal penalty for the dissemination of certain materials without consent.

Ought to pass with amendment, Vote 4-1

Senator Clegg for the committee.

HB 357-FN, relative to child support insurance settlement intercept.

Ought to pass with amendment, Vote 5-0

Senator Sapareto for the committee.

HB 615-FN, relative to the requirements for registration of sexual offenders.

Ought to pass with amendment, Vote 5-0

Senator Clegg for the committee.

HB 674-FN, (New Title) relative to legal representation for indigent parties and notification requirements under the Child Protection Act.

Ought to pass with amendment, Vote 4-1

Senator Clegg for the committee.

HB 680-FN, (New Title) establishing a committee to study service contracts and repealing the law regarding legal services insurance.

Ought to pass with amendment, Vote 4-0

Senator Clegg for the committee.

HB 718-FN, (New Title) relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts.

Ought to pass with amendment, Vote 5-0

Senator Sapareto for the committee.

HB 763-FN, requiring parental notification before abortions may be performed on unemancipated minors.

Ought to pass with amendment, Vote 3-2

Senator Peterson for the committee.

PUBLIC AFFAIRS

HB 360-FN-A-L, (New Title) establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and relative to a New Hampshire Legal Assistance pilot project on serving the near-poor.

Inexpedient to Legislate, Vote 4-1

Senator Green for the committee.

HB 413-L, (New Title) relative to certain appeals proceedings when the taxpayer prevails.

Ought to Pass, Vote 4-0

Senator Barnes for the committee.

HB 654-FN, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling.

Ought to pass with amendment, Vote 5-0

Senator Larsen for the committee.

HB 758-FN, relative to the criteria for medicaid eligibility.

Ought to Pass, Vote 4-0

Senator Roberge for the committee.

HB 778-L, relative to the city of Manchester school district.

Ought to Pass, Vote 4-0

Senator Morse for the committee.

HB 796-FN-L, relative to the taxation of manufactured housing.

Ought to pass with amendment, Vote 5-0

Senator Morse for the committee.

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES

HB 280-FN, relative to the poison information center.

Ought to Pass, Vote 2-0

Senator Martel for the committee.

HB 677-FN, increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor.

Ought to pass with amendment, Vote 4-0

Senator Estabrook for the committee.

HB 735-FN, relative to prescription drugs and medicaid best practices.

Inexpedient to Legislate, Vote 4-0

Senator Martel for the committee.

TRANSPORTATION

HB 638-FN, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees.

Re-refer to committee, Vote 4-0

Senator Morse for the committee.

WAYS & MEANS

HB 519-FN-A, relative to the conservation number plate trust fund.

Ought to Pass, Vote 2-0

Senator D'Allesandro for the committee.

HB 590-FN, relative to highway fund budget reporting requirements.

Ought to pass with amendment, Vote 4-0

Senator D'Allesandro for the committee.

HB 694-FN, relative to tobacco product manufacturers not entering master settlement agreements.

Ought to pass with amendment, Vote 4-0

Senator D'Allesandro for the committee.

HB 805, establishing a consensus revenue estimating panel.

Ought to pass with amendment, Vote 5-0

Senator D'Allesandro for the committee.

HB 806, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.

Ought to Pass, Vote 2-0

Senator Clegg for the committee.

AMENDMENTS

Senate Executive Departments and Administration

May 15, 2003

2003-1663s

05/04

Amendment to HB 66-FN

Amend RSA 541-A:3-b as inserted by section 1 of the bill by replacing it with the following:

541-A:3-b Restriction on Rules Incorporating Documents by Reference. No agency may propose or adopt a rule under RSA 541-A:3 or RSA 541-A:19 that incorporates by reference any code, rule, or document from another state government without specific authority in the authorizing legislation or specific legislative approval for such a rule.

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

3 New Paragraph; Air Pollution Control; Rulemaking Relative to Vapor Recovery; Incorporation by Reference Permitted. Amend RSA 125-C:4 by inserting after paragraph I the following new paragraph:

I-a. In adopting rules under paragraph I, the department may incorporate by reference standards issued by the California air resources board relative to certification and testing of vapor recovery equipment.

2003-1663s

AMENDED ANALYSIS

This bill prohibits administrative agencies from adopting rules that incorporate by reference any code, rule, or document from another state without specific legislative approval.

The bill allows the department of environmental services to adopt rules relative to vapor recovery equipment by incorporating by reference standards issued by the California air resources board.

Energy and Economic Development
May 14, 2003
2003-1618s
08/01

Amendment to HB 75

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

7 Conditional Deed. Amend RSA 477:35-a to read as follows:

477:35-a Conditional Deed.

I. After August 29, 1969, any conveyance of standing trees which includes therein a stipulation requiring that the trees be removed within a certain time or by a certain date shall render the deed conditional, and failure by the purchaser to remove said trees within the stipulated time shall result in the forfeiture of the purchaser's rights in the trees unless the deed specifically provides otherwise.

II. After the effective date of this paragraph, any conveyance of standing trees which does not include therein a stipulation requiring that such trees be removed within a certain time or by a certain date shall render the deed conditional, and failure by the purchaser to so remove said trees within 7 years from the date of conveyance shall result in the forfeiture of the purchaser's rights in the trees unless the deed specifically provides otherwise.

8 Previous Conveyances. Amend RSA 477:35-b to read as follows:

477:35-b Previous Conveyances.

I. Any conveyance of standing trees made prior to August 29, 1969, which includes therein a stipulation requiring that the trees be removed within a certain time or by a certain date, but which does not include therein any terms to the effect that the right to the trees shall revert to the grantor upon the passage of the stated time or stated date, shall be presumed as having intended to grant an absolute property interest in the trees to the purchaser even though the trees remain uncut beyond the stipulated time or date; provided, however, that any such right to said trees on the part of the purchaser or his heirs or assigns must be asserted and any litigation begun within 7 years after August 29, 1969, or within 7 years of the stipulated time of removal of the trees, whichever occurs last, or otherwise all such rights to said trees shall revert to the grantor or his heirs or assigns. Nothing in this section shall be construed as precluding the introduction of any evidence in any action to rebut the presumption of the granting of ownership of trees as provided by this section.

II. Any conveyance of standing trees prior to the effective date of this paragraph which does not include therein a stipulation requiring that such trees be removed within a certain time or by a certain date, shall be presumed as having intended to grant to the purchaser an absolute property interest in the trees standing at the date of the conveyance even though the trees remain uncut beyond a reasonable time for their removal after said date; provided, however, that any such right to said trees on the part of the purchaser or his heirs or assigns must be asserted and litigation begun with 7 years after the effective date of this paragraph or otherwise all such rights to said trees shall revert to the grantor or his or her heirs or assigns. Nothing in this section shall be construed as precluding the introduction of any evidence in any action to rebut the presumption of the granting of ownership of trees as provided by this paragraph.

9 Effective Date.

I. Sections 7 and 8 of this act shall take effect 60 days after its passage.

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

2003-1618s

AMENDED ANALYSIS

This bill requires that a copy of the signed notice of intent to cut be posted in public view at a wood cutting job site.

This bill also statutorily stipulates when trees must be removed if a conditional deed or conveyance does not specify a time.

Senate Education
May 15, 2003
2003-1664s
04/10

Amendment to HB 135-FN-LOCAL

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

1 New Section; Pilot Program; Charter Schools and Open Enrollment Schools; Alternative Procedure for Approval of Charter Schools. Amend RSA 194-B by inserting after section 3 the following new section:

194-B:3-a Charter School Approval by State Board of Education; Pilot Program.

I. There is established a 10-year pilot program which authorizes the state board of education to grant charter status under this section. Beginning July 1, 2003, the state board of education shall be authorized to grant no more than 20 state charter school applications during the 10-year pilot program.

II. The proposed charter school application shall be presented for approval directly to the state board of education by the applicant for the prospective charter school no later than June 15 annually. The content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb). The department of education shall notify an applicant of any missing information within 10 days of the initial filing or by June 30, whichever is earlier. The applicant shall have until July 15 to refile an application.

III. The department of education may forward the proposed application to the applicant, along with a written statement detailing any suggested amendments or modifications.

IV. By September 30 of the given year, the state board of education shall either approve or deny an application based on the criteria set forth in RSA 194-B:1-a. Approval of an application constitutes the granting of charter status and the right to operate as a charter school. The state board of education shall notify all applicants of its decision, and shall include in any notice of denial a statement that the applicant may reapply under RSA 194-B:3, RSA 194-B:4, or under this section in a subsequent year.

V.(a) The following provisions of law shall not apply to charter school applications proposed under this section, or to charter schools granted approval for operation under this section:

- (1) RSA 194-B:3, II(cc).
- (2) RSA 194-B:3, III-IV.
- (3) RSA 194-B:3, XI.
- (4) RSA 194-B:4.
- (5) RSA 194-B:15, II.

(b) Except as provided in this paragraph, the provisions of RSA 194-B shall apply to charter schools approved for operation by the state board of education under this section.

(c) Not more than 10 percent of the resident pupils in any grade shall be eligible to transfer to a charter school in any school year without the approval of the local school board.

2 Charter School Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school **authorized by the school district**, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. **For any charter school authorized by the state board of education, the pupil's resident district shall pay tuition in an amount not less than the base cost per pupil as determined in RSA 198:40, as adjusted for grade level weights set forth in RSA 198:38, VII.** Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, ~~[funding for a pupil attending a charter or open enrollment school shall be paid on the same time schedule as the resident district,]~~ **tuition payments shall coincide with the distribution of adequacy grants under RSA 198:42** or on such other terms as ~~[the school and the funding source may find]~~ **are** mutually acceptable.

3 New Paragraphs; Charter School Funding. Amend RSA 194-B:11 by inserting after paragraph VIII the following new paragraphs:

IX.(a) The pupil's resident school district or department of education shall pay tuition in cash or may issue reimbursement anticipation notes as set forth in RSA 198:20-d for each year in which a resident pupil attends a charter school. Unless otherwise agreed upon, cash payment shall coincide with the schedule for grant payment set forth in RSA 198:42. The reimbursement anticipation note shall be in the amount specified for the year of attendance at the charter school, and shall be issued to the charter school prior to the beginning of the school year of the charter school. Each reimbursement anticipation note issued shall be for a term of 3 years from the date of issue or may be redeemable by the charter school at such time as the charter school or the pupil's resident school district receives adequate education grant amounts pursuant to RSA 198:42.

(b) Upon receipt of such reimbursement anticipation notes, the charter school may elect to borrow funds for the purpose of meeting general operating and maintenance expenses for charter school operations.

X. A charter school may operate as a separate local educational agency for the purposes of federal law.

XI. There shall be an appropriation in the fiscal year beginning on July 1, 2003 for the establishment of charter schools under this section. Charter schools which are eligible for grants under this program shall match funds provided by the state through private contributions in order to receive funding that exceeds the state's average per pupil cost for the grade level weight of the pupil. State funds shall be provided in addition to any other sums provided by the state. Grants under this section shall be administered and determined by the state board of education who shall have the authority to develop a grant application, written procedures and criteria used to determine eligibility for grants, and procedures for the administration of grants by recipients, including reporting requirements. The total grants provided under this program shall not exceed the amount of money appropriated in the budget, or transferred, or provided by gift or grant to the state for this purpose.

XII. Any money appropriated in the budget for matching charter school grants that remains unused after the department of education issues matching grants to eligible recipients under paragraph XI shall be used to provide a one-year transitional grant to public school districts that have lost pupils as a result of the establishment of a charter school, and have paid tuition to the charter school in cash pursuant to subparagraph IX(a). For the first year in which a public school pupil leaves the public school and enrolls in a charter school, the school district that loses the pupil shall be eligible for a charter school transitional grant of up to \$3,390 per pupil. Such transitional grants shall be administered by the state board of education which shall have the authority to determine eligibility and the amount of money to be awarded to school districts under this section, subject to the amount appropriated in the budget.

4 New Paragraph; Charter and Open Enrollment Schools; Duties of the Board of Trustees. Amend RSA 194-B:5 by inserting after paragraph V the following new paragraph:

VI. The meetings and proceedings of the board of trustees shall be held in public session pursuant to RSA 91-A:2, except for those meetings or proceedings designated as nonpublic sessions as defined in RSA 91-A:3, II.

5 New Paragraph; Charter Schools; Grievance Procedures. Amend RSA 194-B:15 by inserting after paragraph II the following new paragraph:

III. An individual or group aggrieved by a decision of the board of trustees of a charter school authorized under RSA 194-B:3-a shall first present their complaint to the board of trustees. If the board's decision remains unfavorable, an individual or group may appeal such decision in accordance with the same procedure for adjudicating disputes between an individual and a local school board.

6 New Paragraph; Charter Schools; Authority and Duties of Board of Trustees. Amend RSA 194-B:5 by inserting after paragraph IV the following new paragraph:

IV-a. For charter schools authorized under RSA 194-B:3-a, the board of trustees shall report to the state board of education, or their designee, on a quarterly basis regarding the charter school's progress in achieving its stated goals. The charter school may request technical assistance or advice from the department of education. The department of education shall assist the charter school in developing a quarterly report that is mutually acceptable, provided that each quarterly report shall include a financial statement. A copy of the quarterly report shall be available to participating school districts and parents of children attending the charter school.

7 Repeal. The following are repealed:

I. RSA 194-B:3-a, relative to direct approval of charter schools by the state board of education.

II. RSA 194-B:15, III, relative to a grievance procedure for charter schools authorized by the state board of education.

III. RSA 194-B:5, IV-a, relative to the reporting requirement for charter schools authorized by the state board of education.

8 Effective Date.

I. Section 7 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2003.

2003-1664s

AMENDED ANALYSIS

This bill establishes a 10-year pilot program for the approval of up to 20 charter schools by the state board of education and creates certain exemptions from existing law relative to the approval process, while subjecting charter schools approved by the state board of education to the same oversight and reporting requirements found in the existing charter school laws. The bill provides that funding for charter schools shall be through reimbursement anticipation notes or cash tuition payments directly payable to the charter school, and establishes a state matching grant program for charter schools. The bill also provides that a charter school shall be considered to be a public charter school and a separate local educational agency for the purposes of federal law and federal funding.

Senate Judiciary

May 14, 2003

2003-1621s

04/05

Amendment to HB 288-FN

Amend RSA 644:9, III as inserted by section 1 of the bill by replacing it with the following:

III. A person is guilty of a class A misdemeanor if that person knowingly disseminates or causes the dissemination of any photograph or video recording of himself or herself engaging in sexual activity with another person without the express consent of the other person or persons who appear in the photograph or videotape. In this paragraph, "disseminate" and "sexual activity" shall have the same meaning as in RSA 649-A:2. This paragraph shall not be construed to impair or limit any otherwise lawful activities of law enforcement personnel, or employees of governmental agencies or other entities, public or private, who, in the course and scope of their employment and supported by articulable suspicion, attempt to capture any type of visual image, sound recording, or other physical impression of a person during an investigation, surveillance, or monitoring of conduct to obtain evidence of suspected illegal activity, the suspected violation of any administrative rule or regulation, a suspected fraudulent insurance claim, or any other suspected fraudulent conduct or activity involving a violation of law, or pattern of business practices adversely affecting the public health or safety.

2003-1621s

AMENDED ANALYSIS

This bill establishes a class A misdemeanor offense for any person who knowingly disseminates or causes the dissemination of any photograph or video recording of himself or herself engaging in sexual activity with another person without the express consent of the other person or persons who appear in the photograph or videotape. This bill also provides an exception for the lawful activities of law enforcement personnel.

Senate Insurance

May 14, 2003

2003-1642s

10/01

Amendment to HB 302-FN

Amend the unnumbered concluding paragraph following 100-A:16, II(h) (7) as inserted by section 1 of the bill by replacing it with the following:

The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-A:41-a and, second, to the extent that funds may be available in the special account ***in excess of a 3-year 5 percent COLA reserve***, to provide additional benefits to retired members and beneficiaries of the retirement system ***with the specific approval of the appropriate policy committees and approval of the general court. Nothing in this section shall preclude the appropriate legislative policy committees and the general court from adopting legislation that provides additional benefits in the event that the special account does not contain a 3-year, 5 percent COLA reserve.***

Insurance
May 15, 2003
2003-1649s
01/09

Amendment to HB 316-FN

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

AN ACT relative to insurance coverage for anesthesia for child dental care and establishing an advisory council on mandated health insurance benefits.

Amend the bill by replacing section 5 with the following:

5 New Sections; Advisory Council on Mandated Health Insurance Benefits. Amend RSA 400-A by inserting after section 11 the following new sections:

400-A:11-a Advisory Council on Mandated Health Insurance Benefits.

I. There is hereby established an advisory council on mandated health insurance benefits. The purpose of the council shall be to advise the governor and the general court on the social and financial impact of current and proposed mandated benefits, in the manner set forth in this section and RSA 400-A:11-b – 400-A:11-c.

II. The council shall consist of 16 members:

(a) Ten members shall be appointed by the governor, with the consent of the executive council, including:

- (1) A physician.
- (2) A chief executive officer of a general acute care hospital.
- (3) An allied health professional.
- (4) A representative of small business.
- (5) A representative of a major industry.
- (6) An expert in the field of medical ethics.
- (7) Two representatives of the accident and health insurance industry.
- (8) Two public members.

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

(c) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(d) The commissioner of insurance and the commissioner of the department of health and human services shall serve as nonvoting members.

III. All members shall be appointed for terms of 4 years each, except that appointments to fill vacancies shall be made for the unexpired terms. No person shall be eligible to serve for or during more than 2 successive 4-year terms; provided, however, that a person appointed to fill a vacancy when less than 2 years remain in the term may serve 2 additional 4-year terms.

IV. The council shall meet regularly, at least once each quarter, and at the request of the governor. A majority of the members shall constitute a quorum.

V. The council shall select a chair and a vice chair from among its members.

VI. Members of the council shall be reimbursed for their necessary expense of travel and subsistence. These expenses shall be a charge upon available funds and the appropriation of the insurance department.

VII. The insurance department and the department of health and human services shall provide staff assistance to the council.

400-A:11-b Duties of the Advisory Council on Mandated Health Insurance Benefits. The advisory council on mandated health insurance benefits shall:

I. Develop and maintain, with the insurance department, a system and program of data collection to assess the impact of mandated benefits, including costs to employers and insurers, impact of treatment, cost savings in the health care system, number of providers and other data as may be appropriate.

II. Advise and assist the insurance department on matters relating to mandated insurance benefits and provider regulations.

III. Prescribe the format, content, and timing of information to be submitted to it in its evaluation and analysis of proposed and existing mandated benefits and providers. Such format, content, and timing requirements shall be binding upon all parties submitting information to the council in its assessment of proposed and existing mandated benefits and providers.

IV. Provide evaluations and analyses of proposed and existing mandated benefits and providers and other studies of mandated benefits and provider issues in accordance with RSA 400-A:11-c.

V. Provide additional information and recommendations, relating to any system of mandated health insurance benefits.

VI. Report annually on its activities to the standing committees of the general court having jurisdiction over insurance by December 1 of each year.

VII. Review and evaluate as necessary the benefits and other provisions of the essential and standard health benefits plans made available in the state, and submit to the insurance department any proposed modifications needed to maintain or enhance the affordability and marketability of the plans.

400-A:11-c Study of Proposed Mandated Benefits and Providers.

I. Except as provided in paragraph II, every bill introduced in the general court containing a mandated health insurance benefit shall be referred by the speaker of the house of representatives or the president of the senate, as the case may be, to the council created in RSA 400-A:11-a. The council shall prepare and forward to the governor, the speaker of the house of representatives, and the president of the senate a study that assesses the social and financial impact and the medical efficacy of the proposed mandate. The council shall submit its assessment within 12 months of receiving the referral from the general court. The general court shall not pass any bill containing a new or increased mandated health insurance benefit until the 12-month period has passed.

II. Whenever a bill, as described in paragraph I, is identical or substantially similar to a bill previously reviewed by the council within the 3-year period immediately preceding the then current session of the general court, the speaker of the house of representatives or the president of the senate, as the case may be, may refer the bill to the council to determine whether the council's study needs to be updated or revised. Within 30 days of receiving such a referral, the council shall notify the person who made the referral whether its study needs to be updated or revised. If updates or revisions are necessary, the council shall submit its updated or revised assessment within 6 months of receiving the referral.

III. The council shall also assess the social and financial effects and the medical efficacy of mandated benefits as they exist as of July 1, 2003. The standing committees of the general court having jurisdiction over health insurance matters shall submit a schedule of evaluations to the council setting forth the dates by which particular mandates shall be evaluated by the council with all such evaluations to be completed by December 1, 2004.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

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

2003-1649s

AMENDED ANALYSIS

This bill requires insurers to cover anesthesia provided in conjunction with certain dental procedures for children under 8 years of age. Current law mandates such coverage for children under 4 years of age.

This bill also establishes an advisory council to study and advise relative to mandated insurance benefits.

Senate Judiciary

May 9, 2003

2003-1564s

05/01

Amendment to HB 357-FN

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

1 New Section; Alternative Method of Support Enforcement for Dependent Children; Child Support Insurance Settlement Intercept. Amend RSA 161-C by inserting after section 3-d the following new section:

161-C:3-e Child Support Insurance Settlement Intercept. The department may provide certain information to public agencies or its contracted agents in order to intercept insurance settlement payments or judgments claimed by individuals who are subject to a child support lien pursuant to RSA 161-C and who owe past-due support. The department may identify such individuals by name, last 4 digits of the individual's social security number or other taxpayer identification number, date of birth, last known address, employer, or any combination thereof. Any information provided by the department in accordance with this section shall remain the property of the state of New Hampshire and shall be purged by any public agency or contracted agent receiving said information upon completion of the data match exchange. The department may perform an audit to insure that any public agency or contracted agent has purged said information. The specific penalty for failure to purge the information shall be set forth in any contract or agreement between the department and any public agency or contracted agent made pursuant to this section. Any transaction cost incurred by the department related to the data match exchange shall be directly recovered by the department from any insurance settlement or judgment proceeds. Insurance settlement payments for casualty loss to personal or real property and past or future medical treatment shall be exempt from this section. Reasonable attorney fees and expenses shall be exempt from this section pursuant to RSA 311:13. Any settlement, payment, or judgment received under the provision of this section shall be held by the department for 60 days prior to its release or distribution unless otherwise agreed to by the parties.

2 Alternative Method of Support Enforcement for Dependent Children; Exemptions; Certain Payments for Casualty Loss Exempt. Amend RSA 161-C:11, I to read as follows:

I. Except as provided in paragraph II of this section, any property otherwise exempt from trustee process, attachment and execution shall be exempt from an order to withhold and deliver, administrative seizure and disposition, and lien and foreclosure. ***Insurance settlement payments for casualty loss to personal or real property and past or future medical treatment shall be exempt from this section. Reasonable attorney fees and expenses shall be exempt from this section pursuant to RSA 311:13.***

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

Internal Affairs

May 15, 2003

2003-1638s

03/09

Amendment to HB 577-FN-A-LOCAL

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

AN ACT relative to implementing the Help America Vote Act of 2002.

Amend the bill by deleting section 3 and renumbering the original sections 4-12 to read as 3-11, respectively.

Amend RSA 654:45, II as inserted by section 3 of the bill by replacing it with the following:

II. Any election official in the state authorized by this chapter to have direct access to the voter database may obtain immediate electronic access to the information contained in the voter database related to individuals registered or registering to vote in the election official's jurisdiction. The office of the clerk is hereby designated as a database access point for each town or city. The secretary of state may authorize additional database access points in a town or city, including election day access points at polling places.

Amend RSA 654:45, IV(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Voter database record data shall be verified by matching the records with those of the department of safety and the federal social security administration as are required by law, and with the records of the state agency or division charged with maintaining vital records. For this purpose the voter registration record database may be linked to the state agency or division charged with maintaining vital records and the department of safety, provided that no linked agency or division may save or retain voter information or use it for purposes other than verifying the accuracy of the information contained in the voter database. The link authorized by this subparagraph shall not allow the department of state or election officials direct access to the motor vehicle registration or driver's license records maintained by the division of motor vehicles. The commissioner of safety may authorize the release of information from motor vehicle registration and driver's license records to the extent that the information is necessary to department of state and department of safety cooperation in a joint notification to individuals of apparent discrepancies in their records and to the extent that the information is necessary to resolve those discrepancies. The commissioner of safety and the secretary of state are authorized to enter into an agreement that establishes the services to be provided by the department of safety and the cost for those services. The department of safety shall not be required to provide any services under this subparagraph unless an agreement is in place and there are sufficient funds in the election fund to pay the cost for the services. The system shall facilitate the identification and correction of voter registration records whenever a registered voter has died or has been disenfranchised pursuant to part I, article 11 of the New Hampshire constitution or RSA 654:5 through RSA 654:6, or when the domicile address does not match the address provided by the same individual to the department of safety.

(c) Access by local election officials to the voter database shall be limited to the supervisors of the checklist, city registrars and deputy registrars, and town or city clerks and their deputies, as determined by the secretary of state. Access by local election officials shall be subject to the limitations of paragraph VI, and shall be limited to the records of individuals who are currently registered to vote in the official's jurisdiction and individuals who are applying to register to vote in the official's jurisdiction.

Amend RSA 654:45, V as inserted by section 3 of the bill by replacing it with the following:

V. The secretary of state shall:

(a) Specify the employees of the department of state authorized to access records contained in the voter database, subject to the limitations of paragraph VI.

(b) Provide adequate technological security measures to deter unauthorized access to the records contained in the voter database.

(c) Issue guidelines to implement the voter database.

Amend the bill by replacing all after section 10 with the following:

11 New Section; Ballot Law Commission; Administrative Complaint Resolution. Amend RSA 665 by inserting after section 9 the following new section:

665:9-a Administrative Complaint Resolution. The ballot law commission shall hear and resolve complaints of federal voting law violations, pursuant to the Help America Vote Act of 2002, Public Law 107-252, as provided in RSA 666:14.

12 Contingency. If HB 693-FN of the 2003 regular session becomes law, section 11 of this act shall take effect at 12:01 a.m. on the effective date of HB 693-FN. If HB 693-FN of the 2003 regular session does not become law, section 11 of this act shall not take effect.

13 Effective Date.

I. Section 11 of this act shall take effect as provided in section 12 of this act.

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

2003-1638s

AMENDED ANALYSIS

This bill:

I. Establishes an election fund for moneys appropriated to the state pursuant to the Help America Vote Act of 2002 and requires that certain fees and fines be deposited in the fund.

II. Authorizes a statewide centralized voter registration database and communications network.

Senate Ways and Means
May 16, 2003
2003-1679s
05/10

Amendment to HB 590-FN

Amend the bill by replacing section 1 with the following:

1 New Sections; Budget and Appropriations; Allocation of Unrestricted Revenue from Highway Fund; Highway Fund Reporting Requirements. Amend RSA 9 by inserting after section 9 the following new sections:

9:9-a Collection of Highway Fund Revenue; Reporting Requirement. Pursuant to part II, article 6-a of the New Hampshire constitution, any costs associated with the collection and administration of highway funds by the department of safety shall be deducted by the department before such funds are credited to the highway fund. On or before January 1, the department shall provide an annual accounting of such administration and collection costs to the president of the senate and the speaker of the house of representatives.

9:9-b Allocation of Unrestricted Revenue from Highway Fund. In each biennium, all unrestricted revenue from the highway fund, including any surplus but excluding any betterment funds or highway block grant aid, as estimated by the commissioner of the department of administrative services in RSA 9:6, and subject to the requirements of RSA 9:4-d, shall be allocated in the operating budget as follows:

I. Department of transportation: Not less than 67 percent of unrestricted revenue.

II. Department of safety: Not to exceed 25 percent of unrestricted revenue.

III. Other projects that comply with part 2, article 6-a of the New Hampshire constitution, relative to the use of highway funds: Not to exceed 3 percent of unrestricted revenue.

9:9-c Reporting Requirement for Special Accounts or Restricted Revenue Within the Highway Fund. Each department that operates a special account within the highway fund or receives restricted revenue from a special account within the highway fund shall file a biennial report with the state treasurer on or before January 15, 2006, and every other year thereafter. The report shall include, but not be limited to:

I. Activities the special account is required or intended to carry out.

II. Identification of all revenue from the special account available to the department.

III. The amount of revenue deposited into the special account and the amount and purpose of all expenditures by the department from the account during the prior 2 fiscal years.

IV. The balance of the special account at the close of the prior 2 fiscal years.

2003-1679s

AMENDED ANALYSIS

This bill establishes a reporting requirement for administration and collection costs associated with highway fund revenue.

This bill allocates unrestricted revenue from the highway fund and requires any department that receives restricted revenue from the highway fund to submit a biennial report of expenditures to the state treasurer.

Internal Affairs
May 14, 2003
2003-1639s
03/09

Amendment to HB 605-FN

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

AN ACT relative to prohibited election day activity and relative to electioneering by public employees.

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

1 New Section; Election Procedure; Prohibited Acts; Interference With Communications. Amend RSA 659 by inserting after section 40 the following new section:

659:40-a Interference With Communications. Any person who, on the day of any election, knowingly blocks, or solicits another person to block, the access of any candidate or committee to the candidate's or the committee's communications equipment or services with the intent of interfering with campaign activity shall be guilty of a class A misdemeanor.

2 New Section; Electioneering by Public Employees. Amend RSA 659 by inserting after section 44 the following new section:

659:44-a Electioneering by Public Employees. No public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering. For the purposes of this section, "electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office. Any person who violates this section shall be guilty of a misdemeanor.

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

2003-1639s

AMENDED ANALYSIS

This bill prohibits blocking the access of any candidate or committee to communications equipment or services on election day. This bill also prohibits public employees from electioneering while in the performance of their official duties or using government property for electioneering.

Internal Affairs

May 14, 2003

2003-1644s

01/09

Amendment to HB 606

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

AN ACT establishing a right-to-know study commission and relative to meetings open to the public.

Amend paragraph I of section 3 of the bill by inserting after subparagraph (g) the following new subparagraph:

(h) The attorney general, or designee.

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

7 Meetings Open to the Public; Certain Caucuses Not Meetings. Amend RSA 91-A:2, I(b) and (c) to read as follows:

(b) Strategy or negotiations with respect to collective bargaining; [or]

(c) Consultation with legal counsel; *or*

(d) A caucus by the members of a public body whose members were elected on a partisan basis at a state general election or elected on a partisan basis by a town which has adopted a partisan ballot system pursuant to RSA 669:12.

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

2003-1644s

AMENDED ANALYSIS

This bill establishes a commission to study the right-to-know law, including the issue of electronic communications.

This bill also declares that certain caucuses by members of a public body are not meetings under the right-to-know law.

Senate Education

May 15, 2003

2003-1656s

04/05

Amendment to HB 608-FN-LOCAL

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

AN ACT relative to the funding of public education.

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

1 Education Property Tax; Rate Reduced. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$5.80~~] **\$4.87** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

2 State Enhanced Education Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 State Enhanced Education Tax. An annual state enhanced education tax at the uniform rate of \$3.50 on each \$1,000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

3 State Enhanced Education Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 State Enhanced Education Tax. Beginning July 1, 2005, and every fiscal year thereafter, the state enhanced education tax rate shall be determined in accordance with the calculation set forth in RSA 198:40-b, and such rate shall be imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F. The commissioner of the department of revenue administration shall set the rate which shall be effective for the fiscal year in which the calculation is made.

4 Assessment; Commissioner's Warrant; Commissioner's Report. Amend RSA 76:8 and 76:9 to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the proportion of **state enhanced** education [property] tax to be raised by each municipality by multiplying the uniform education property tax rate by the total equalized value of all property in the municipality as determined under RSA 21-J:3, XIII for the preceding year, except property taxable under RSA 82 or RSA 83-F.

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

III. Municipalities are authorized to assess local property taxes necessary to fund school district appropriations not funded by the **state enhanced** education [property] tax, by distributions from the education trust fund under RSA 198:39, or by other revenue sources.

76:9 Commissioner's Report. The commissioner of revenue administration shall report to the governor, the speaker of the house of representatives, the president of the senate, and the commissioner of education each year on or before October 1, a statement of the **state enhanced** education [property] tax warrants to be issued for the tax year commencing April 1 of the succeeding year.

5 Utility Property Tax; Exemption. Amend RSA 83-F:9 to read as follows:

83-F:9 Exemption From State **Enhanced** Education [Property] Tax. Persons and property subject to taxation under this chapter shall not be subject to tax under RSA 76:3; provided, however, that nothing in this chapter shall be construed to exempt such persons or property from local school, municipal, district, or county taxation under RSA 76.

6 School Money; Education Trust Fund. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, and to provide **state enhanced** education [property] tax hardship relief under RSA 198:55. The state treasurer shall deposit into this fund immediately upon receipt:

7 School Money; Education Trust Fund. Amend RSA 198:39, I(g) to read as follows:

(g) The full amount of excess **state enhanced** education [property] tax payments from the department of revenue administration pursuant to RSA 198:46.

8 State Aid for Educational Adequacy; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this subdivision:

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

II. "School district" means school district as defined in RSA 194:1 or RSA 195:1.

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

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

V. "Department" means the department of education.

VI. "Educationally disabled child" or "educationally disabled pupil" means an educationally disabled child as defined in RSA 186-C:2, I.

VII. "Average daily membership in attendance" means average daily membership in attendance as defined in RSA 189:1-d, III.

VIII. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence as defined in RSA 189:1-d, IV, except that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day. Children who are home schooled pursuant to a home education program approved by the department in accordance with RSA 193-A shall not be included in this definition.

IX. "Transportation cost" means the cost of transporting pupils in grades kindergarten through grade 8 to and from school as reported by school districts on the DOE-25 form.

X. "Free or reduced-price meal" means the number of pupils in a school district in grades 1 through 12 who are eligible to receive a free or reduced-priced meal shall be calculated by multiplying each municipality's elementary average daily membership in residence by the percentage of elementary pupils eligible to receive a free or reduced-price meal in the district of residence.

9 State Aid for Educational Adequacy; Local Equalization Aid; Per Pupil Valuation. RSA 198:40 is repealed and reenacted to read as follows:

198:40 Local Equalization Aid. Beginning July 1, 2004, and every fiscal year thereafter, local equalization aid shall be calculated by the department as follows:

I. The total statewide equalized valuation of all municipalities including utilities, as determined by the department of revenue administration, shall be divided by the total statewide average daily membership in residence. The result shall be the statewide average equalized valuation per pupil.

II. The equalized valuation of all property in a municipality including utilities, as determined by the department of revenue administration, shall be divided by the average daily membership in residence in the municipality. The result shall be the local equalized valuation per pupil.

III. Eligibility for local equalization aid under this paragraph shall be determined as follows:

(a) If a municipality's local equalized valuation per pupil as calculated in paragraph II is equal to, or greater than, the statewide average equalized valuation per pupil as calculated in paragraph I, no local equalization aid shall be available.

(b) If a municipality's local equalized valuation per pupil as calculated in paragraph II is less than the statewide average equalized valuation per pupil as calculated in paragraph I, the municipality shall be entitled to receive local equalization aid in an amount equal to the following: subtract the local equalized valuation per pupil as calculated in paragraph II from the statewide average equalized valuation per pupil as calculated in paragraph I. This amount shall be multiplied by the average local education tax rate imposed statewide in the fiscal year in which this calculation is made, and the product shall be divided by 1,000. The result shall be multiplied by the average daily membership in residence in such municipality and shall be available to a municipality as local equalization aid.

10 New Sections; Targeted Per Pupil Aid; State Enhanced Education Aid. Amend RSA 198 by inserting after section 40 the following new sections:

198:40-a Targeted Per Pupil Aid.

I. A municipality with a local equalized valuation per pupil as calculated in RSA 198:40, II, which is less than or equal to 200 percent of the statewide average equalized valuation per pupil, as calculated in RSA 198:40, I, shall be eligible to receive targeted per pupil aid for such municipality's educationally disabled pupils, pupils eligible for free or reduced-price meals, English for speakers of other languages, and for such

municipality's transportation costs which shall be determined by multiplying the statewide average equalized valuation per pupil, as calculated in RSA 198:40, I, by the average local education tax rate imposed statewide in the fiscal year in which this calculation is made. The product shall be divided by 1,000 resulting in a per pupil amount which shall be available to a municipality as follows:

(a) The per pupil amount calculated in paragraph I shall be multiplied by the average daily membership in residence of educationally disabled pupils in the municipality. This amount shall be available as targeted aid for educationally disabled pupils in the municipality.

(b) The per pupil amount calculated in paragraph I shall be multiplied by the average daily membership in residence eligible to receive a free or reduced-price meal in kindergarten through grade 12 in the school district. This amount shall be available as targeted aid for pupils eligible to receive a free or reduced-price meal in the municipality.

(c) The per pupil amount calculated in paragraph I shall be multiplied by the average daily membership in attendance receiving English for speakers of other languages services in the municipality. This amount shall be available as targeted aid for pupils in the municipality receiving English for speakers of other languages. In this subparagraph "average daily membership in attendance" shall be as defined in RSA 189:1-d, III.

(d) A municipality eligible to receive targeted per pupil aid under this paragraph shall also receive 100 percent of transportation costs in such municipality.

II. A municipality with a local equalized valuation per pupil, as calculated in RSA 198:40, II, which is greater than 200 percent of the statewide average equalized valuation per pupil as calculated in RSA 198:40, I shall not receive targeted per pupil aid under this section.

198:40-b State Enhanced Education Aid. Beginning July 1, 2005, and every fiscal year thereafter, state enhanced education aid shall be calculated by the department as follows:

I. Divide the total statewide equalized valuation of all municipalities excluding utilities, as determined by the department of revenue administration, by the total statewide average daily membership in residence. The result shall be the statewide average equalized valuation per pupil.

II. Divide the equalized valuation of all property in a municipality excluding utilities, as determined by the department of revenue administration, by the average daily membership in residence in the municipality. Multiply the result by the state enhanced education tax rate imposed in the fiscal year in which this calculation is made, and divide the product by 1,000. The result shall be the local equalized valuation per pupil.

III. Eligibility for state enhanced education aid under this paragraph shall be determined as follows:

(a) If a municipality's local equalized valuation per pupil as calculated in paragraph II is greater than or equal to the statewide average equalized valuation per pupil as calculated in paragraph I, no state enhanced aid shall be available.

(b) If a municipality's local equalized valuation per pupil as calculated in paragraph II is less than the statewide average equalized valuation per pupil as calculated in paragraph I, the municipality shall be entitled to receive state enhanced education aid in an amount equal to the following: subtract the local equalized valuation per pupil as calculated in paragraph II from the statewide average equalized valuation per pupil as calculated in paragraph I. This amount shall be multiplied by the state enhanced education tax imposed statewide in the fiscal year in which this calculation is made, and the product shall be divided by 1,000. The result shall be multiplied by the average daily membership in residence in such municipality and shall be available to a municipality as state enhanced education aid.

IV.(a) In any fiscal year, if the amount raised by the state enhanced education property tax in any municipality, except an unincorporated place or a town with an average daily membership in residence of one or less, exceeds the amount necessary to fund all local education costs as determined in such municipality's duly adopted school district budget, the excess shall be remitted to the department of revenue administration on or before March 15 of the tax year in which the excess occurs.

(b) The amount of such excess to be remitted shall not include any income derived from the investment of funds by the municipal treasurers under RSA 41:29 and RSA 48:16. Any funds remaining after full payment of the excess tax required in paragraph I shall become available for unrestricted use by the municipality.

(c) The commissioner of the department of revenue administration shall collect from the municipality the excess tax and pay the excess tax over to the state treasurer for deposit in the education trust fund established in RSA 198:39.

(d) The commissioner of the department of revenue administration shall calculate the excess amount owed by each municipality pursuant to paragraph I.

V. In any fiscal year, a municipality shall appropriate all state enhanced education aid funds received under this section to pay for local education costs before raising any additional local education tax revenues locally.

198:40-c Total State Aid for Education.

I. Beginning July 1, 2004, and every fiscal year thereafter, the total state aid for education shall be determined as follows:

(a) The sum total of all local equalization aid as calculated under RSA 198:40 paid to all municipalities statewide; plus

(b) The sum total of all targeted aid as calculated under RSA 198:40-a paid to all municipalities statewide; plus

(c) The sum total of all state enhanced education aid as calculated under RSA 198:40-b.

II. In each fiscal year, the total aid calculated in paragraph I shall be adjusted by adding the average annual rate of inflation, as measured by the most recent available northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor. The resulting sum, expressed as a percentage, shall be added to 100 percent to yield an adjustment factor. The total state aid for education from the immediately preceding year shall be multiplied by the adjustment factor and the product shall be the adjusted total state aid for education.

III. In each fiscal year, the commissioner of the department of revenue administration shall determine, to the nearest cent, the state enhanced education tax rate that will match, as nearly as possible without exceeding, the amount raised statewide by the state enhanced education tax in fiscal year 2005.

IV. In any fiscal year in which the total state aid for education as calculated under this section would exceed the total state aid for education distributed to municipalities in the immediately preceding fiscal year as adjusted pursuant to paragraph II of this section, the total state aid for education shall be reduced to the amount distributed to municipalities in the immediately preceding fiscal year, as adjusted pursuant to paragraph II of this section, and the amount of the excess shall be deducted from each municipality's total state aid on a pro rata basis.

11 Determination of Adequate Education Grants. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Determination of Adequate Education Grants.

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for the municipality adding the all sums received by a municipality under RSA 198:40, RSA 198:40-a, and RSA 198:40-b, and subtracting from the sum the amount of the tax warrant issued by the commissioner of the department of revenue administration pursuant to RSA 76:9 for the next tax year.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for each municipality as the lesser of the two following calculations:

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

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

12 School Money; Distribution of Adequate Education Grants. Amend RSA 198:42, II to read as follows:

II. For the fiscal year beginning July 1, 1999, and every fiscal year thereafter the amount necessary to fund the grants under RSA ~~[198:41]~~ **198:40-c** is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education according to the following formula: from the amount cal-

culated in accordance with RSA ~~[198:40, III,]~~ **198:40-c**, subtract the aggregate amount of the **state enhanced** education ~~[property]~~ tax warrants to be issued by the commissioner of revenue administration for municipalities reported pursuant to RSA 76:9 for the next tax year. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of adequate education grants.

13 Low and Moderate Income Homeowners Property Tax Relief. Amend RSA 198:57, III(a) to read as follows:

(a) Owns a homestead or interest in a homestead subject to the **state enhanced** education ~~[property]~~ tax;

14 Low and Moderate Income Homeowners Property Tax Relief. Amend RSA 198:57, IV(c) to read as follows:

(c) Multiply the lesser of the amount determined in subparagraph (a) or (b) by the ~~[current]~~ **state enhanced** education ~~[property]~~ tax rate as shown on the tax bill under RSA 76:11-a;

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

Excess **State Enhanced** Education ~~[Property]~~ Tax Payment

16 Excess Education Property Tax Payment. Amend RSA 198:46, I to read as follows:

I. Municipalities for which the **state enhanced** education ~~[property]~~ tax exceeds the amount necessary to fund an adequate education determined by RSA 198:40 shall assess and remit such excess amount to the department of revenue administration on or before March 15 of the tax year in which the excess occurs.

17 Excess Education Property Tax Payment; Forms. Amend RSA 198:47 to read as follows:

198:47 Forms. The commissioner shall approve and provide forms relative to the reporting and remitting of excess **state enhanced** education ~~[property]~~ tax by the municipalities.

18 Alternative Kindergarten Programs. Amend RSA 198:48-a, VII-VIII to read as follows:

VII.(a) ~~[Upon the effective date of this paragraph, and for]~~ **For** each fiscal year through June 30, 2003, an adequate education grant of \$1200 per pupil shall be distributed to school districts, from the education trust fund created in RSA 198:39, for the education of its resident kindergarten pupils enrolled in an approved alternative kindergarten program established under this section.

(b) Once pupils enrolled in an approved alternative kindergarten program have been counted in the average daily membership in residence, school districts shall receive, for each such pupil, an adequate education grant calculated in accordance with ~~[RSA 198:40 through RSA 198:42]~~ **RSA 198:41**.

VIII. Notwithstanding the provisions of this section, alternative kindergarten programs which were approved and in effect prior to April 29, 1999 may continue to operate and shall continue to receive per pupil adequate education grant amounts in accordance with RSA ~~[198:40 through RSA 198:42]~~ **198:41**.

19 School Boards, Teachers; Definitions Amended. RSA 189:1-d is repealed and reenacted to read as follows:

189:1-d Definitions. In this chapter:

I. "Attendance" means full-time participation in a program of instruction under the direction of a teacher employed by the school district. Educationally disabled home educated pupils educated at school district expense under the direction of a teacher employed by the school district shall be included.

II. "Membership" means pupils of whom attendance is expected, whether a pupil is present or absent on any given day.

III. "Average daily membership in attendance" means the aggregate half-day membership of pupils attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance for preschool and kindergarten pupils shall be divided by the number of instructional days offered to higher level elementary grades.

IV. "Average daily membership in residence" means the average daily membership in attendance of pupils who are legal residents of the school district pursuant to RSA 193:12 or RSA 193:27, IV and are attending any public school, or who are attending any charter school or private school program approved by the department of education at the expense of the school district.

20 Procedure for Formation of Cooperative School Districts; Apportioning Operating Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(e) to read as follows:

(e) The method of apportioning the operating expenses of the cooperative school district among the several preexisting districts and the time and manner of payment of such shares. ~~[Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II shall not be included in the average daily membership relative to apportionment formulas.]~~

21 Procedure for Formation of Cooperative School Districts; Apportioning Capital Expenses; Exclusion of Home Education Pupils Deleted. Amend RSA 195:18, III(g) to read as follows:

(g) The method of apportioning the capital expenses of the cooperative school district among the several preexisting districts, which need not be the same as the method for apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the costs of acquiring land and buildings for school purposes, including property owned by a preexisting district; the construction, furnishing, and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same or which is assumed by the cooperative school district. ~~[Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II, shall not be included in the average daily membership relative to apportionment formulas.]~~

22 Effective Date.

I. Section 2 of this act shall take effect July 1, 2004.

II. Sections 4-7 and 11-18 of this act shall take effect July 1, 2004.

III. Section 3 of this act shall take effect July 1, 2005.

IV. RSA 198:40-b and RSA 198:40-c, I(c), as inserted by section 10 of this act shall take effect July 1, 2004.

V. The remainder of this act shall take effect July 1, 2003.

2003-1656s

AMENDED ANALYSIS

This bill:

I. Reduces the education property tax rate from \$5.80 to \$4.87 for the 2004 fiscal year and to \$3.50 for the 2005 fiscal year.

II. Beginning July 1, 2005, establishes a new education funding formula for municipalities and sets forth criteria whereby municipalities may receive local equalized aid, targeted per pupil aid, and state enhanced education aid for pupils in the public schools.

III. Establishes a new procedure for determining the statewide cost of an adequate education.

Senate Judiciary

May 9, 2003

2003-1569s

04/10

Amendment to HB 615-FN

Amend the bill by replacing all after section 2 with the following:

3 Registration of Criminal Offenders; Availability of Information. RSA 651-B:7, II is repealed and reenacted to read as follows:

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(l).

(2) RSA 632-A:2, II-III

(3) RSA 632-A:3, II, provided that the age difference between the convicted individual and the victim was more than 4 years at the time of the offense.

(4) RSA 645:1, II-III.

(5) Any offense described in RSA 651-B:1, V.

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

(A) The name, address, and date of birth of the registered individual.

(B) The offense for which the individual was convicted.

(C) The date and court of the conviction for which the individual is registered.

(D) Outstanding arrest warrants, and the information listed in subparagraphs (b)(1)(A)-(C), for any sexual offender or offender against children who has not complied with the obligation to register under this chapter.

(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.

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

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

4 New Paragraph; Registration of Criminal Offenders; Availability of Information. Amend RSA 651-B:7 by inserting after paragraph V the following new paragraph:

VI.(a) Notwithstanding the provisions of this section, any individual required to be registered whose name and information is contained on the list described in paragraph II(b) may file with the clerk of the superior court for the county in which the judgment was rendered an application for review of the public registration requirement contained in RSA 651-B:7. This application shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 10 years after the date of release following conviction. After review of the application, the court may schedule a hearing.

(b) The court shall provide notice of the application for review under this section to the victim within 30 days of any hearing. Prior to any decision granting the application, the court shall provide the victim with the opportunity to address the court. The victim may appear personally or by counsel and may reasonably express his or her views concerning the offense, the person responsible, and the need for maintaining the public registry requirement. The judge shall consider the statements of the victim pursuant to this section when making a decision regarding the application. The judge shall grant the application, after a hearing, only where, in the opinion of the court, removal from the public registry requirement under this section will assist the individual in the individual's rehabilitation and will be consistent with the public welfare. If an application for review is denied, any subsequent application may be filed only where good cause is shown, consistent with the provisions of this section. A decision granting an application for review under this section shall not remove any of the registration requirements contained in RSA 651-B:6.

5 New Section; Registration of Criminal Offenders; Hearing. Amend RSA 651-B by inserting after section 6 the following new section:

651-B:10 Hearing. Any offender who wishes to appeal a decision of the division regarding the duty to report and the duration of the duty to report may, within 10 days of notification, request a hearing on the matter before the commissioner. If such a request is made, the commissioner shall promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A. After hearing, the decision of the commissioner shall be final, and the offender shall have a right to appeal the decision in superior court.

6 Applicability. The provisions of this act shall apply to any person required to be registered pursuant to RSA 651-B:2 as of the effective date of this act.

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

2003-1569s

AMENDED ANALYSIS

This bill requires certain information to be included in the sexual offender database and provides that other information such as a photograph or physical description of the offender may be included, if available.

The bill also provides a procedure for an individual required to be registered to review such requirement. The bill prohibits the department of safety from maintaining records of individuals who access or attempt to access the LENS system database.

Senate Education

May 15, 2003

2003-1660s

04/05

Amendment to HB 621-FN-A-LOCAL

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

AN ACT extending the Parents as Teachers program in Sullivan county and making an appropriation therefor.

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

1 Appropriation. There is hereby appropriated the sum of \$65,000 for the fiscal year ending June 30, 2004, and the sum of \$65,000 for the fiscal year ending June 30, 2005, to the department of health and human services to continue the Parents as Teachers program in Sullivan county pursuant to RSA 193:35. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Parents As Teachers Program; Reference to Department of Health and Human Services Replaced with Department of Education. Amend the introductory paragraph of RSA 193:35, I to read as follows:

I. The department of ~~[health and human services]~~ **education** shall establish the school district based Parents as Teachers Program for a rural community in Sullivan county in cooperation with School Administrative Unit 6 and the Parent Information Center. Sullivan county will be the rural site for the program because of its unique demographic profile, including the high number of risk factors affecting its children, the demonstrated interest of its public officials in the program, and the capacity to link the program to existing programs within the county including Good Beginnings, the Parent Information Center, and department of ~~[health and human services]~~ **education** programs in Sullivan county. The department shall use the following criteria to measure the effectiveness of the program:

3 Parents As Teachers Program; Rulemaking; Reference to Department of Health and Human Services Replaced with Department of Education. Amend RSA 193:36 to read as follows:

193:36 Rulemaking. The commissioner of ~~[health and human services]~~ **the department of education** shall adopt rules, pursuant to RSA 541-A, necessary to carry out the provisions of this subdivision.

4 Parents as Teachers; Report and Recommendation; Information from Department of Education. Amend RSA 193:37 to read as follows:

193:37 Report and Recommendation. On or before October 1, 2004, the department of health and human services shall prepare and submit to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate education committees an evaluation and report of the school district based Parents as Teachers Programs established pursuant to this subdivision, and recommendations for the expansion of the program statewide. The evaluation and report shall incorporate the criteria set forth in RSA 193:35, I and shall include an assessment of the program's effectiveness based on those criteria. ***The department of education shall provide the department of health and human services with information on the Parents as Teachers Program from the date of transfer of the program through September 30, 2004, for the purposes of preparing the report.***

5 Effective Date. This act shall take effect July 1, 2003.

2003-1660s

AMENDED ANALYSIS

This bill extends the Parents as Teachers Program through the fiscal year ending June 30, 2005 and makes an appropriation for the program.

The bill also transfers responsibility for the Parents as Teachers Program from the department of health and human services to the department of education.

Internal Affairs
May 14, 2003
2003-1640s
03/09

Amendment to HB 627-FN

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

AN ACT relative to domicile for voting purposes, penalties for voter fraud, and access to preserved ballots.

Amend the bill by replacing section 1 with the following:

1 County Attorneys; Election, Temporary Appointments. Amend RSA 7:33 to read as follows:

7:33 Election; ~~[Vacancies]~~ **Temporary Appointments.** There shall be a county attorney for each county, who shall be a member of the New Hampshire bar, elected biennially by the ~~[inhabitants]~~ **voters** of the county. If the county attorney is absent at any term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and allow said appointee such compensation for his **or her** services as they think reasonable.

Amend RSA 654:12, II(b)(3) as inserted by section 29 of the bill by replacing it with the following:

(3) Photo identification issued by local or state government.

Amend RSA 654:17, I as inserted by section 30 of the bill by replacing it with the following:

I. The absentee registration affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Affidavit (Absence from town)

I, _____ do hereby swear or affirm, under ~~[penalty of perjury]~~ **the penalties for voting fraud set forth below**, the following:

1)~~[(a)]~~ That my legal domicile is in the town of _____, New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on _____, [19] _____ **(date)**, except for the fact that my name does not appear on the checklist to be used in said town at such election;

~~[(b) That if I were personally to appear before the supervisors of the checklist of said town in their regular session for the correction of the checklist for said election, I would present the following as proof of domicile _____ (including but not limited to a drivers license, electric bill, passport, or cancelled check);~~

2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I am temporarily residing in _____ (city and state or city, province, and country);

4) That I hereby enclose one of the following as proof of identity and domicile:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows the name and address of the voter; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;

5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and

~~[4)]~~ **6)** That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Affidavit (Physical Disability)

I, _____ do hereby swear or affirm, under ~~[penalty of perjury]~~ **the penalties for voting fraud set forth below**, the following:

1)~~[(a)]~~ That my legal domicile is in the town of _____, New Hampshire, I will be of the age of 18 years or over on election day, and am entitled to vote in the election to be held in said town on _____, [19] _____ (**date**), except for the fact that my name does not appear on the checklist to be used in said town at such election;

~~[(b) That if I were personally to appear before the supervisors of the checklist of said town in their regular session for the correction of the checklist for said election, I would present the following as proof of domicile _____ (including but not limited to a drivers license, electric bill, passport, or cancelled check);]~~

2) That I am unable by reason of physical disability personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I hereby enclose one of the following as proof of identity and domicile:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows the name and address of the voter; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;

4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 3) above, this application may not be approved; and

~~[3)]~~ **5) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.**

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Amend the bill by deleting section 41 and renumbering the original sections 42-62 to read as 41-61, respectively.

Amend the bill by replacing section 42 with the following:

42 Vacancies Among County Officers; County Commissioner. Amend RSA 661:9, II(a) to read as follows:

(a) If a vacancy occurs in the office of a county commissioner, the members of the county convention shall fill the vacancy by majority vote until the next biennial election of county officers. If the term filled is less than the unexpired term, then notwithstanding any provisions of RSA 653:1, VI, the commissioner district filled pursuant to this paragraph shall be added to the next biennial election ballot to be chosen by the ~~[inhabitants]~~ **domiciliaries** of the county for a 2-year term.

Amend the bill by replacing section 48 with the following:

48 Election Officer. Amend RSA 652:14 to read as follows:

652:14 Election Officer. "Election officer" shall mean any moderator, **deputy moderator, assistant moderator**, town clerk, **deputy town clerk, city clerk, deputy city clerk**, selectman, supervisor of the checklist, **registrar, or deputy registrar** ~~[or inspector of election]~~.

Amend the bill by inserting after section 60 the following and renumbering the original section 61 to read as 64:

61 Sealing and Certifying Ballots; Exemption from Right-to-Know Law. Amend RSA 659:95 to read as follows:

659:95 Sealing and Certifying Ballots.

I. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or [his] **the moderator's** designee, in the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or [his] **the moderator's** designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of _____ (or in ward _____ in the city of _____) held on _____, 19_____, required by law to be preserved. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter affidavit envelopes prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

62 General Provisions for Recounts; Disposal of Ballots; Exemption from Right-to-Know Law. Amend RSA 660:16 to read as follows:

660:16 Disposal of Ballots.

I. Upon the conclusion of every recount, the secretary of state shall replace the untested ballots and absentee voter envelopes in a suitable container for storage. The secretary of state shall retain the ballots and the absentee envelopes for at least 60 days following the recount. Upon an order of the ballot law commission, the secretary of state shall produce the ballots for the inspection of the commission. Following the commission's inspection, the secretary of state shall replace the ballots and envelopes, seal them, and certify the contents and the date when they were examined by the commission. The envelopes and ballots shall be subject to the order of the body to which such person claims to be elected or of the officers required by law to examine the records and to issue certificates of election to such office or of any court having jurisdiction over them.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter affidavit envelopes prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

63 Town Elections; Preservation of Ballots after Recount; Exemption from Right-to-Know Law. Amend RSA 669:33 to read as follows:

669:33 Preservation of Ballots after Recount.

I. Upon the conclusion of the recount, the clerk shall place the ballots and all envelopes or wrappers which had previously contained them in a suitable container showing the contents and the date when and the reason why it was opened; and said clerk shall retain said ballots until the expiration of 60 days from the date of the recount unless some action is pending which makes their further preservation necessary or unless enjoined by action brought before the superior court.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter affidavit envelopes prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

2003-1640s**AMENDED ANALYSIS**

This bill:

- I. Establishes civil penalties for wrongful voting.
- II. Modifies procedures for voter registration and absentee voting.
- III. Modifies the laws concerning domicile as it relates to voting and eligibility for office.
- IV. Exempts preserved ballots from RSA 91-A, the right-to-know law.

This bill is a request of committee established by 2002, 15.

Public Affairs

May 14, 2003

2003-1632s

04/05

Amendment to HB 654-FN

Amend RSA 634:2, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Any person who is found guilty of criminal mischief under this section because such person is a tenant, or a guest of such tenant, in a rental dwelling who has destroyed, disconnected, or otherwise rendered inoperable any smoke detector in the rental dwelling, or who has attempted the same in a rental dwelling, shall be guilty of a misdemeanor. It shall be an affirmative defense under this paragraph if a tenant notifies a landlord that the tenant, for reasonable cause, has disconnected a smoke detector in the rental dwelling, and such notice is given to the landlord within 3 business days of the disconnection.

2003-1632s**AMENDED ANALYSIS**

This bill makes a tenant or a guest of such tenant criminally liable for destroying, disconnecting, or rendering inoperable a smoke detector in a rental dwelling and provides that the tenant or guest of such tenant shall be guilty of a misdemeanor. The bill also provides an affirmative defense for the tenant under certain circumstances.

Internal Affairs

May 14, 2003

2003-1647s

01/05

Amendment to HB 670-FN

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

AN ACT establishing a procedure for release by a state agency of statistical information for research purposes and relative to health care data.

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose.

I. The general court recognizes that:

(a) Preserving the confidentiality of individually identifiable information in the possession of the state is of great importance to our citizens;

(b) Openness in the conduct of public business is essential to a democratic society;

(c) Information and data collected or maintained with public funds is held for the collective benefit of the citizenry;

(d) Public policy can be improved and program administration can be made more efficient and effective through analysis of information and data; and

(e) The collection and maintenance of reliable and comprehensive health care data is necessary to promote informed decision-making, increase accountability in the health care system, and improve health care planning.

II. Therefore, the general court hereby determines that there is a need to collect encrypted insurance claims data and to clarify the conditions under which limited data sets and health care data and information that may relate to individual citizens may be released.

Amend the introductory paragraph of RSA 91-A:10, II as inserted by section 2 of the bill by replacing it with the following:

II. Except as otherwise provided by law, upon request an agency shall release limited data sets and statistical tables with any cell size more than 0 and less than 5 contained in agency files to requestors for the purposes of research under the following conditions:

Amend RSA 91-A:10, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Nothing in this section shall exempt any requestor from paying fees otherwise established by law for obtaining copies of limited data sets or statistical tables. Such fees shall be based on the cost of providing the copy in the format requested. The agency head shall provide the requestor with a written description of the basis for the fee.

Amend the bill by replacing all after section 2 with the following:

3 Disclosure. RSA 420-G:11, II is repealed and reenacted to read as follows:

II.(a) All health carriers shall electronically provide:

(1) Their encrypted claims data to the department and to the department of health and human services in accordance with rules approved by the commissioner of health and human services and adopted by the insurance commissioner under RSA 420-G:14.

(2) To the department of health and human services, cross-matched claims data on requested policyholders, and subscriber information necessary for third party liability for benefits provided under RSA 167, filed in accordance with rules adopted under RSA 167:3-c.

(b) Notwithstanding RSA 91-A:10, the collection, storage and release of health care data and statistical information that is subject to the federal requirements of the Health Information Privacy and Accountability Act (HIPAA) shall be governed exclusively by the rules adopted thereunder in 45 CFR Parts 160 and 164.

4 New Paragraph; Disclosure. Amend RSA 420-G:11 by inserting after paragraph II the following new paragraph:

II-a. All health carriers and other health plans that collect the Health Employer Data and Information Set (HEDIS) shall annually submit the HEDIS information to the department.

5 Rulemaking. Amend RSA 420-G:14 to read as follows:

420-G:14 Rulemaking Authority.

I. The commissioner may adopt rules, under RSA 541-A, necessary to the proper administration of this chapter.

II. The commissioner, with the approval of the commissioner of the department of health and human services, shall adopt rules, under RSA 541-A, defining the content, format, and schedule for the filing of encrypted claims data and HEDIS information under RSA 420-G:11.

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

420-G:11-a Development of a Comprehensive Health Care Information System. The department and the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive health care information system. The memorandum of understanding shall include a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Information Privacy and Accountability Act (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system. To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state agencies to continuously review health care utilization, expenditures, and performance in New Hampshire and to enhance the ability of New Hampshire consumers and employers to make informed and cost-effective health care choices. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size.

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

2003-1647s

AMENDED ANALYSIS

This bill establishes a procedure for the release by a state agency of statistical information for research purposes. Under this bill, a requestor of such information shall sign a data use agreement specifying certain limitations for the use of the information.

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

Senate Judiciary

May 14, 2003

2003-1626s

09/10

Amendment to HB 674-FN

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

AN ACT relative to notification requirements under the Child Protection Act.

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

1 Child Abuse and Neglect Proceedings; Protective Custody; Notification of Non-custodial Parent. Amend RSA 169-C:6, II-V to read as follows:

II. If a police or juvenile probation and parole officer removes a child under paragraph I above, the officer:

(a) Shall inform the court forthwith whereupon continued protective custody pending a hearing may be ordered by the court;

(b) May take the child to a child protection services worker of the department; or

(c) May place the child in a foster home; if a child is placed directly in a foster home, the department shall be notified of the incident and where the child is placed within 24 hours, unless there is a physician involved and treating the child and the child is or will be taken to and admitted to a hospital; and

(d) Shall, when the child is removed from an individual other than a parent or a person legally responsible for the child, make every reasonable effort to inform ~~[the parent]~~ **both parents** or other ~~[person]~~ **persons** legally responsible for the child's care where the child has been taken.

III. Any police or juvenile probation and parole officer or other individual acting in good faith pursuant to this section, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as a result of such removal or placement.

IV. The court shall hold a hearing on the matter within 24 hours of taking the child into protective custody, Sundays and holidays excluded. Notice shall be given to **both parents and** all parties designated by the petitioner or the court.

V. If a child is found by a child protection services worker of the department to be in imminent danger in such circumstances or surroundings and where immediate removal appears necessary to protect the child from such imminent danger, the department's child protection services worker shall contact a judge or clerk immediately for an order to remove the child. ***Prior to any order authorizing foster placement, the child protective service worker shall inform the judge of efforts to locate any non-custodial parent or other relatives for temporary placement.***

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

2003-1626s

AMENDED ANALYSIS

This bill establishes new requirements for notice of protective custody hearings.

Public Institutions, Health and Human Services

May 13, 2003

2003-1611s

04/05

Amendment to HB 677-FN

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

AN ACT increasing the number of reserved student slots in medical programs, establishing a reduction of medical indebtedness program for physicians who practice in underserved areas, and making an appropriation therefor.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-6 to read as 3-7, respectively:

2 Veterinary/Medical/Optometric Education Program. Amend RSA 200-J:2, II to read as follows:

II. The governor is authorized to enter into an agreement on behalf of the state with Dartmouth medical school **and other medical schools** for the purpose of providing allopathic **and osteopathic** medical education to qualified New Hampshire residents.

Amend the bill by replacing section 6 with the following

6 Veterinary/Medical Education Loan Program; Reduction of Medical Education Indebtedness. Amend RSA 200-I:5 to read as follows:

200-I:5 Forgiveness of Accounts; **Reduction of Medical Education Indebtedness.**

I. The commissioner of administrative services may, in case of hardship, death or other extenuating circumstances, with the approval of the fiscal committee of the general court provided for in RSA 14:30-a, extend or forgive such individual accounts as may be brought to his **or her** attention.

II.(a) Individuals who have completed their medical education, including internships and residencies, and practice in a medically underserved area of the state, may reduce their medical education loan indebtedness by up to \$20,000 for each year of practice in such area for a maximum of 2 years, except as otherwise provided in this paragraph.

(b) Individuals eligible under this paragraph shall submit a certification of practice form, made available by the commissioner of the department of health and human services, for each year of practice in a medically underserved area.

(c) The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to application procedures and designating medically underserved areas in this state.

(d) Funds available in the department of health and human services, office of community and public health, and any community benefits matching or pooled funds which become available pursuant to RSA 7:32-c through 7:32-l, may be used to extend the reduction of medical education indebtedness program under this paragraph.

Senate Judiciary

May 14, 2003

2003-1625s

01/10

Amendment to HB 680-FN

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

AN ACT establishing a committee to study service contracts and relative to prepaid legal services contracts.

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

7 Insurance; Prepaid Legal Services Contracts. RSA 415-C is repealed and reenacted to read as follows:

CHAPTER 415-C PREPAID LEGAL SERVICES CONTRACTS

415-C:1 Scope and Purpose. The purpose of this chapter is to create a legal framework within which prepaid legal services contracts, may be sold in this state.

415-C:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of insurance.

II. "Consumer" means a natural person who buys other than for purposes of resale any tangible personal property that is distributed in commerce and that is normally used for personal, family or household purposes and not for business or research purposes.

III. "Department" means the insurance department.

IV.(a) “Prepaid legal services contract” means the assumption of a contractual obligation to reimburse the beneficiary against or pay on behalf of the beneficiary, or to provide specified legal services or reimbursement for all or a portion of legal fees, costs, and expenses related to or arising out of services provided by or under the supervision of an individual licensed or admitted to practice law in the state of New Hampshire, in which the services are to be rendered, in consideration of a specified payment for an interval of time, regardless of whether the payment is made by the beneficiaries individually or by a third person for them, in such a manner that the total cost incurred by assuming the obligation is to be spread directly or indirectly among a group of persons. “Contractual obligation” includes an arrangement in which those persons for whom services are to be provided under the arrangement have reasonable expectations of enforceable rights.

(b) “Prepaid legal services contract” shall not include the provision of or reimbursement for legal services incidental to insurance coverages. The following are not considered prepaid legal services contracts under the laws of this state:

(1) Retainer contracts made with individual clients with the fees based on estimates of the nature and amount of services that will be provided to the specific client, and similar contracts made with a group of clients involved in the same or closely related legal matters, such as class actions.

(2) Plans providing no benefits other than a limited amount of consultation and advice on simple matters either alone or in combination with referral services or on the promise of fee discounts for other matters.

(3) Plans providing limited benefits on simple legal matters on an informal basis, not involving a legally binding promise, in the context of an employment or educational or similar relationship.

(4) Contracts that provide benefits under automobile club membership contracts and automobile liability insurance policies with limited legal services or reimbursement for legal services in automobile-related matters under the certificates of authority issued by the commissioner.

(5) Legal services or other legal services programs for the indigent.

(6) Legal services provided by unions or employee associations to their members in matters relating to employment or occupation.

(7) Legal services provided by an agency of the federal or state government or subdivision thereof to its employees or are otherwise excluded from the provisions of this chapter by the Federal Retirement Income Security Act of 1974, or any amendments thereto.

415-C:3 Requirements For Doing Business. No later than June 14 of each year, each provider of prepaid legal service contracts sold in this state shall file a registration with the commissioner. For the initial registration, the provider shall use a form prescribed by the commissioner and pay to the department an initial registration fee pursuant to RSA 400-A:29, VIII-a. Renewal shall be made by paying an annual renewal fee pursuant to RSA 400-A:29, VIII-a(b) and supplementing the original form to the extent of any material change to the registration.

415-C:4 Exemptions. Prepaid legal service contracts are exempt from this title, except for the provisions of this chapter and RSA 400-A:16 – RSA 400-A:25.

415-C:5 Required Disclosures. Prepaid legal service contracts marketed, sold, or offered for sale, issued, made, proposed to be made or administered in this state shall be written in clear, understandable language, and specify the terms under which the service contract is sold, the specific services to be provided and any limitations, exceptions or exclusions thereon.

415-C:6 Examination. For the purpose of determining the providers financial stability and protecting consumer interests, the commissioner shall have the power to examine and investigate into the affairs of every provider engaged in the business of service contracts in this state in order to determine compliance or noncompliance with this chapter. The expenses of examinations shall be paid to the state by the company or companies examined.

415-C:7 Penalties. The commissioner, after proper notice and opportunity for hearing, may take action to enforce the provisions of this chapter, or rules adopted pursuant to this chapter, and may:

I. Revoke or suspend the registration of the prepaid legal service provider;

II. Order the provider to cease and desist from further service contract operations;

III. Impose a penalty of not more than \$1000 for each violation or \$10,000 for each violation the commissioner finds to be willful; and

IV. Order the provider make restitution to contract holders.

415-C: 8 Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A, as may be necessary to administer the provisions of this chapter.

415-C:9 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

8 New Paragraph; Prepaid Legal Services. Amend RSA 400-A:29 by inserting after paragraph VIII the following new paragraph:

VIII-a. Prepaid Legal Services

(a) Application fee	\$300
(b) Annual renewal	\$150

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

2003-1625s

AMENDED ANALYSIS

This bill establishes a committee to study service contracts including prepaid legal services contracts.

The bill also establishes parameters for prepaid legal service contracts to be sold in this state.

Internal Affairs

May 15, 2003

2003-1641s

03/01

Amendment to HB 693-FN

Amend the bill by replacing section 2 with the following:

2 Election Day Morning Procedures; Statutes Posted. Amend RSA 658:29 to read as follows:

658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place: RSA 654:7-a, RSA 654:7-b, RSA 654:38, RSA 654:39; RSA 658:29; RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:103; **~~RSA 665:17~~**; RSA 666:4, RSA 666:5, RSA 666:8, RSA 666:12. In addition, the secretary of state shall include any other statutes or regulations that are required to be posted by state or federal law. The secretary of state may also include statutes or regulations that, in the secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the voter believes that his or her voting rights are being violated.

Senate Ways and Means

May 15, 2003

2003-1665s

09/01

Amendment to HB 694-FN

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

AN ACT relative to tobacco product manufacturers not entering master settlement agreements and changing the tax on tobacco products other than cigarettes.

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Definition; Wholesale Sales Price. Amend RSA 78:1 by inserting after paragraph III the following new paragraph:

III-a. "Wholesale sales price" means the established price for which a manufacturer sells tobacco products other than cigarettes to a wholesaler, exclusive of any discount or other reduction.

6 Tax on Cigarettes. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of 52 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all ~~[tobacco products]~~ **cigarettes** sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the ~~[tobacco products]~~ **cigarettes** in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

7 Tax on Tobacco Products Other than Cigarettes. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate ~~[proportional to the cigarette tax, having such ratio to the usual wholesale price of the tobacco product other than cigarettes as the cigarette tax bears to the usual wholesale price of the cigarettes]~~ **of 19 percent of the wholesale sales price**. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

8 Repeal. RSA 78:1, XIV-a, relative to the definition of usual wholesale price, is repealed.

9 Effective Date.

I. Sections 6-8 of this act shall take effect July 1, 2003.

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

2003-1665s

AMENDED ANALYSIS

This bill establishes certain requirements for participating and non-participating tobacco product manufacturers to prevent violations of RSA 541-C and the tobacco Master Settlement Agreement.

The bill also changes the tax on tobacco products other than cigarettes.

Insurance

May 15, 2003

2003-1643s

10/03

Amendment to HB 702-FN

Amend the bill by replacing section 1 with the following:

1 Group II Disabled Members; Permanent Firemen; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 2000; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II before July 1, 2003 or permanent firemen members of group II before July 1, ~~[2003]~~ **2004**. Such additional benefits shall not apply to other persons who become members of group II after the dates stated in this paragraph, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

2003-1643s

AMENDED ANALYSIS

This bill extends the year of eligibility of group II disabled permanent firemen members for the payment of medical benefits costs by the retirement system.

Senate Judiciary

May 14, 2003

2003-1633s

04/05

Amendment to HB 718-FN

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

AN ACT relative to judicial proceedings for crimes committed by a minor which are not charged until after the minor reaches the age of majority and relative to the statute of limitations in cases involving destruction or falsification of evidence, witness tampering, or other unlawful conduct.

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

1 New Paragraph; Transfer to Superior Court. Amend RSA 169-B:24 by inserting after paragraph IV the following new paragraph:

V. If an offense contained in RSA 628:1, II is committed by an individual before the age of 17 but not charged until after the individual has reached the age of 17, the district court shall follow the procedures set forth in this section to determine if the individual charged met the criteria of this section at the time the offense was committed.

2 New Subparagraph; Limitations; Destruction or Falsification of Evidence. Amend RSA 625:8, III by inserting after subparagraph (d) the following new subparagraph:

(e) For any offense where destruction or falsification of evidence, witness tampering, or other unlawful conduct delayed discovery of the offense, within one year of the discovery of the offense.

3 Effective Date. This act shall take effect January 1, 2004.

2003-1633s

AMENDED ANALYSIS

This bill:

I. Specifies the procedure to be followed by the district court in cases where crimes are committed by minors but not charged until after they reach the age of majority.

II. Adds a one-year, discovery rule, statute of limitations for the prosecution of any offense which is delayed as a result of destruction or falsification of evidence or witness tampering.

Senate Executive Departments and Administration

May 15, 2003

2003-1666S

05/10

Amendment to HB 719-FN-A

Amend the bill by replacing sections 4 and 5 with the following:

4 New Paragraph; Pease Development Authority; Definition of State Tidal Waters Added. Amend RSA 12-G:2 by inserting after paragraph XXIII the following new paragraph:

XXIII-a. "State tidal waters" means any harbor or other tidal waters within the state.

5 New Paragraph; Pease Development Authority; Definition of Tidal Waters Added. Amend RSA 12-G:2 by inserting after paragraph XXIV the following new paragraph:

XXIV-a. "Tidal waters" means any waters, including rivers, that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

Amend the introductory paragraph of RSA 12-G:42, XI as inserted by section 10 of the bill by replacing it with the following:

XI. Adopt rules, after obtaining prior approval by the fiscal committee of the general court and the board, relative to the setting and collecting of fees authorized under RSA 12-G:38 relating to foreign trade zones; RSA 12-G:42, IV and V, relating to wharfage, dockage, and other marine terminal operations; RSA 12-G:42, VI, relating to moorings, slips, and wait lists; RSA 12-G:42, IX, relating to commercial piers identified in paragraph IX and other division property; RSA 12-G:49-a relating to pilotage; and any other matter necessary for the proper administration of the division with respect to the setting and collecting of fees. The rules adopted under this paragraph shall not be subject to the provisions of RSA 541-A, so as to provide the authority with the ability to maximize revenues and to adjust fees according to market conditions and trends as is the common practice in private industry. Fees established pursuant to this paragraph shall be consistent with the following criteria:

Amend RSA 12-G:42, XI(e) as inserted by section 10 of the bill by replacing it with the following:

(e) Fees relating to commercial piers and use of other division property shall be established giving due consideration to the fees for use of similar privately-owned facilities.

Amend RSA 12-G:42 as inserted by section 10 of the bill by inserting after paragraph XII the following new paragraph:

XIII. Have the authority to create and maintain a special account within the Pease Development Authority Ports and Harbors Fund established in RSA 12-G:37 for the purpose of providing funds for capital improvements, equipment, maintenance, and repair of division property. The authority shall deposit in the special account up to 50 percent of any rent revenue generated by the lease or license of division property for bulk or container cargo storage, pursuant to RSA 12-G:8, V, which exceeds the operating expenses of the division, as determined under RSA 12-G:37. The special account shall be nonlapsing and continually appropriated to the division for the purpose of initiating and implementing capital improvements, equipment purchases, maintenance projects, and repair of division property.

Amend the bill by inserting after section 19 the following and renumbering the original section 20 to read as 21:

20 Pease Development Authority Ports and Harbors Fund; Reference to Special Account for Division Property. Amend RSA 12-G:37, III to read as follows:

III. This fund shall constitute a continuing appropriation for the benefit of the authority. ***Except as provided in RSA 12-G:42, XIII***, all division revenues associated with operations and responsibilities assigned by the authority to the division in excess of the operating expenditures required for the activities of the division shall be deposited in the general fund until such time as any bonds authorized and issued relating to division property or division projects have been retired. After such bonds have been retired, any amount remaining to the credit of the authority in this fund at the close of any fiscal year in excess of the amounts required under paragraph II shall lapse and shall be returned to the general fund of the state.

Senate Education

May 15, 2003

2003-1657s

04/05

Amendment to HB 751-FN-LOCAL

Amend RSA 198:15-hh, III as inserted by section 5 of the bill by replacing it with the following:

III. A school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1, shall submit details of the lease arrangement, including a copy of the proposed lease agreement, in writing to the state board of education on such forms as the state board may prescribe. Grant applications for leased space shall be submitted before January 1 of each year in order to be eligible for grants in the fiscal year following the year of submittal. The state board of education shall, no later than March 1, 2004, adopt rules pursuant to RSA 541-A, relative to procedures for grant applications for leased space.

Senate Judiciary

May 12, 2003

2003-1585s

01/09

Amendment to HB 763-FN

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

AN ACT relative to information and counseling to minors seeking abortion.

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

1 New Subdivision; Prior to Abortion. Amend RSA 132 by inserting after section 24 the following new subdivision:

Information and Counseling to Minors Seeking Abortion

132:25 Definitions. In this subdivision:

I. "Counselor" means a psychiatrist licensed under RSA 329:12, a psychologist licensed under RSA 330-A:16, a clinical social worker licensed under RSA 330-A:18, a marriage and family therapist licensed under RSA 330-A:21, a registered nurse or practical nurse licensed under RSA 326-B:6, or 326-B:7, or a guidance counselor certified under RSA 21-N:9, II(s).

II. "Minor" means any person under the age of 18 years.

III. "Provider" means a physician licensed under RSA 329:12, a physician's assistant licensed under RSA 328-D:3, or an advanced registered nurse practitioner licensed under RSA 326-B:10.

132:26 Information and Counseling Required.

I. Prior to the performance of an abortion upon a minor, a provider or counselor shall provide pregnancy information and counseling in accordance with this subdivision in a manner and language that will be understood by the minor. The provider or counselor shall:

(a) Explain that the information being given to the minor is being given objectively and is not intended to coerce, persuade, or induce the minor to choose to have an abortion or to carry the pregnancy to term.

(b) Explain that the minor may withdraw a decision to have an abortion at any time before the abortion is performed or may reconsider a decision not to have an abortion at any time within the time period during which an abortion may legally be performed.

(c) Explain to the minor the alternative choices available for managing the pregnancy, including:

(1) Carrying the pregnancy to term and keeping the child;

(2) Carrying the pregnancy to term and placing the child for adoption, placing the child with a relative, or obtaining voluntary foster care for the child; and

(3) Having an abortion, and explain that public and private agencies are available to assist the minor with whichever alternative she chooses and that a list of these agencies and the services available from each will be provided if the minor requests.

(d) Explain that public and private agencies are available to provide birth control information and that a list of these agencies and the services available from each will be provided if the minor requests.

(e) Discuss the possibility of involving the minor's parents, guardian, or other adult family members in the minor's decision making concerning the pregnancy and whether the minor believes that involvement would be in the minor's best interests.

(f) Provide adequate opportunity for the minor to ask any questions concerning the pregnancy, abortion, child care, and adoption, and provide information the minor seeks or, if the person cannot provide the information, indicate where the minor can access the information.

II. After the counselor or provider provides the information and counseling to a minor as required by this subdivision, such counselor or provider shall have the minor sign and date a form stating that:

(a) The minor has received information relative to alternatives to abortion, that there are agencies that will provide assistance, and a list of these agencies and the services available from each shall be provided if the minor requests.

(b) The minor has received an explanation that the minor may withdraw an abortion decision or reconsider a decision to carry a pregnancy to term.

(c) The alternatives available for managing the pregnancy have been explained to the minor.

(d) The minor has received an explanation about agencies available to provide birth control information and that a list of these agencies and the services available from each will be provided if the minor requests.

(e) The minor has discussed with the person providing the information and counseling the possibility of involving the minor's parents, guardian, or other adult family members in the minor's decision making about the pregnancy.

(f) If applicable, the minor has determined that not involving the minor's parents, guardian, or other adult family members is in the minor's best interests.

(g) The minor has been given an adequate opportunity to ask questions.

III. The counselor or provider shall also sign and date the form and shall include his or her business address and business telephone number. The counselor or provider shall keep a copy for the minor's medical record and shall give the form to the minor or, if the minor requests and if such person is not the attending provider, transmit the form to the minor's attending provider. Such medical record shall be maintained as otherwise provided by law.

IV. The provision of pregnancy information and counseling by a provider or counselor which is evidenced in writing containing the information and statements provided in this subdivision and which is signed by the minor shall be presumed to be evidence of compliance with the requirements of this subdivision.

V. The requirements of this subdivision shall not apply when, in the best medical judgment of the provider based on the facts of the case before the provider, a medical emergency exists which so complicates the pregnancy or the health, safety, or well-being of the minor as to require an immediate abortion. A provider who does not comply with the requirements of this subdivision because of this exception shall state in the minor's medical record the medical indications on which the provider's judgment was based.

132:27 Rulemaking. The commissioner of the department of health and human services shall adopt rules, under RSA 541-A, relative to the forms required under this subdivision.

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

2003-1585s

AMENDED ANALYSIS

This bill requires a counselor or health care provider to provide a pregnant minor, under the age of 18 years, with counseling and information before such minor has an abortion.

Senate Education

May 15, 2003

2003-1661s

04/05

Amendment to HB 786-FN-LOCAL

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

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

Compliance with the No Child Left Behind Act

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

I. Section 9527 of the No Child Left Behind Act of 2001 provides that nothing in this act shall be construed to mandate a state or any subdivision thereof to spend any funds or incur any costs not paid for under this act.

II. The state board of education and the commissioner of the department of education are hereby prohibited from adopting any new administrative rules or regulations, or amending existing administrative rules or regulations for the purpose of complying with the No Child Left Behind Act of 2001 that will require funding from general funds.

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

2003-1661s

AMENDED ANALYSIS

This bill prohibits the state board of education and the department of education from adopting any new administrative rules or regulations or amending any existing administrative rule or regulation for the purpose of complying with the No Child Left Behind Act of 2001 if such compliance would require funding from general funds.

Public Affairs

May 14, 2003

2003-1634s

10/05

Amendment to HB 796-FN

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

AN ACT relative to the taxation of manufactured housing and relative to notice required prior to the sale of a recreational campground.

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

8 New Sections; Recreational Campgrounds; Notice Required Before Sale. Amend RSA 216-I by inserting after section 15 the following new sections:

216-I:16 Notice Required Before Sale of Recreational Campground.

I. No recreational campground owner shall make a final unconditional acceptance of any offer for the sale or transfer of a recreational campground without first giving 60 days' notice to each owner of a recreational trailer, as defined in RSA 216-I:1, VIII(c), who pays property taxes to the municipality in which the recreational campground is located and to each owner of a manufactured home who pays property taxes to the municipality for a home used seasonally in a recreational campground. The notice shall include:

(a) That the owner intends to sell the recreational campground; and

(b) The price, terms, and conditions of an acceptable offer the campground owner has received to sell the campground, or the price, terms, and conditions for which the campground owner intends to sell the recreational campground. This notice shall include a copy of the signed written offer which sets forth a description of the property to be purchased and the price, terms, and conditions of the acceptable offer.

II. During the notice period required under paragraph I, the campground owner shall consider any offer received from the owner of the recreational trailer, owner of a manufactured home, or the owner's association, if any, and the campground owner shall negotiate in good faith with the owner of the recreational trailer, the owner of a manufactured home, or the owner's association concerning a potential purchase. If during the notice period, the owner of a recreational trailer, owner of a manufactured home, or owner's association decides to make an offer to purchase the recreational campground, such offer shall be evidenced by a purchase and sale agreement; however, the owner of the recreational trailer, owner of a manufactured home, or owner's association shall have a reasonable time beyond the 60-day period, if necessary, to obtain financing for the purchase.

III. The notice required by paragraph I shall be served by certified mail, return receipt requested, to each owner of a recreational trailer or owner of a manufactured home at such owner's abode. A receipt from the United States Postal Service that is signed by any adult member of the household to which it was mailed, or a notation on the letter that the letter was refused by any adult member of the owner's household or that the addressee no longer resides there, or a letter which is returned to the post office unclaimed, shall constitute a conclusive presumption that service was made in any court action in this state.

216-I:17 Length of Stay. Notwithstanding any other provision of law to the contrary, any recreational trailer, as defined in RSA 216-I:1, VIII(c), or manufactured home, used seasonally and whose owner pays property taxes to the local municipality, shall be permitted to use such vehicle or home for a minimum of 5 months in a calendar year.

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

2003-1634s

AMENDED ANALYSIS

This bill provides that manufactured housing shall be taxed and treated as real estate, and eliminates the separate manufactured housing tax lien system.

The bill makes a change to the definition of security interest in the uniform commercial code.

The bill also requires that notice be given to owners of recreational trailers and manufactured housing prior to the sale of a recreational campground.

Banks

May 14, 2003

2003-1629s

01/09

Amendment to HB 798

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

1 Estate Planning by Guardian. Amend RSA 464-A:26-a, III(b) through (g) to read as follows:

(b) The anticipated results including any income, estate, or inheritance tax savings, ***and, if the gift is being made in order to qualify the ward for Medicaid, any resulting period of Medicaid disqualification;***

(c) The ward's wishes, if known;

(d) The ward's financial condition, including present and anticipated future expenses for maintenance, support, and medical care, debts, and support obligations;

(e) The ward's medical condition;

(f) The ward's prior estate planning action, including significant life-time gifts, will, beneficiary designations, joint ownership, or trusts; ~~and~~

(g) The ward's family situation, including the family members who would inherit from the ward if the ward dies intestate;

(h) Whether the gift is intended to reduce the ward's assets or income in order to qualify the ward for Medicaid or other governmental benefits;

(i) The ward's housing situation during the 12 months prior to the filing of the petition; and

(j) A description of the care and services that the ward requires and is currently receiving.

2 Estate Planning by Guardian. Amend RSA 464-A:26-a, V to read as follows:

V. Before authorizing the guardian to make lifetime gifts or to plan for the testamentary distribution of the ward's estate, the probate court must find, by a preponderance of the evidence, that[~~:~~

~~(a)]~~ the proposed gifts and/or testamentary plan are consistent with the ward's wishes[~~:~~] or, ***based on the circumstances as they then exist, that:***

~~[(b)]~~ ***(a) The testamentary distribution of the ward's estate will minimize taxation and/or facilitate distribution of the ward's estate to family, friends, or charities who would be likely recipients of gifts from the ward;***

(b) The proposed gift is not likely to adversely affect the ward's housing options, access to care and services, or general welfare;

(c) The proposed gift does not create a foreseeable risk that the ward will be deprived of sufficient assets to cover his or her needs during any period of medicaid ineligibility that would result from the proposed gift; and

(d) The proposed gift is not likely to result in premature or unnecessary nursing home placement or institutionalization of the ward, or compromise the ward's access to care or services in the least restrictive setting in which his or her needs can be met.

VI. The probate court, prior to authorizing a lifetime gift, shall appoint a guardian ad litem if the proposed gift benefits the guardian personally or otherwise creates a potential conflict of interest between the ward's interests and the guardian's personal interests.

VII. The department of health and human services, county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this section if the court has concerns relative to:

(a) The impact on the ward of any period of Medicaid ineligibility that would result from the proposed gift; or

(b) Whether the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43.

3 Powers of Attorney; Disability or Incompetence of Principal. Amend RSA 506:6, V to read as follows:

V.***(a)*** An attorney in fact is not authorized to make gifts, ***pursuant to the durable power of attorney***, to the attorney in fact or to others unless:

(1) The durable power of attorney explicitly authorizes ~~[such]~~ gifts; and

(2) The proposed gift will not leave the principal without sufficient assets or income to provide for the principal's care without relying on Medicaid, other public assistance or charity, unless the authority to make such a gift is expressly conferred, or the gift is approved in advance by the court upon a determination that the gift is authorized in accordance with RSA 506:7, III(e).

(b) No attorney in fact may make a gift to him or herself of property belonging to the principal unless the terms of the power of attorney explicitly provide for the authority to make gifts to the attorney in fact, or the gift is approved in advance by the court upon a determination that the gift is authorized in accordance with RSA 506:7, III(e).

(c) This paragraph shall not in any way impair the right or power of the principal, by express words in the power of attorney, to further authorize, expand, or limit the authority of any agent to make gifts of the principal's property.

4 Powers of Attorney. Amend RSA 506:6, VI-VIII to read as follows:

VI. ***(a)*** ~~[The following]~~ A disclosure statement, signed by the principal, ~~[may accompany]~~ ***in substantially the following form, shall be affixed to*** a durable power of attorney:

INFORMATION CONCERNING THE DURABLE POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the "Principal," you are using this Durable Power of Attorney to grant power to another person (called the "Agent" or "Attorney in Fact") to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this written Durable Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Under this document, your agent will continue to have these powers after you become incapacitated, and unless otherwise indicated your Agent will have these powers before you become incapacitated. You have the right to retain this Power and not to release this Power until you instruct your attorney or any other person who may hold this Power of Attorney to so release it to your Agent pursuant to written instructions. You have the right to revoke or take back this Durable Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Durable Power of Attorney that you do not understand, you should seek professional advice.

Principal

(b) The language required by this paragraph shall not confer any powers to the agent that are not otherwise contained in the durable power of attorney.

VII. ***(a)*** An agent~~[prior to acting in the capacity of agent, may execute and affix]~~ ***shall have no authority to act as agent under the power of attorney unless the agent has first executed and affixed to the power of attorney an acknowledgment in substantially the following form:***

I, _____, have read the attached power of attorney and am the person identified as the Agent for the Principal. I hereby acknowledge that when I act as Agent or "attorney in fact," I am given power under this Durable Power of Attorney to make decisions about money, property, or both belonging to the Principal, and to spend the Principal's money, property, or both on the Principal's behalf, in accordance with the terms of this Durable Power of Attorney. This Durable Power of Attorney is valid only if the Principal is of sound mind when the Principal signs it. When acting in the capacity of Agent, I am under a duty (called a "fiduciary duty") to observe the standards observed by a prudent person, which means the use of those powers that is reasonable in view of the interests of the Principal and in view of the way in which a person of ordinary judgment would act in carrying out that person's own affairs. If the exercise of my acts is called into question, the burden will be upon me to prove that I acted under the standards of a fiduciary. As the Agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the Durable Power of Attorney specifically gives me the authority to do so. As the Agent, my authority under this Durable Power of Attorney will end when the Principal dies and I will not have authority to manage or dispose of any property or administer the estate unless I am authorized to do so by a New Hampshire Probate Court. If I violate my fiduciary duty under this Durable Power of Attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about this Durable Power of Attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Agent

(b) The acknowledgement by the agent need not be signed when the durable power of attorney is executed as long as it is executed prior to the agent exercising the power granted under the durable power of attorney.

VIII. ~~[Nothing in paragraphs V-VII of this section shall render ineffective a durable power of attorney validly executed under New Hampshire law]~~

(a) A power of attorney shall be valid if it:

(1) Is valid under common law or statute existing at the time of execution; or

(2) Has been determined by the court to be valid upon the filing of a petition pursuant to RSA 506:7.

(b) Failure to comply with paragraph VI shall not invalidate an otherwise valid durable power of attorney, subject to the provisions of RSA 506:7, IV(b).

5 Powers of Attorney; Limitations on Agent. Amend RSA 506:7, I(g) to read as follows:

(g) The department of justice, the department of health and human services, or the county attorney.

6 New Subparagraph; Powers of Attorney; Limitations on the Agent. Amend RSA 506:7, III by inserting after subparagraph (d) the following new subparagraph to read as follows:

(e) To determine that particular gifts or other transactions are authorized. In determining the authority of an agent to make a gift, the court shall consider:

(1) Evidence of the principal's intent;

(2) The principal's personal history of making or joining in the making of lifetime gifts;

(3) The principal's estate plan;

(4) The principal's foreseeable obligations and maintenance needs and the impact of the proposed gift on the principal's housing options, access to care and services, and general welfare;

(5) The income, gift, estate or inheritance tax consequences of the transaction;

(6) Whether the proposed gift creates a foreseeable risk that the principal will be deprived of sufficient assets to cover his or her needs during any period of Medicaid ineligibility that would result from the proposed gift; and

(7) Whether the proposed gift is likely to result in premature or unnecessary nursing home placement or institutionalization of the principal, or compromise the principal's access to care or services in the least restrictive setting in which his or her needs can be met.

7 Powers of Attorney; Limitations on the Agent. Amend RSA 506:7, IV to read as follows:

IV.(a) The court may hold hearings, **issue injunctions**, make orders and decrees, and take other actions that are necessary or proper in making determinations **and providing relief** on matters presented by a petition filed under paragraph III.

(b) When a gift or transfer made by an agent is challenged in a petition filed under paragraph III of this section, the gift or transfer shall be presumed to be lawful if the durable power of attorney is accompanied by the disclosure statement and acknowledgement drafted in accordance with RSA 506:6, VI and VII, and explicitly authorizes such gifts or transfers **as set forth in RSA 506:6, V**. However, if the petitioner establishes that the agent made a transfer for less than adequate consideration, and the transfer is not explicitly authorized by a durable power of attorney drafted in accordance with RSA 506:6, VI and VII, the agent shall be required to prove by a preponderance of evidence that the transfer was authorized and was not a result of undue influence, fraud, or misrepresentation.

8 New Paragraphs; Powers of Attorney; Limitations on the Agent. Amend RSA 506:7 by inserting after paragraph VI the following new paragraphs:

VII. The probate court, prior to authorizing a lifetime gift in a proceeding under this section, shall appoint a guardian ad litem if the proposed gift would benefit the agent personally or otherwise create a potential conflict of interest between the principal's interests and the agent's personal interests.

VIII. The department of health and human services, county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this section if the court has concerns relative to:

(a) The impact on the principal of any period of Medicaid ineligibility that would result from the proposed gift; or

(b) Whether the principal has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43.

9 Effective Date. This act shall take effect January 1, 2004.

Senate Ways and Means

May 16, 2003

2003-1671s

05/04

Amendment to HB 805

Amend RSA 17-Q:2, I(f) and (g) as inserted by section 1 of the bill by replacing them with the following:

(f) Three members of the business community with expertise in business and economics, appointed by the governor.

(g) Two members of the academic community, appointed by the governor.

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

2 Repeal. Chapter RSA 17-Q, relative to the consensus revenue estimating panel, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect May 1, 2005.

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

Senate Executive Departments and Administration

May 16, 2003

2003-1668s

04/05

Amendment to HB 825

Amend subparagraph I(a) as inserted by section with the following:

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

Energy and Economic Development

May 14, 2003

2003-1617s

08/01

Amendment to HCR 15

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION relative to air quality standards by the United States Environmental Protection Agency.

Amend the resolution by replacing all after the title with the following:

Whereas, New Hampshire has long suffered from power plant emissions migrating from the west; and

Whereas, these emissions negatively effect New Hampshire's air quality, forests, lakes, and streams; and

Whereas, the industry made a social contract with the American public 30 years ago to install state-of-the-art pollution controls; and

Whereas, New Hampshire has been a leader in reducing power plant emissions by enacting the multiple pollutant reduction program; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court hereby urges Congress to adopt aggressive multiple pollutant reduction legislation to reduce power plant emissions similar to the legislation adopted by the state of New Hampshire; and

That copies of this resolution be forwarded by the house clerk to the President of the United States; the Speaker of the United States House of Representatives; the President of the United States Senate; The Justices of the United States Supreme Court; and the members of the New Hampshire congressional delegation.

2003-1617s

AMENDED ANALYSIS

This house concurrent resolution urges Congress to adopt multiple pollutant reduction legislation similar to legislation adopted by the state of New Hampshire.

HEARINGS

TUESDAY, MAY 20, 2003

FINANCE, Room 103, SH

Sen. Green (C), Sen. Boyce (VC), Sen. Below, Sen. Clegg, Sen. D'Allesandro, Sen. Eaton, Sen. Gatsas, Sen. Odell

10:15 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

INSURANCE, Room 101, LOB

Sen. Flanders (C), Sen. Prescott (VC), Sen. Cohen, Sen. Martel, Sen. Roberge

8:30 a.m. **HB 507**, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

8:50 a.m. **HB 468**, relative to enforcement of labor protection statutes.

9:30 a.m. **HB 601**, relative to the long-term care insurance act.

EXECUTIVE SESSION MAY FOLLOW

JUDICIARY, Room 105-A, SH

Sen. Peterson (C), Sen. Foster (VC), Sen. Clegg, Sen. Roberge, Sen. Sapareto

(THE HEARINGS BELOW WILL BE A "ROLLING SCHEDULE." EACH BILL WILL BE HEARD IMMEDIATELY FOLLOWING THE PREVIOUS BILL HEARING.)

Commencing at 10:15 a.m.

HB 122, relative to an informed jury.

HB 167, relative to complaints against judges.

HB 175, (New Title) relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

EXECUTIVE SESSION MAY FOLLOW

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES, Room 101, LOB

Sen. Martel (C), Sen. Boyce (VC), Sen. Estabrook, Sen. Kenney, Sen. O'Hearn

3:15 p.m. **HB 709-FN**, relative to nursing homes in receivership.

EXECUTIVE SESSION MAY FOLLOW

WILDLIFE & RECREATION, Room 104, LOB

Sen. Gallus (C), Sen. Roberge (VC), Sen. Cohen, Sen. Gatsas, Sen. Sapareto

1:15 p.m. **EXECUTIVE SESSION ONLY FOR THE FOLLOWING BILLS**

HB 82, (New Title) to change the name of "Mount Clay" to Mount Reagan.

HB 162, relative to remedies and penalties for injuries to domestic animals caused by dogs.

HB 420, relative to state-owned trails and parking lots in the town of Windham.

HB 748, (New Title) making changes to the laws governing off highway recreational vehicles and the multi-use state-wide trail system.

WEDNESDAY, MAY 21, 2003

INTERNAL AFFAIRS, Room 103, LOB

Sen. Boyce (C), Sen. Flanders (VC), Sen. Kenney, Sen. Larsen, Sen. O'Hearn

10:15 a.m. **HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board.

10:30 a.m. **HCR 14**, (New Title) declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

EXECUTIVE SESSION MAY FOLLOW

PUBLIC AFFAIRS, Room 105-A, SH

Sen. Roberge (C), Sen. Larsen (VC) Sen. Barnes, Sen. Green, Sen. Morse

8:30 a.m. **EXECUTIVE SESSION ONLY FOR THE FOLLOWING BILLS**

HB 259, relative to the regulation of gift certificates under the consumer protection act.

HB 311, (New Title) repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

HB 753, establishing the fourth Monday in April as General John Stark Day.

HB 194, relative to appeals in landlord/tenant actions.

HB 431, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property.

FRIDAY, MAY 23, 2003

WAYS & MEANS, Room 103, SH

Sen. D'Allesandro (C), Sen. Clegg (VC), Sen. Boyce, Sen. Gallus, Sen. Odell

9:00 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

TUESDAY, MAY 27, 2003

JUDICIARY, Room 105-A, SH

Sen. Peterson (C), Sen. Foster (VC), Sen. Clegg, Sen. Roberge, Sen. Sapareto

(THE HEARINGS BELOW WILL BE A "ROLLING SCHEDULE." EACH BILL WILL BE HEARD IMMEDIATELY FOLLOWING THE PREVIOUS BILL HEARING.)

Commencing at 10:15 a.m.

HB 178, relative to detention for violations of protective orders.

HB 205, relative to the use of criminal records and reports.

HB 296, relative to settlement agreements in medical malpractice suits.

HB 415, (New Title) raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof.

HB 749, (New Title) relative to the description in a criminal complaint of the party accused.

EXECUTIVE SESSION MAY FOLLOW

MEETINGS

MONDAY, MAY 19, 2003

ASSESS THE OPERATING EFFICIENCY OF STATE GOVERNMENT (HB 171, Chapter 1:1, Laws of 2003)

8:00 a.m. Room 100, SH Regular Meeting

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308 LOB Regular Meeting

SENATE FINANCE COMMITTEE (Budget Work Session)

HEALTH AND HUMAN SERVICES

9:00 a.m. Room 103, SH Health and Human Services-Personnel Matters
Work Session On House Budget to Follow

SEPTEMBER 11 MEMORIAL SELECTION COMMITTEE (RSA 4:9-f)

10:00 a.m. Room 307, LOB Regular Meeting

NH CANADIAN TRADE COUNCIL (RSA 12-A:2-g)

1:30 p.m. Room 304, LOB Regular Meeting

TUESDAY, MAY 20, 2003

SENATE CAPITAL BUDGET COMMITTEE (HB 25-FN-A, Agency Budget Workshops)

8:30 a.m. Room 103, SH Department of Education
8:45 a.m. Room 103, SH Liquor Commission
9:00 a.m. Room 103, SH Community Technical College/Laconia
9:15 a.m. Room 103, SH Public Health
9:30 a.m. Room 103, SH DRED
9:45 a.m. Room 103, SH Department of Transportation

SENATE FINANCE COMMITTEE (Budget Work Session)

1:00 p.m. Room 103, SH Work Session on House Budget

WEDNESDAY, MAY 21, 2003

FISCAL COMMITTEE OF THE GENERAL COURT

9:00 a.m. Rooms 210-211, LOB Regular Business
9:30 a.m. Rooms 210-211, LOB Audits:
State of New Hampshire
State Treasury
Financial and Compliance Audit Report
For the Year Ended June 30, 2002
State of New Hampshire
Department of Health and Human Services Medicaid Program
Financial and Compliance Audit Report
For the Year Ended June 30, 2002

TASK FORCE ON JUVENILE JUSTICE SERVICE CAPACITY AND ADMINISTRATIVE SIMPLIFICATION (HB 179, Chapter 170:7, Laws of 2002)

12:00 p.m. Room 206, LOB Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (Kingston 10044C NH Route 125 reconstruction and widening to improve safety at Hunt Rd. and Newton Junction intersections)

12:00 p.m. State House Special Committee Meeting
Executive Council Chambers
Concord, NH

SENATE FINANCE COMMITTEE (Budget Work Session)

1:00 p.m.	Room 103, SH	Department of Education
2:00 p.m.	Room 103, SH	Liquor Commission
3:00 p.m.	Room 103, SH	Sweepstakes Commission

FRIDAY, MAY 23, 2003**SENATE WAYS & MEANS COMMITTEE (Agency Revenue Briefing)**

9:00 a.m.	Room 103, SH	Agency Revenue Briefing All senators are Invited
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ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:30 a.m.	NH Department of Revenue Administration, Community Services Division in the Training Room	Regular Meeting
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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-a:13)

1:00 p.m.	Room 205, LOB	Regular Meeting
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WEDNESDAY, MAY 28, 2003**NH DEPARTMENT OF TRANSPORTATION (Landaff, 14005 Removal of Bypassed Bridge Old US 302/
Former NHRP (Aband)**

7:00 p.m.	Landaff Town Hall 12 Center Hill Road Landaff, NH 03581	Public Officials/Info Meeting
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FRIDAY, MAY 30, 2003**EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c)**

1:30 p.m.	NH Department of Revenue Administration, Community Services Division in the Training Room	Regular Meeting
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MONDAY, JUNE 2, 2003**PERINATAL ALCOHOL, TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19)**

9:30 a.m.	Room 101, LOB	Regular Meeting
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NH CIVIL WAR MEMORIALS COMMISSION (RSA 21-K:18)

4:00 p.m.	Room 203, LOB	Regular Meeting
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WEDNESDAY, JUNE 4, 2003**NH DEPARTMENT OF TRANSPORTATION (Shelburne 14007 Removal of Bypassed Bridge Old Meadow
Rd/Androscoggin River)**

7:00 p.m.	Shelburne Town Hall 74 Village Road Shelburne, NH	Public Official/Info Meeting
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MONDAY, JUNE 9, 2003**GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

1:00 p.m.	Room 102, LOB	Regular Meeting
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FRIDAY, JUNE 13, 2003**BOARD OF CLAIMS (RSA 541-B:3)**

9:00 a.m.	Room 100, SH	Regular Meeting
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MONDAY, JUNE 16, 2003**BOARD OF MANUFACTURED HOUSING (RSA 205-A:25)**

1:00 p.m.	Room 201, LOB	Complaint Hearing
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FRIDAY, JUNE 20, 2003

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62)

9:00 a.m. - 12:00 p.m. Room 306, LOB Regular Meeting

MONDAY, JUNE 23, 2003

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Regular Meeting

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)

9:00 a.m. Room 305, LOB Regular Meeting

MONDAY, JUNE 30, 2003

COMMISSION TO STUDY PROBLEMS RELATED TO DELIVERY OF LOCAL ASSISTANCE (HB 1109, Chapter 184, Laws of 2002)

10:00 a.m. Room 301, LOB Regular Meeting

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FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2003

SENATE BILLS: 14, 15, 16, 19, 29, 34, 35, 36, 38, 41, 46, 47, 51, 56, 57, 58, 59, 63, 64, 66, 69, 70, 71, 74, 78, 79, 80, 85, 88, 90, 92, 94, 95, 96, 97, 98, 101, 102, 103, 105, 115, 117, 118, 120, 124, 126, 127, 128, 130, 132, 138, 140, 141, 142, 144, 145, 148, 149, 151, 152, 159, 161, 169, 179, 186, 190, 192, 197, 202, 205, 208, 210, 214, 215, 216, 217, 221, 222, 223, 224. HOUSE BILLS: 25, 104, 109, 112, 135, 205, 210, 302, 304, 387, 447, 524, 528, 533, 543, 593, 608, 619, 621, 638, 646, 654, 669, 671, 680, 703, 705, 711, 717, 720, 735, 737, 738, 758, 787, 788, 791, 816, 828

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NOTICES

The 2002 Session laws are in. They are available on a first come, first served basis in room 109.

Thomas R. Eaton, Senate President

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Former Representative Roger King, a good friend and colleague to many of us is currently at the Hanover Hill Healthcare Center, Room 202, 700 Hanover Street, Manchester, NH 03104. He would love to get a call, card or personal visit from some of his old colleagues and friends. For further information, please contact...

Senator John S. Barnes, Jr.

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SUNDAY, MAY 18, 2003

On May 18, NAMI, the National Alliance for the Mentally Ill, will sponsor a 5k walk to help erase the stigma of mental illness. The Walk will take place at Veteran's Park in Manchester starting at 1:00 p.m. with check-in time at Noon. All Senators are encouraged to participate on a Senate team. For further information, please contact Senator Jack Barnes or Senator Lou D'Allesandro.

Senator Jack S. Barnes
Senator Lou D'Allesandro

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WEDNESDAY, MAY 21, 2003

Senator Clifton C. Below and Representative Gloria Seldin will be presented with Meritorious Service Awards by the New Hampshire Women's Lobby and NH Women's Policy Institute on **Wednesday, May 21, 2003 from 4:30 PM - 6:30 PM at the Concord City Auditorium.** The Annual Spring Celebs Awards Celebration honors legislators and citizens making a difference for women and families in New Hampshire. This year, political cartoonist Mike Marland (Media Award) and longtime labor activist Eva Sartwell (Citizen Award) will also be recognized. Requested donation is \$10 for Lobby members and \$15 for non-members. Tickets are available from Senator Sylvia Larsen, Rep. Bette Lasky, Rep. Deanna Rush and Rep. Marjorie Smith; by reservation from the NHWL/WPI office (224-9105); and at the door.

Senator Sylvia B. Larsen

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THURSDAY, JUNE 5, 2003

The NH Children's Trust Fund, along with the Order of Women Legislators and others will be hosting a Legislative Luncheon on June 5th at St. Paul's Church Hall from 11:30 a.m. - 1:30 p.m.

Senator Sylvia B. Larsen

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SENATE SCHEDULE 2003 SESSION

Monday, May 26, 2003	Memorial Day (State Holiday)
Wednesday, June 18, 2003, 3:00 p.m.	The deadline for committee of conference report sign off.
Friday, July 4, 2003	Independence Day (State Holiday)
Monday, September 1, 2003	Labor Day (State Holiday)
Monday, October 20, 2003	Filing period for legislation to be acted on in the second half of the biennium, beginning January 2004, will commence.
Tuesday, November 11, 2003	Veteran's Day (State Holiday)
Friday, November 14, 2003, 3:00 p.m.	The office of Legislative Services shall not draft a Senate bill or joint resolution, unless a request by a member for drafting with complete information has been received.
Thursday, November 27, 2003	Thanksgiving Day (State Holiday)
Friday, November 28, 2003	Day after Thanksgiving (State Employee Holiday)
Friday, December 19, 2003, 3:00 p.m.	Last day to sign-off legislation for the January 2004 session.
Thursday, December 25, 2003	Christmas Day (State Holiday)

VISITORS CENTER SCHEDULE - MAY

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **MAY 2002**. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors' Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
May 19	9:30 & 11:00	Maple Ave. School – Claremont	4/58
May 19	10:30	Hampstead Central School	4/44
May 20	9:00	Henniker Elementary School	4/18

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
May 20	10:00 & 11:30	Thornton Ferry School – Merrimack	4/50
May 21	10:00 & 11:30	Thornton Ferry School – Merrimack	4/50
May 21	1:00	Pierce Elementary School – Bennington	4/20
May 22	10:00 & 11:00	Rindge Memorial School – Rindge	4/61
May 23	10:00 & 11:30	Thornton Ferry School – Merrimack	4/50
May 23	11:00	Westmoreland Elementary School	4&5/40
May 27	9:30 & 11:00	Green Acres School – Manchester	4/80
May 27	12:30	St. Mary's School – Claremont	4&5/30
May 28	9:30	South Merrimack Christian	4/22
May 28	9:30 & 11:00	Green Acres School – Manchester	4/80
May 28	12:30	Mason Elementary School	4/16
May 29	11:00	Campton Elementary School	4/40
May 29	12:30	Hampstead Academy – Atkinson	4/30
May 30	9:30	Holderness Central School – Plymouth	4/32
May 30	11:00	Ed Fenn School – Gorham	4/45
May 30	12:30	Lafayette Regional School – Franconia	4/19
May 30	12:30	Bethlehem Elementary School	4/17