

March 22, 2012  
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# STATE OF NEW HAMPSHIRE

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**Second Year of the 162<sup>nd</sup> Session of the  
New Hampshire General Court  
Legislative**

## **SENATE CALENDAR ADDENDUM**

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**THE SENATE WILL MEET IN SESSION ON WEDNESDAY,  
MARCH 28, 2012, AT 10:00 A.M.**

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## REGULAR CALENDAR REPORTS

### FINANCE

**SB 212-FN**, relative to pooled risk management programs.

Ought to Pass with Amendment, Vote 2-0.

Senator Morse for the committee.

**SB 225-FN-L**, relative to fees for vital records.

Ought to Pass with Amendment, Vote 6-0.

Senator Morse for the committee.

## AMENDMENTS

### Senate Finance

March 22, 2012

2012-1424s

01/09

#### Amendment to SB 212-FN

Amend RSA 5-B:1-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The resources of political subdivisions have at times been burdened by the securing of insurance protection through standard carriers.

Amend RSA 5-B:1-a as inserted by section 1 of the bill by deleting paragraph V.

Amend RSA 5-B:2, II as inserted by section 1 of the bill by replacing it with the following:

II. "Department" means the department of state, but shall not include the bureau of securities regulation, except where a clear and specific securities-related infraction has occurred.

Amend RSA 5-B:4-a, VII(a) as inserted by section 3 of the bill by replacing it with the following:

(a) Any person who, either knowingly or negligently, violates any provision of this chapter or any rule or order thereunder, may, upon hearing, and in addition to any other penalty provided for by law, be subject to an administrative fine not to exceed \$2,500. Each of the acts specified shall constitute a separate violation.

Amend RSA 5-B:5, I(c) as inserted by section 4 of the bill by replacing it with the following:

(c) Return all earnings and surplus in excess of any amounts required for [administration,] claims, reserves, [and] **the purchase of excess insurance, and reasonable costs of administration** to the participating political subdivisions, **to be paid to the political subdivisions which contributed to the pooled risk management program, annually. Management, investment, and return of such funds shall comply with all provisions of RSA 41:29, RSA 32, and RSA 35:9. For employee benefit coverage programs, reserves under this chapter shall not exceed 25 percent of any pooled risk management program's total annual average premium receipts for the prior 3 years for each separate program enumerated in RSA 5-B:3, V, unless detailed findings of fact supporting deviation from this limit are submitted to and approved by the board. For property-casualty coverage programs, reserves under this chapter shall not exceed 125 percent of any pooled risk management program's total annual average of reserves that would result from an actuarially determined confidence level of 80 percent for the prior 3 years for each separate program enumerated in RSA 5-B:3, V, unless detailed findings of fact supporting deviation from this limit are submitted to and approved by the board. The board shall determine the amount, if any, of such funds to be used for rate stabilization with the balance, if any, returned by premium reduction for the following year or by check. The choice of receiving a premium reduction or a check shall be made by the governing body of each member political subdivision.**

Amend RSA 5-B:5, III-VI as inserted by section 4 of the bill by replacing them with the following:

**III. Each pooled risk management program shall provide for an annual actuarial accounting of the pooled risk management program, which shall assess the adequacy of contributions required to fund any such program and the reserves necessary to be maintained to meet the expenses of all incurred and incurred but not reported claims and other projected needs of the plan. This accounting shall be performed by a member of the American Academy of Actuaries qualified in the coverage area being evaluated, filed with the department, and distributed to participants of each pooled risk management program.**

**IV. Each pooled risk management program shall conduct an annual meeting to elect board members. In addition, each pooled risk management program shall conduct 2 public hearings at least 10 days prior to rate setting for each year for the purpose of advising of potential rate increases, the reasons for projected rate increases, and to solicit comments from members regarding the return of surplus. Notice of the annual meeting and 2 public hearings shall be provided to all members of the pooled risk management program and to the public by means of a prominent posting on its website.**

**V. The rates proposed by any pooled risk management program established under this chapter shall be uniform among all pooled risk management program's participants for health pool groups under 51 lives, and shall be variable for taking into account credible experience within rate bands having a maximum deviation from baseline of plus or minus 15 percent totaling 30 percent in aggregate, due to prior credible claim loss experience underwriting for health pool groups of 51 lives or over. For all other programs except health, this rule shall not apply.**

**VI. If a pooled risk management program fails to provide for an annual audit or an annual actuarial [evaluation] *accounting*, the department shall perform or cause to be performed the required audit or [evaluation] *actuarial* accounting and shall be reimbursed the [cost] *costs* by the program.**

Amend section 6 of the bill by deleting RSA 5-B:8.

Amend the bill by replacing section 10 with the following:

10 Effective Date.

I. RSA 5-B:5, I(a) as inserted by section 4 of this act shall take effect January 1, 2013.

II. RSA 5-B:3, V(b) as inserted by section 1 of this act shall take effect January 1, 2014.

III. The remainder of this act shall take effect July 1, 2012.

**2012-1424s**

#### AMENDED ANALYSIS

This bill:

I. Makes changes in the laws regulating pooled risk management programs.

II. Requires pooled risk management programs to return any surplus which may be used for rate stabilization with the balance, if any, returned by premium reduction or by check to the appropriate political subdivisions.

**Senate Finance**

**March 22, 2012**

**2012-1422s**

**09/01**

#### Amendment to SB 225-FN-LOCAL

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

1 Fees for Copies and Verifications of Vital Records. Amend RSA 5-C:10 I and II to read as follows:

I. A town clerk or the registrar shall be paid in advance, by any person requesting any copy or verification as provided in RSA 5-C:9, the sum of [~~\$15~~] **\$12** for making a search, which sum shall include payment for the issuance of such copy or verification, and [~~\$10~~] **\$8** for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25.

II. The town clerk shall forward \$8 of each search fee collected by the clerk under this section to the department of state for deposit in the vital records improvement fund established under RSA 5-C:15~~], and \$3 to the state treasurer for deposit in the general fund;~~ and shall retain the remaining \$4 as the clerk's fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this section to the department for deposit in the vital records improvement fund established under RSA 5-C:15 and ~~[\$2 to the state treasurer for deposit in the general fund, and]~~ shall retain the remaining \$3 as the clerk's fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as the clerk's fee for examining documents and issuing the delayed birth certificate. Fees collected by the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.

2 Effective Date. This act shall take effect July 1, 2013.

**2012-1422s**

#### AMENDED ANALYSIS

This bill decreases the fees for vital records and eliminates the requirement that a portion of vital records fees be deposited in the general fund.