

State of New Hampshire HOUSE RECORD

First Year of the 159th General Court Calendar and Journal of the 2005 Session

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Friday, May 20, 2005

No. 43

Contains: Reports and Amendments for May 25, Hearings, Meetings and Notices

HOUSE CALENDAR

NOTICE

The House will meet on **Wednesday, May 25th** at 1:00 p.m. Tentative future session days are June 1st, June 8th, June 15th and June 29th.

For the members convenience, I have asked that the dining room portion of the cafeteria remain unlocked and available throughout the afternoon on a daily basis.

If you have not already done so, you may pick up your copy of the **Black Book** in the Clerk's Office.

Chairmen and Vice Chairmen will meet on **Tuesday, May 24th** at 9:00 a.m. in Room 203, LOB.

W. Douglas Scamman, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **May 25** at **12:30 p.m.** in Representatives Hall.
Rep. Michael O'Neil, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **May 25** at **noon** in Rooms 206-208 of the Legislative Office Building.

Rep. James W. Craig, Democratic Leader

NOTICE

House Continuing Education

TOPICS:

Committees of Conference
Parliamentary Procedure
Speaking from the Well

COORDINATORS:

Representative Pamela Price
Representative Christine Hamm

DATE:
Wednesday, May 25, 2005

TIME:
10:00 a.m.

PLACE
Representatives Hall

Committees of Conference: What are they? How do they work?
Parliamentary Procedure: Get some tips on process from the Clerk of the House.
Speaking from the well: Learn the ropes from veteran legislators.

NOTICE

Please note that the Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at 1:00 p.m. on Thursdays for Committee Reports. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability/assignment and publication of meeting notices.

Karen O. Wadsworth, Clerk of the House

LAI D ON TABLE

HB 98, relative to law enforcement authority under the safe schools act. (Pending question is the adoption of the committee amendment.)

HB 219, relative to permitting audio and video recording on school buses. (Pending question is the adoption of the committee report of ought to pass with amendment.)

HB 563-FN-A, increasing the tobacco tax. (Pending question is the adoption of the majority committee report of inexpedient to legislate.)

HR 15, affirming revenue estimates for fiscal years 2005, 2006, and 2007. (Pending question is third reading.)

HOUSE DEADLINES

Thursday, May 26, 2005	Last day to report all Senate bills for action in 1 st year session
	Last day to hold public hearing on retained Senate bills
	Last day to report list of retained Senate bills
Wednesday, June 8, 2005	Last day to act on Senate bills
Thursday, June 16, 2005	Last day to form Committees of Conference
Wednesday, June 22, 2005 at 3 pm	Last day to sign Committee of Conference reports
Wednesday, June 29, 2005	Last day to act on Committee of Conference reports
Monday, September 12, 2005	First day to file legislation for the 2006 session
Friday, September 23, 2005	Last day to file legislation for the 2006 session

WEDNESDAY, MAY 25

CONSENT CALENDAR

COMMERCE

SB 66, establishing a committee to study the creation of a northern New England purchasing alliance for small business health insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Clark for Commerce: The committee recommends that the General Court establish a committee to study joint purchasing strategies for small business health insurance in the northern New England states. **Vote 19-0.**

SB 77, relative to the review of proposed health care provider contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stepanek for Commerce: This bill was a good compromise on both sides. The insurance companies will be required to provide a health care provider in writing or in electronic format a complete copy of the proposed contract including all attachments and exhibits. The insurance company shall also make available to the contracting entity in writing or in electronic format the most current provider manual. In addition, the contracting entity may request that a health carrier disclose the fees applicable to specified procedure codes that pertain to the entity's practice or specialty, or a method or process that allows the contracting entity to determine the fees pursuant to the contract. There was agreement on both sides that this piece of legislation would resolve the major issues surrounding contract disclosures. **Vote 19-0.**

SB 78, relative to payment of health care providers by health carriers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stepanek for Commerce: This bill modifies the health insurance industries prompt payment law, RSA 415:6h. The committee, the insurance industry, NH Medical Association, the NH Hospital Association as well as many individual practitioners worked long and hard hammering out the amendment to the bill. All sides compromised and no group got everything it wanted. In the end all agreed we have a good, workable modification to the prompt payment law. Under the current RSA any late payments of claims by the insurance companies will be assessed a 1.5% per month interest cost. A problem arose because the health care provider had to submit in writing a request for the interest payment for each individual claim. This amendment defines clean claims, time limits in which insurance companies must pay these claims and automatic payment of the interest payment to the health care provider if the initial payments are not made within the outlined time schedules. **Vote 19-0.**

SB 123, relative to the liability of pet shops for the sale of sick animals. **INEXPEDIENT TO LEGISLATE**

Rep. Stella Scamman for Commerce: This bill allows the purchaser of an animal bought at a pet shop a period 14 days to seek veterinary care if such animal becomes ill. The pet shop shall be liable for up to \$1000 in veterinary fees for each pet animal sold. The concern is that pet stores would have to reimburse the purchaser for expenses that could far exceed the cost of the animal and lead to bankruptcy of the small pet stores. Under the current process, the consumer can go back to the pet store and get full reimbursement for the pet. **Vote 18-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: The intent of this bill is to establish uniform procedures for law enforcement officials when receiving reports of missing adults. Most importantly, it provides a consistent approach throughout the state. It also provides for a minimum 72 hour time frame for agencies to report a missing person for entry into the National Crime Information Center known as NCIC. The 72 hours provides local law enforcement the time to investigate circumstances and justification to entry into NCIC. The bill does not preclude entering this information prior to 72 hours based on special circumstances. **Vote 16-0.**

SB 56, relative to penalties for eluding pursuit by a law enforcement officer. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl for Criminal Justice and Public Safety: The committee felt that the bill was confusing and almost impossible to enforce. Part of the bill raises the penalty for increasing speed to 25 MPH or more over a posted speed limit to elude pursuit to the existing class B felony for being involved in an accident causing serious bodily injury during a pursuit. A subcommittee attempted without success to construct an amendment that would have made the bill more workable. Many on the committee felt that in certain cases a felony charge would be appropriate, but SB 56 was not the answer. **Vote 15-1.**

EDUCATION

SB 17, relative to the definition of educational institution for the purpose of higher education loans. **OUGHT TO PASS**

Rep. Deanna P. Rush for Education: This bill provides a language change that will result in consistency with the language contained in the charters of the other two New Hampshire Higher Education Assistance Foundation (NHHEAF) network organizations. Current language limits the New Hampshire Higher Education Loan Corporation (NHHELCO) from participating in expanded business opportunities for the NHHEAF network organizations because it cannot purchase loans from out-of-state entities who may wish to contract with the network. This bill allows NHHELCO to enter into purchase agreements with out-of-state lenders and to provide loans to New Hampshire students for postsecondary education institutions outside of New Hampshire and thereby increase NHHELCO's market position. This bill does not require any state financial commitments. **Vote 12-0.**

ENVIRONMENT AND AGRICULTURE

SB 91-FN, relative to an increase in the co-payment for participation in the animal population control program. **OUGHT TO PASS**

Rep. James G. Phinizy for Environment and Agriculture: The state animal population control program has been highly successful; however, due to increased costs, which the veterinarians have been absorbing, it is felt by the committee that an increase is in order. Accordingly, the two plans, which deal with adoptions from shelters and individuals who meet criteria, have been increased from \$30 to \$40 and \$15 to \$20 respectively. These increases are consistent with responsible animal ownership. **Vote 15-2.**

SB 187, relative to allowing alternative certified hazardous waste coordinator programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzanne S. Butcher for Environment and Agriculture: The hazardous waste coordinator program was established in 2003. This bill, supported by the Department of Environmental Services (DES), allows greater flexibility for DES and for businesses in implementing the program, while requiring that they continue to meet the same responsibilities. It allows alternative programs provided they demonstrate equivalent training, continuing education, and management organization to meet those responsibilities. The committee amendment adds that "on-site staffing" must also be equivalent, to ensure that it is clear that the requirement for staffing at each facility is not changed. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 19, relative to qualifications to sell lottery, bingo and lucky 7 tickets. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill changes the language of RSA:21-h,II(e) which currently does not allow persons convicted of a felony which has been annulled by a court to ever have a license to sell lottery tickets to apply to the ten years prior to application. Testimony was given that there have been instances where someone was convicted of DWI at 20 or 21 not being able to get a license for their store when they are 40. The lottery commission supported this change. **Vote 19-0.**

SB 93-FN, transferring the electricians' board to the department of safety. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state Fire Marshall. In so doing, the board, with the approval of the commissioner of safety, is obligated to set rates at 125% of operating expenses of the board for the previous fiscal year. The fees collected shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-p:12-d, and used for purposes of operating expenses of the electricians' board. Fees collected in excess of actual operating expenses shall be deposited in the general fund as unrestricted revenue. The electricians' board stated in the fiscal notes that the change is organizational and therefore there will be no increased costs to the state or reduction in the traditional excess percentage contribution to the general fund. **Vote 15-2.**

SB 153-FN, relative to the administration of certain programs by the department of environmental services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill deals with transfer of employees from the Department of Health and Human Services to the Department of

Environmental Services. This bill makes clear that Health and Human Services will continue to have responsibility for lead paint poisoning prevention and control. **Vote 18-0.**

FINANCE

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services. **OUGHT TO PASS**

Rep. Joseph E. Stone for Finance: This bill authorizes increased spending for the publication of certain materials by the Department of Environmental Services. A non-expiring revolving fund, which shall not exceed \$30,000 on June 30 of each year, is established by the Department of Environmental Services. Any monies in excess of \$30,000 revert to the General Fund. The second part of the bill amends RSA 21-0:2 and RSA 94:1-a to change a position title from Chief Operations Officer to Chief Financial Officer. **Vote 22-0.**

SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security. **OUGHT TO PASS**

Rep. Joseph E. Stone for Finance: There are federal funds made available to this state under section 903(d) of the Social Security Act, 42 U.S.C. section 1103(d). These funds are to be used under the direction of the NH Department of Employment Security for the purpose of developing and implementing a new automated unemployment compensation benefit system including the upgrade or replacement of critical interfaces. Expenditures may include providing funds for hardware, software, equipment, staffing, technology maintenance and other purposes that are in accordance with any uses authorized by the United States Congress now or in the future. **Vote 22-0.**

JUDICIARY

SB 43, relative to the administration of estates of persons presumed dead. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory M. Sorg for Judiciary: This bill clarifies and amends current law under which judges of probate legally establish the death and administer the estate of a missing person and reduces from seven to five years the period such a person must be missing before he may conclusively be presumed dead and his estate settled in his heirs or legatees. **Vote 15-5.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 28, relative to confidentiality and workers' compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: The committee believes in the protection of privacy regarding workers' compensation claims and the deliberations of the Public Employee Labor Relations Board. The amendment clarifies that in adjudicatory hearings conducted by the board, the board's deliberative processes shall be privileged and exempt from the public disclosure provisions of RSA 91-A. **Vote 15-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 143, relative to the adoption and use of impact fees for public open space. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: RSA 674:21, V defines an "impact fee" as a fee or assessment imposed upon development to meet the needs "occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality..." Many municipalities already appropriate funding within their budgets to purchase property or easements in order to preserve the open space within their borders. Currently there is a prohibition on using these impact fees for the acquisition of public open space. A municipality has to enact a capital improvements program (CIP), pursuant to RSA 674:5-7, in order to assess any impact fees upon development. SB 143 proposed to remove this prohibition and allow public open space to be part of the CIP. This impact fee would be assessed per housing unit from \$250 per unit up to \$750 per unit with some reductions if workforce housing is included in the project. There are already effective tools for local land use boards to preserve open space within each development such as cluster development, the transfer of development rights, planned unit development and the village plan alternative. Current use has also been used effectively for the preservation of open space. This open space initiative is for the benefit of all the community's citizens and should be supported by the municipality as a whole and not on the backs of those wishing to build their dream homes. The

committee recognizes that the desire for increased open space and the need for increased housing supply need to be balanced and agreed that assessing impact fees on new development was not an acceptable solution. **Vote 10-2.**

SB 176, creating a public safety exception to a municipality's denial of an appropriation or budgetary item. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: RSA 32:10 was amended in 2003 to ensure that when a voter voted "No" on a separate warrant article, he or she meant "No." This change was in response to the many incidents where local governing bodies of the town and school districts would implement the purpose of the separate warrant article by transferring funds from other line items to pay for the defeated articles in a flagrant disregard of the voters intent. SB 176 seeks to create a public safety exception to the "no means no" vote by allowing the transfer of funds if such purpose was related to public safety, which was not defined. Many items relating to schools, police, fire and public works departments could be classified as related to public safety. The committee states strongly that the intent of RSA 32:11 which relates to emergency expenditures and over expenditures and the procedures required to expend more than the total amount appropriated by the legislative body cover all the emergency situations that might arise. The process in RSA 32:11 states that the governing body is required to have a public hearing, to receive input from the budget committee, if there is one, and to designate the source of funds to the commissioner of the department of revenue administration or commissioner of education prior to getting approval to expend funds for an emergency situation. The committee strongly agrees that the RSA 32:11 procedure authorizes the expenditure of funds in the event of emergency situations. **Vote 12-0.**

SB 188, relative to the construction of buildings on properties without street frontage. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: RSA 674:41 deals with when a building permit can be issued once a planning board has been granted the authority to approve or disapprove plats. The concept behind this bill is to allow municipalities the ability to issue building permits on most lots that are service by either maintained or un-maintained streets. Notice of the limits of municipal responsibility and liability must be recorded in the county registry of deeds for the lot that is serviced by the un-maintained streets. A recent interpretation of this statute by a municipality resulted in a building permit being denied which initiated the introduction of SB 188. The bill as received by the House would have allowed municipalities to exempt certain structures from the requirements of RSA 674:41. The committee worked on the issue and came up with an amendment that fulfilled the desires of the sponsor of the original bill while at the same time corrected a deficiency in the statute. **Vote 13-2.**

SB 192, relative to service in a war or conflict qualifying for the veterans' tax credit. **OUGHT TO PASS**

Rep. John P. Dowd for Municipal and County Government: RSA 72:28, V describes "service in a qualifying war or armed conflict" which included the dates of the war or conflict. An extensive review of the veterans' tax credits was completed in 2003 by the Municipal and County Government Committee. After enactment of many changes and the ability for a local community to increase the credit up to \$500, an inequity was discovered that rendered the military members who served in the Gulf War of 1990 and beyond ineligible for the veterans' tax credit. SB 192 corrects that inequity. The bill further simplifies the definition of a war or armed conflict without having to try to determine which veteran earned an armed forces expeditionary medal or theatre of operations service medal. Through the adoption of this bill, waiting for the governmental process to determine any military medals will not cause any delay in being eligible for the veterans' tax credit. The committee looked at an extensive statistical and historical analysis for each town and county. **Vote 14-1.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 83, establishing a commission to study issues relative to the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill establishes a broadly-representative commission to review the effectiveness of the Comprehensive Shoreland Protection Act of 1994. After these eleven years, the act has been found to be beneficial in many aspects, but there have also been problems with clarity, enforceability and effectiveness. The proposed commission will evaluate those areas and consider options to clarify and improve the act. There was no unfavorable testimony to the bill. **Vote 12-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 215-FN, creating a committee to study banning the incineration of construction and demolition debris. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jim Ryan for Science, Technology and Energy: The committee has met on several occasions with respect to several proposed pieces of legislation that attempt to begin a legislative response to the potential harm from incineration of construction and demolition debris (C & D). The bill at hand requires a study, but, as amended, broadens the focus of the study to not only consider the air quality issues relative to C & D, but also issues that relate to solid waste management and C & D. The unanimous vote of the committee reflects a consensus that a broader study is necessary as our public policy evolves to meet the challenges posed by the disposal of C & D materials. **Vote 14-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SCR 2, relative to reauthorization of the Transportation Equity for the 21st Century Act (TEA-21). **OUGHT TO PASS**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The committee believes it is important that the federal government pass the highway bill. The State of New Hampshire needs to know the extent of federal funding available to properly develop its own long-range road, upgrade and construction schedules. Furthermore, since there are requirements for different degrees of matching funding, it also has an impact on the state budget. It is imperative that any administration proposal and congressional legislation reauthorizing TEA-21 maintain the funding mechanism created in TEA-21 that established a direct link between fuel taxes collected at the pump and federal spending on highway, transit and other TEA-21 projects. **Vote 11-0.**

SJR 2, urging Congress to reject the Streamlined Sales Tax Project. **OUGHT TO PASS**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The Supreme Court has stated that no state can collect sales taxes on out-of-state sales unless it has a brick and mortar facility in state. This is an attempt to collect sales taxes from NH citizens. NH citizens will receive no benefit from these taxes while placing NH at risk of losing major mail order companies. **Vote 11-0.**

WAYS AND MEANS

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christine C. Hamm for Ways and Means: This bill extends the opportunity that currently exists for wineries and distilleries to offer samples and on-site sales of their products to include liquor as well as wine. The committee heard testimony from the liquor commissioner that the state will collect an 8% tax on such sales and that the amount of revenue lost to state-owned liquor stores from on-site sales would be negligible. The committee concurs with the unanimous vote of the House Commerce Committee and the Senate Energy and Economic Development Committee that this legislation will promote economic development, particularly for the state's agricultural community. The amendment makes this effective on passage. **Vote 19-0.**

SB 150-FN, relative to application fees for certain bank incorporations. **OUGHT TO PASS**

Rep. Catherine Mulholland for Ways and Means: This bill is effectively a housekeeping bill to bring the application fee for certain bank incorporations into alignment with the fee charged by the Secretary of State to all business corporations under RSA 293-A. **Vote 19-0.**

SB 152-FN, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for enhanced 911 system. **OUGHT TO PASS**

Rep. Sharon Carson for Ways and Means: This bill simply allows the Department of Revenue Administration to conduct audits of retailers subject to the enhanced 911 surcharge when these retailers are audited for other state fees and taxes. The results of the audits are then reported to the Department of Safety which is required to keep any privileged information obtained in the audits confidential. **Vote 19-0.**

SB 165-FN, relative to the collection of tax debts from out-of-state debtors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The bill permits the Department of Revenue Administration to contract with private collection agencies to collect debts from out-of-state

taxpayers. To do this, it must share confidential data with the agencies. The amendment limits this data to that which is necessary to collect the debt. **Vote 21-0.**

WEDNESDAY, MAY 25

REGULAR CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 30, establishing the Collaborative Practice for Emergency Contraception Act. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anne-Marie Irwin for the **Majority** of Executive Departments and Administration: Emergency contraception is a valuable contraceptive option that has the potential to reduce the number of unintended pregnancies and abortions by half. EC is a high dose of regular contraceptive pills that IS effective when taken within five days of unprotected sex, contraceptive failure or sexual assault and is FDA approved for use by all women of reproductive age. It should not be confused with RU-486, the abortion pill. Because EC is most effective the sooner it is taken (preferably within 72 hours), expanding access through collaborative therapy agreements can be crucial in providing access for working women, women with low incomes, victims of sexual and domestic violence, and women in rural areas. Collaborative therapy agreements are voluntary, opt-in agreements allowing willing pharmacists to partner with prescribers to dispense EC behind-the-counter with the trained pharmacist using the provider's prescription power. Six states currently use collaborative therapy agreements to dispense emergency contraceptives. **Vote 14-5.**

Rep. Nelson S. Allan for the **Minority** of Executive Departments and Administration: This bill will implement poor public health policy and similar policies have been rejected for the past four years. These powerful drugs are available now by prescription. The Food and Drug Administration has decided to not permit over the counter availability of these powerful drugs. In fact, FDA has evaluated only one drug for over the counter use and this bill does not limit the selection to that one drug. There are no age limitations on use of this drug and no parental notification after providing such to a minor. The collaborative practice portion of the bill provides a fact sheet to be given to the female purchaser with no assurances of ability to read or interpret the medical terminology by her. This bill is poorly labeled as providing contraception drugs, since part of its effectiveness is termination of the conceived fertilized egg by preventing attachment in the womb. Only a few states have started providing these drugs over the counter and no proven reduction in abortions or reduction in the steady rise of sexually transmitted diseases have been shown.

SB 124, relative to the regulation of real estate brokers by the real estate commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill defines the difference between a principal broker, associate broker and agency broker. It also clarifies in statute the qualifications needed for each of these. It also puts into place the requirement that someone applying for the first time for a broker's license must have a criminal background check. A number of the committee members felt that there should be a background test for everyone not just new applicants. The majority agrees with the real estate commission that there really haven't been enough problems to require background checks on everyone. **Vote 10-7**

JUDICIARY

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for the **Majority** of Judiciary: The purpose of the bill was to address a perennial issue of the lack of judges. The bill as amended allows the chief justice, after assessing the caseload needs and requirements under exigent circumstances and consulting with the administrative judges, to assign, from a pre-certified list, a judge to hear cases in either probate or district court on a temporary basis. Currently, district court judges may hear a probate case as a magistrate. The main debate in the committee was over the constitutionality of district court judges ruling on probate cases. Both are appointed by governor and council vote but district courts were a creation of the legislature. The constitution provides the authority to the General Court to "erect and constitute judiciaries and courts of record." **Vote 15-5.**

Rep. James E. Wheeler for the **Minority** of Judiciary: This bill allows district court judges to sit in probate courts and probate court judges to sit in district courts. The minority believes this violates our constitution and tramples on the power of the executive to appoint judges. Probate judges were appointed to sit in probate court, district court judges were appointed to sit in district courts, not vice versa. Further this bill does not address the issue of part time judges of those courts, who are currently prohibited from practicing in any other location of the court they sit on. If they are utilized under this bill will they then also be prohibited in practicing in front of the other court also? That is, if a part time district court judge, who practices probate law when not sitting as a judge, is called to sit on the probate court will he then be prohibited from practicing probate law? If not, that creates a very bad public perception. Furthermore the constitution requires that judges of probate be the ones to handle all issues relating to the probate of wills and granting of letters of administration. This bill now puts district court judges in that function. For these many reasons, not the least being the unconstitutionality of this bill, we would urge this bill be killed.

MUNICIPAL AND COUNTY GOVERNMENT

SB 69-LOCAL, relative to certain insurance liens. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would allow a municipality to assert a lien on a real property owner's interests in any property insurance proceeds that are a result of the damage or destruction of that property owner's real property located in the municipality. The impetus for the filing of this bill was Berlin's experience of an owner of a damaged or destroyed building collecting the insurance payment, leaving the city and the destroyed building behind causing a possible unsightly and hazardous mess that becomes the city's responsibility to clean up. A subcommittee looked at the implications of this bill and determined that it had statewide ramifications and unintended consequences. Some of the issues were: when and how the municipality would place the lien; placing a blanket lien for all buildings in the municipality; who would determine the cost of rehabilitation or razing, the owner or the municipality; and how and when the lien would be released. Based on these questions, the committee does not support SB 69 and recognized that implementing a good downtown development project is a better answer to this situation. The committee has retained HB 657 that deals with revitalization of downtown areas and the committee will consider other avenues to help municipalities deal with damaged or destroyed buildings. **Vote 12-3.**

SB 180-FN-A-L, increasing certain motor vehicle registration fees and appropriating the funds for local government records management programs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert W. Brundige for the **Majority** of Municipal and County Government: Currently town and city clerks receive one dollar to cover the costs of document preparation and administration for motor vehicle registrations and have since the New Hampshire statute was enacted in 1983. Both the local motor vehicle registration fees and the clerk preparation fee of \$1.00 are deposited in the municipality's general fund budget. In the 2001 session, the legislature created the local government records management improvement program and the position of the local government records manager, but it did not fund either one. The records to be preserved include all the municipality's forms and information, not just motor vehicle registrations, as determined by the Municipal Records Board. SB 180 is a proposal to increase the administrative cost by one dollar, of which fifty cents would be sent to the state, to fund the New Hampshire local government records management improvement fund established under RSA 5:48 and the other fifty cents would remain with the municipality to support local records management. The majority of the committee determined that by sending half of the increase to the state, in essence making it accruable to the state, that the fifty cents would need to be deposited the highway fund, based on Part II, Article 6-a of the New Hampshire Constitution and any increase locally would need to offset increases in registration costs, not records management. RSA 162:152 allows for a fee in support of preparation of documents dealing with motor vehicle registrations. The committee recognizes that it is imperative that records be preserved and maintained and this action benefits the whole community. However the cost should be appropriated at the local level utilizing the normal budget process, not by increasing the cost of registering a motor vehicle. **Vote 10-5.**

Rep. Jessie L. Osborne for the **Minority** of Municipal and County Government: The minority believes that the State of New Hampshire has mandated that municipalities preserve and maintain records. RSA 261:153 enables the town or city clerk to receive a fee of \$1 for the preparation of each application for the registration of a motor vehicle. This fee is not currently being used for records

management by most municipalities; rather it is deposited in the general fund. SB 180 would provide an additional \$.50 to be collected for the specific purpose of record management and records preservation programs at the local level and an additional \$.50 to be sent to the state for records management. Testimony clearly indicated that many municipalities do not have sufficient funds to preserve and maintain records properly. SB 180 addresses the critical need to fund local record management programs.

WAYS AND MEANS

SB 11-FN, extending the local property tax exemption for wooden poles and conduits. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for the **Majority** of Ways and Means: Prior to 1990, telephone poles and conduit, owned by the regulated wireline telephone companies, were taxed only at the state level, never at the local level. In 1990, and because of the potential growth in cellular service (cellular is a non-regulated telephone service), the tax on poles and conduit was repealed and replaced with the Communications Services Tax (CST). The CST taxes all two way communications regardless of the type of technology used to deliver the telephone service. As a result of the repeal of the state pole tax in 1990, the regulated wireline telephone companies experienced lower tax expenses and the Public Utilities Commission immediately ordered them to lower their rates for service. The property tax exemption was created in 1998 to settle electric company tax abatement efforts and every two years since, the legislature has voted to continue the exemption, reasoning that as long as there was a CST, an additional tax on just poles and conduit would be unfair to the industry and its customers. Current law calls for the exemption to expire in June of 2006 and this bill extends the exemption until 2010. A majority of the committee believes that if local communities are allowed to begin taxing poles and conduits, the Public Utilities Commission will allow telephone companies to pass along this new tax to customers through the form of a charge on just the regulated wireline telephone bills. The amount of a new tax is unknown, as is the value of poles and conduit at the community level, but recovery of the new tax could range from \$10 to \$40 per phone line, per year. As an example, if the new local property tax amounted to \$20 million dollars, then with 600,000 regulated wirelines, the additional charge per wireline could be approximately \$35 dollars per year per line. It is clear that due to the breakdown of property assessments, the increases in telephone bills for the average wireline business and home owner would far outweigh any potential local property tax savings. **Vote 12-9.**

Rep. Howie Lund for the **Minority** of Ways and Means: The minority felt strongly, having heard well-founded testimony supporting the rights of towns and municipalities to tax poles and conduits. The legislature has provided numerous multiple year extensions exempting the telecommunication businesses from this tax. The majority of the states in the US assess a tax on poles and conduits. Some states call it a personal property tax; other states call it a real property tax. Some states tax the items locally and some states tax at the state level. Initially, New Hampshire's Communications Service Tax (CST) was a substitute for the personal property tax that the telecommunications companies were paying. In the latter part of the 1990's the state granted a temporary exemption to all telecoms from having to pay a tax on their poles and conduits. The CST is a consumer based tax collected by the telecommunication companies and paid to the state in the same manner as the rooms and meals tax is collected by restaurants and motels from the consumer and paid to the state. Restaurants, motels and every other for profit business in this state must pay taxes on all of their real estate. The electric utilities pay a local property tax on their poles and conduits. It has only been the telecommunication industry that has had this unique exemption.

SB 85, relative to expenses of operating bingo games. **OUGHT TO PASS**

Rep. Kevin. L. Camm for Ways and Means: This bill will allow charities to keep 7 percent of the total amount collected in "winner-take-all" bingo games. Currently a winner in this type of game collects 93 percent of the total amount collected, 7 percent goes to the State. A majority of the committee felt an 86 percent take of the total amount collected would not diminish interest in these games and would provide the various charities with some much needed additional funds. **Vote 16-5.**

SB 105, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christine C. Hamm for Ways and Means: The committee heard testimony that interest in fishing, hunting and wildlife-related activities is declining in the state and that unless this trend can be reversed, the survival of the department is in danger. This bill as amended grants the executive

director latitude to pursue promotional activities designed to retain current licensees and to attract new hunters and anglers to the sport. Such activities could include a temporary waiver or reduction of fees, and coordination between the public and private sectors to develop promotional advertising, exhibit, and brochures. A description of such activities shall be included in the department's biennial report. **Vote 16-3.**

HOUSE BILLS AMENDED BY THE SENATE

HB 83, 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. (House Nonconcurrent; C-of-C 5/4/05)

HB 86, relative to property held in police department property rooms. (House Concurred 5/4/05)

HB 97, relative to replacing school budget committee members. (House Concurred 5/4/05)

HB 112, relative to psychiatric evaluations in competency hearings. (SJ 4/28/05)

HB 152-FN, establishing a commission to study the uses of biodiesel for home heating and vehicular transportation. (SJ 5/12/05)

HB 157, establishing a commission to study procurement methods for public works projects by state and local government agencies. (SJ 5/5/05)

HB 195, establishing a committee to study the department of insurance. (SJ 5/5/05)

HB 199, relative to fish and game department expenditures for marine fisheries. (SJ 4/21/05)

HB 229, extending the committee to study the establishment of a farm viability program. (House Concurred 5/11/05)

HB 230-L, relative to default budgets. (SJ 5/12/05)

HB 236, relative to the time for filing a motion to rehear a zoning decision. (SJ 5/5/05)

HB 255, establishing a committee to study the pricing of milk. (SJ 5/12/05)

HB 263, relative to the use of design build and construction management methods for state capital projects. (House Concurred 5/4/03)

HB 280, relative to the manner of service in divorce and child custody proceedings. (House Concurred 5/4/05)

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county. (SJ 5/5/05)

HB 303-FN, relative to the fire standards and training commission. (House Concurred 5/4/05)

HB 313-FN, relative to registration of business entities. (SJ 5/12/05)

HB 332, relative to harassment by telephone. (SJ 5/5/05)

HB 353, relative to consent to haul lobster and crab gear of license holders. (SJ 4/14/05)

HB 382, establishing a committee to develop a strategic capital plan for department of corrections' facilities. (SJ 4/28/05)

HB 401-FN-A, making an appropriation to the Seacoast Shipyard Association. (House Concurred 5/4/05)

HB 430-FN-A, establishing a one-day resident fishing license. (SJ 5/12/05)

HB 440, relative to hearing ear dogs, guide dogs, and service dogs. (SJ 4/28/05)

HB 447-FN, relative to black bear license and tag fees. (House Concurred 5/11/05)

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects. (House Concurred 5/4/05)

HB 481, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 171-B, and RSA 623:1. (SJ 4/28/05)

HB 487-FN, establishing a volunteer lake assessment program in the department of environmental services. (SJ 5/5/05)

HB 512, establishing a commission to study property tax relief and reverse mortgages. (SJ 4/14/05)

HB 513, relative to on-board diagnostic system inspections. (House Nonconcurrent; C-of-C 5/11/05)

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D. (SJ 5/5/05)

HB 672-FN, relative to notaries public, justices of the peace, and adopting the Uniform Law on Notarial Acts. (SJ 4/21/05)

HB 697-FN, establishing a commission to study medicaid reimbursement rates for pharmacy providers. (House Concurred 5/11/05)

COMMITTEES OF CONFERENCE

HB 83, 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. (Reps. Stohl, Dowd, Brundige and N. Johnson)

HB 513, relative to on-board diagnostic system inspections. (Reps. Packard, Nedeau, Ferland and O'Neil)

COMMITTEE MEETINGS

MONDAY, MAY 23

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (HB 1390, Chapter 114:2, Laws of 2000), Room 205, LOB

9:30 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MAY 24

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Executive session on **SB 54**, clarifying the role of a guardian ad litem in guardianship proceedings, **SB 132**, relative to the board of marital mediator certification and **SB 184-FN**, adopting the Uniform Child-Custody Jurisdictional Enforcement Act.

COMMERCE, Room 302, LOB

10:00 a.m. Subcommittee work session on **SB 125-FN**, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism.

11:00 a.m. Executive session on pending legislation.

COMMITTEE TO STUDY THE PRESCRIPTION AND USE OF PSYCHOTROPIC DRUGS IN CHILDCARE CENTERS, PRESCHOOLS, AND PUBLIC SCHOOLS (HB 551, Chapter 237:2, Laws of 2004), Room 205, LOB

3:00 p.m. Regular meeting.

EDUCATION, Room 207, LOB

10:00 a.m. Full committee work session on retained bills.

ELECTION LAW, Room 308, LOB

10:00 a.m. Executive session on pending legislation.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Executive session on pending legislation.

Rooms 305-307, LOB

11:45 a.m. Executive session on **SB 179**, requiring hunters to report the death or injury of domestic animals.

Room 303, LOB

2:00 p.m. **Retained** subcommittee work session on **HB 634-FN-A**, establishing a state recycling program to provide technical services to municipalities and establishing a fee on disposable and recyclable goods sold at retail.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. **Retained** subcommittee work session on **HB 624-FN**, relative to penalties in certain health and health-related professions.

10:00 a.m. **Retained** subcommittee work session on **HB 688-FN**, relative to the regulation of mental health practitioners and the procedures of the board of mental health.

11:00 a.m. Executive session on pending legislation.

11:30 a.m. Subcommittee work session on **SB 170**, revising the nurse practice act.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Full committee work and executive session on pending legislation.

FISH AND GAME, Rooms 305-307, LOB

11:45 a.m. Executive session on **SB 179**, requiring hunters to report the death or injury of domestic animals.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. Ad hoc committee to study accessible housing needs and financial assistance for individuals with disabilities.

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on pending legislation.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 304, LOB (Please note room change.)

11:00 a.m. Executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Executive session on pending legislation.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Full committee work session on **SB 127-FN**, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority.

Executive session on pending legislation, if needed.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

1:30 p.m. Executive session on pending legislation.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB (Please note room change.)

10:00 a.m. **HR 14**, supporting Taiwan's participation in the World Health Organization, and supporting the establishment of a Taiwan-United States free trade agreement.

10:30 a.m. **HR 16**, requesting that the New Hampshire congressional delegation support optional Social Security personal retirement accounts.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

TASK FORCE ON DEAFNESS AND HEARING LOSS (HB 225, Chapter 117:2, Laws of 2003), Room 205, LOB

1:00 p.m. **Rescheduled** regular meeting.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work and executive session on pending legislation and revenues.

WEDNESDAY, MAY 25

CHILDREN AND FAMILY LAW, Room 206, LOB

Immediately following the House session, executive session on pending legislation, if needed.

COMMERCE, Room 302, LOB

10:00 a.m. Executive session on pending legislation, if needed.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Executive session on pending legislation.

FISH AND GAME, Room 307, LOB

10:00 a.m. **Retained** subcommittee work session on **HB 254-FN**, establishing additions to lifetime hunting and fishing licenses for certain activities.

11:00 a.m. **Retained** subcommittee work session on **HB 139**, authorizing the establishment of a moose permit raffle by the fish and game department.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

11:00 a.m. Executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Executive session on pending legislation, if necessary.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Full committee work session on ***SB 127-FN***, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority, if needed.

Executive session on pending legislation, if needed.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Full committee work and executive session on pending legislation and revenues.

THURSDAY, MAY 26

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Executive session on pending legislation, if needed.

COMMERCE, Room 302, LOB

10:00 a.m. Executive session on pending legislation, if needed.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Executive session on pending legislation.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. **Retained** subcommittee work session on ***SB 110-FN-A***, establishing the New Hampshire Rx plus program for prescription drugs and ***HB 704-FN***, establishing the New Hampshire Rx advantage program and continually appropriating a special fund.

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on pending legislation, if needed.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **Retained** subcommittee work session on ***HB 581***, relative to approval and review of municipal charters.

1:30 p.m. **Retained** subcommittee work session on ***HB 410***, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Executive session on pending legislation, if needed.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Full committee work and executive session on pending legislation and revenues.

FRIDAY, MAY 27

CANNON MOUNTAIN ADVISORY COMMISSION, (RSA 12-A:29-b), Franconia Notch State Park, Headquarters Building

10:30 a.m. Regular meeting.

COMMISSION TO EXAMINE ALL ASPECTS OF SAME SEX CIVIL MARRIAGES AND ITS LEGAL EQUIVALENTS (SB 427, Chapter 100:2, Laws of 2004), Rooms 206-208, LOB

Noon Regular meeting. Deliberative session only.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB

10:00 a.m. Regular meeting.

TUESDAY, MAY 31

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **Retained** subcommittee work session on **HB 722**, relative to the spreading of biosolids in certain designated areas.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. **Retained** subcommittee work session on **HB 624-FN**, relative to penalties in certain health and health-related professions.

10:00 a.m. **Retained** subcommittee work session on **HB 688-FN**, relative to the regulation of mental health practitioners and the procedures of the board of mental health.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **Retained** subcommittee work session on **HB 642-FN-LOCAL**, relative to the regulation of home inspectors.

1:30 p.m. **Retained** subcommittee work session on **HB 695-FN**, requiring the university system of New Hampshire to make payments in lieu of taxes for purchased property.

THURSDAY, JUNE 2

CRIMINAL JUSTICE AND PUBLIC SAFETY, Richard M. Flynn Fire Academy, 222 Sheep Davis Road, Concord

7:00 p.m. Informational meeting with permanent volunteer firefighters.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **Retained** subcommittee work session on **HB 245**, establishing a committee to study property appraisals of features of land and the view from residential property and unimproved land.

1:30 p.m. **Retained** subcommittee work session on **HB 121**, relative to local land use approval for facilities requiring air pollution control permits.

FRIDAY, JUNE 3

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Continued regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), CDFA Board Room, 10 Dixon Avenue, Concord

9:00 a.m. Regular meeting.

TUESDAY, JUNE 7

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **Retained** subcommittee work session on **HB 581**, relative to approval and review of municipal charters.

1:30 p.m. **Retained** subcommittee work session on **HB 410**, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral.

STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2), State Veterans' Home, Tilton

5:00 p.m. Regular meeting.

THURSDAY, JUNE 9

FISH AND GAME

1:00 p.m. Tour of Essex Fish Elevator in Lawrence, MA.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **Retained** subcommittee work session on **HB 245**, establishing a committee to study property appraisals of features of land and the view from residential property and unimproved land.

1:30 p.m. **Retained** subcommittee work session on **HB 121**, relative to local land use approval

for facilities requiring air pollution control permits.

FRIDAY, JUNE 10

**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), NH Department of Revenue
Administration, 57 Regional Drive, Concord**

9:30 a.m. Regular meeting.

MONDAY, JUNE 13

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

1:00 p.m. Regular meeting.

FRIDAY, JUNE 17

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

**EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c), NH Department of Revenue
Administration, 57 Regional Drive, Concord**

9:00 a.m. Regular meeting.

MONDAY, JUNE 20

**NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Senate Conference Room 306, State
House**

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

9:15 a.m. Rulemaking hearing.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Executive Committee will meet on **May 31st** at 6:30 p.m. at the Belknap County Complex, North Main Street, Laconia.

Rep. John H. Thomas, Chairman
Belknap County Delegation

REVISED FISCAL NOTES

The following HBs and SBs have revised fiscal notes: HBs 25, 47, 59, 60, 71, 72, 83, 100, 104, 114, 116, 128, 130, 152, 153, 159, 190, 210, 215, 216, 234, 239, 240, 263, 272, 302, 303, 304, 313, 339, 401, 430, 431, 432, 433, 456, 457, 460, 477, 513, 535, 594, 599, 601, 602, 603, 604, 605, 606, 607, 609, 611, 612, 613, 614, 615, 616, 617, 618, 619, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 632, 633, 635, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 661, 662, 663, 664, 665, 670, 672, 674, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 701, 703, 704, 708, 713, 716, 718. SBs 21, 27, 38, 52, 53, 58, 79, 86, 93, 101, 108, 110, 112, 117, 125, 137, 140, 147, 152, 165, 170, 206, 208, 210, 215.

Karen O. Wadsworth, Clerk of the House

Lucy Harrison in the Speaker's Office keeps a schedule of House events. To avoid conflicts, anyone wishing to hold an event should check with Lucy at 271-3661 for available dates and times.

Rep. Michael O'Neil, Majority Leader

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing Office, Walker Building, 21 South Fruit Street, Concord, on Monday, **June 6** at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested.

John R.M. Alger, 935 East Rumney Road, Rumney 03266-3037

Peter R. Cote, 68 Bowers Street, Nashua 03060-3927

Eric Palangas, 626 Lake Avenue, Manchester 03103-3537.

Frank J. Palazzo, PO Box 321, Seabrook 03874-0321.

Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

You are cordially invited to the Hal Melcher Scholarship Benefit Reception on Sunday, **May 22** from 4:00 to 7:00 p.m. at the Red House of the First Unitarian Congregational Society of Wilton Center.

Join us in a community gathering of song, speech and celebration and to honor Hal's life and legacy.

Guest speakers are Senator Maggie Hassan, former Senator Mark Fernald and Democracy for America intern Andre Walker. Guest performer will be Zo Tobi.

Rep. Betty B. Hall

The House Republican Alliance will meet at 8:30 a.m. on Tuesday, **May 24th** at the Upham Walker House, Park Street, Concord.

Rep. Paul Mirski

All lawmakers are invited to the Young Citizens Civic Engagement Showcase. One of the most important duties lawmakers share with school teachers and administrators is educating our students for democracy. The strength of our democracy depends upon the civic mission of our schools and the quality of civic education our students receive. Please join us on Wednesday, **May 25** from 9:00-10:30 a.m. at the Tuck Library to hear from some outstanding teachers and students who will showcase their civic skills, knowledge and dispositions. Working with the New Hampshire Alliance for Civic Engagement, we are hosting this event to introduce lawmakers to the power and effect of quality civic education programming. The showcase event will feature middle school, high school and collegiate teams. A continental breakfast will be provided. To RSVP, please call 222-4100.

Reps. Debra A. Naro and William V. Knowles

The Main Street Republican Caucus will meet on Wednesday, **May 25th** at 11:00 a.m. at the Upham Walker House.

Rep. Kenneth H. Gould

To recognize "National Charter School Week" and New Hampshire's progress, all legislators are cordially invited for a complimentary buffet reception after session at the Barley House, 132 Main Street, Concord on Wednesday, **May 25**. New Hampshire's first charter schools will have information on remarkable progress this first year. This 2nd Annual Legislative Buffet is sponsored by the New Hampshire Center for School Reform. To respond: susan@nhschoolreform.org or 224-0366. RSVP helpful but not required.

Rep. Lars T. Christiansen

The Annual NH Federated Republican Women's Lilac Event with guest host Governor Mitt Romney of Massachusetts will be held on **June 3rd** at the Radisson Center of NH. 6:00 -7:00 p.m. cocktails, dinner at 7:00 p.m. Tickets \$50. Call Shirley Frank at 627-4518.

Rep. J. Gail Barry

The Greater Manchester Federated Republican Women are having a breakfast at the Yard, Manchester on **June 9th** at 7:30 a.m. Guest will be Sean Mahoney. Tickets \$25.

Rep. J. Gail Barry

The Board of Governors and Honorary Board of Governors cordially invite you to the Vesta Roy Excellence in Public Service Series Graduation Luncheon for the 2004-2005 Class at CR Sparks, 18 Kilton Road, Bedford, on Tuesday, **June 14th** at noon. Featured speaker will be Republican National Committee Co-Chairman Jo Ann Davidson. For tickets or more information, please contact Rep. Deb Hogancamp at 363-9999.

Rep. Deborah J. Hogancamp

The Department of Transportation will hold the following meeting:

May 26 – Windham Town Hall, 3 North Lowell Road, Windham, 7:00 p.m. Public informational meeting, Windham, construction of 4' bike shoulders and miscellaneous safety improvements along South Lowell Road.

June 1 – Stoddard Town Hall, 1450 Route 123 North Stoddard, 7:00 p.m. Combined public officials/public informational meeting, Stoddard, paving a portion of NH Route 9 from the intersection of Granite Lake Road east approximately 5 miles to a point 1500 feet east of the intersection of 123. Also includes drainage and guardrail improvements.

June 17 – Society for the Protection of NH Forests – Conservation Center – 54 Portsmouth Street, West Concord, 1:00 p.m. Advisory Committee Meeting, Long Range Plan.

June 22 – Pollard Elementary School Cafeteria, 120 Main Street, Plaistow, 7:00 p.m. Commission hearing, Plaistow, NH Route 125.

Rep. Gene G. Chandler, Chairman
Public Works and Highways Committee

STATE HOUSE VISITATION SCHEDULE 2005 SCHOOL YEAR FOR MAY & JUNE 2005

	Virginia Drew, Public Information Administrator	Kenneth Leidner, Director	
M May 23	9:30 & 11:00	Deerfield Community School	4/60
	SH/SC		
M May 23	12:30 SH	Salem Christian School	4/18
M May 23	12:30	Cornish Elementary School	4/14

T May 24	9:30 (11:00HM)	Ben Franklin School – Keene	4/42
Tu May 24	10:30 & 12:00 SH/FG	Enfield Elem School	4/60
W May 25	9:30 & 11:00 SH & HM	Gossler Park Elem School – Manchester	4/75
W May 26	10:30 & 12:00 SH & HM	Main Dunstable Elem School – Nashua	4/70
F May 27	9:30 & 11:00 SH & HM	Epsom Central School	4/50
F May 27	12:30	Bethlehem Elem	4/25
M May 30		SH Closed Memorial Day	
Tu May 31	9:30	St. Joseph School – Keene	4/12
Tu May 31	10:30	The Well School – Peterborough	4/12
Tu May 31	10:30	Mtn Shadows School – Dublin	6/10
Tu May 31	12:00	St. Elizabeth Seton – Rochester	4/34
W June 1	9:30 & 11:00 SH & HM	Green Acres School – Manchester	4/88
Th June 2	9:15	Kearsarge Middle School – New London	8/40
Th June 2	10:30 & 12:30 SH & Planet	Lakeway Elem – Littleton	4/74
F June 3	9:00/10:30 SH/HM	St. Catherine’s School – Manchester	4/58
F June 3	10:00 & 11:00 SH & Lawn	Maple Ave School – Claremont	4/58
M June 6	8:30 SH	Florence Rideout Elem School - Wilton	4/35
M June 6	10:00 & 11:00 SH & Lawn	Pelham Elem School	4/50
Tu June 7	10:00 & 11:00 SH & Lawn	Pelham Elem School	4/50
Tu June 7	12:30	Ed Fenn School - Gorham	4/35
Tu June 7	2:00	Concord Chamber of Commerce	30
W June 8	10:00 & 11:00 SH & Lawn	Pelham Elem School	4/50
W June 8	12:30	Nashua Christian Academy	4/16
Thr June 9	10:00 & 11:00 SH & Lawn	Pelham Elem School	4/50
F June 10	10:00	Jonathan Daniels School – Keene	4/35
F June 10	11:30	Kensington Elem School	4/34

WEDNESDAY, MAY 25

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2005-1291h

Amendment to SB 19

Proposed by the Committee on Executive Departments and Administration - C

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

1 Qualifications to Sell Lottery Tickets. Amend RSA 284:21-h, II(e) to read as follows:

(e) ~~[Persons]~~ ***Owners of retail establishments*** who have been convicted of a felony ***within the previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court,*** shall not be allowed to sell lottery tickets ***in their retail establishment.***

2 Bingo and Lucky 7; Licenses; Ticket Sales. Amend RSA 287-E:5, V(c) to read as follows:

(c) ~~[That]~~ Neither the applicant nor any member of the charitable organization who will ~~[be participating in the operation of]~~ ***operate*** the bingo games and ~~[sale of]~~ ***sell*** lucky 7 tickets has

been convicted of a felony [~~or class A misdemeanor~~] within the previous 10 years which has not been annulled by a court, or a [~~class B~~] misdemeanor ***involving falsehood or dishonesty*** within the [~~past~~] ***previous*** 5 years which has not been annulled by a court, or has violated the statutes or rules governing charitable gambling.

3 Effective Date. This act shall take effect January 1, 2006.
2005-1060h

Amendment to SB 28

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 4 and 5, respectively:

2 Records and Reports; Exception. Amend RSA 273-A:16, II to read as follows:

II. ***Except as provided in paragraph IV***, all documents and records of the board shall be public records and shall be kept for a minimum of 10 years.

3 New Paragraph; Records and Reports; Exception. Amend RSA 273-A:16 by inserting after paragraph III the following new paragraph:

IV. In adjudicatory hearings conducted by the board, the board's deliberative processes shall be privileged and exempt from the public disclosure provisions of RSA 91-A. Decisions and orders in these adjudicatory hearings, including any prehearing orders required by RSA 541-A:31, V(d) shall be publicly available, but only after they have been reduced to writing, signed by a representative of the board, and served upon the parties.

2005-1513h

Floor Amendment to SB 30

Proposed by Rep. Bettencourt - R

Amend RSA 318:47-e, II as inserted by section 3 of the bill by replacing it with the following:

II. A pharmacist may initiate emergency contraception drug therapy for persons 18 years of age or older, with proper identification, in accordance with standardized procedures or protocols developed by the board, adopted pursuant to RSA 541-A, and an authorized prescriber who is acting within his or her scope of practice.

Amend RSA 318:47-e as inserted by section 3 of the bill by inserting after paragraph VI the following new paragraph:

VII. A pharmacist shall not initiate emergency contraception drug therapy under this section to persons under 18 years of age without the consent of a parent or guardian.

AMENDED ANALYSIS

This bill establishes the Collaborative Practice for Emergency Contraception Act. Under this bill, a pharmacist may initiate emergency contraception drug therapy to persons 18 years of age or older in accordance with procedures developed by the New Hampshire pharmacy board and a physician or other authorized prescriber who is acting within his or her scope of practice. This bill requires persons under 18 years of age to have the consent of a parent or guardian before a pharmacist may initiate emergency contraception drug therapy.

2005-1358h

Amendment to SB 43

Proposed by the Committee on Judiciary - C

Amend RSA 553:19, II as inserted by section 4 of the bill by replacing it with the following:

II. That the person has been absent for a continuous period of 5 years, during which time he or she has not been heard of or from, and whose absence is not satisfactorily explained after diligent search or inquiry. The individual's death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

Amend RSA 563:5, V as inserted by section 5 of the bill by replacing it with the following:

V. An individual whose death is not established[~~]~~ under the preceding paragraphs who is absent for a continuous period of [~~7~~] 5 years, during which time that individual has not been heard from, and whose absence is not satisfactorily explained after diligent search or inquiry, is presumed to be dead. The individual's death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

2005-1438h

Amendment to SB 46

Proposed by the Committee on Criminal Justice and Public Safety - C

Amend RSA 106-I:1, IV as inserted by section 3 of the bill by replacing all after subparagraph (b) with the following:

(c) The circumstances indicate that the person's disappearance may not have been voluntary; or

(d) The person is missing after a catastrophe.

Amend RSA 106-I:2 as inserted by section 3 of the bill by replacing it with the following:

106-I:2 Procedures.

I. Upon receiving notice of a missing adult, a law enforcement agency shall complete a missing person report by providing identifying and descriptive information about the missing adult within 72 hours to the National Crime Information Center (NCIC) for inclusion in the missing person file of its computerized database.

II. It shall be the duty of the initial investigating law enforcement agency to immediately notify the NCIC when the missing adult is located or returned.

III. The provisions of this chapter are not intended to remove the discretion of a law enforcement agency to notify the NCIC when an adult is missing under circumstances other than those specified in RSA 106-I:1, IV, when the law enforcement agency has reasonable concern for such adult's safety.

Amend the bill by replacing section 4 with the following:

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

2005-1330h

Amendment to SB 66

Proposed by the Committee on Commerce - C

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

AN ACT establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.

Amend paragraph I of section 2 of the bill by replacing it with the following:

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

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

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

house

Amend the bill by replacing section 3 with the following:

3 Duties. The committee's study shall include, but not be limited to:

I. Whether to collaborate with our border states to create a northern New England purchasing alliance for small business health insurance to offer a variety of plans which would offer meaningful competition, and choice down to the employee level.

II. A review of high carrier administrative costs, as part of total premium, as it compares to New England and national averages.

III. Examining any necessary regulatory or statutory requirements which may need to be waived in order to facilitate and expedite a pilot project of this nature.

IV. Investigating whether a collaboration is necessary with neighboring states to effect meaningful change relative to border issues.

V. Investigating whether a northern New England stop-loss plan would afford conjoining states an opportunity to negotiate stop-loss premium based on volume for the public purchasing sector.

VI. Investigating joint purchasing strategies among northern New England states to increase quality and to reduce costs.

AMENDED ANALYSIS

This bill establishes a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.

2005-1335h

Amendment to SB 77

Proposed by the Committee on Commerce - C

Amend RSA 420-J:8, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII.(a) No contract between a health carrier and a participating provider shall contain any payment or reimbursement provision the terms of which creates an inducement for the provider to not provide medically necessary care to covered persons. Nothing in this section shall be construed

to prohibit the use of payment arrangements between a health carrier and a participating provider or provider group which involve capitation, withholds or other arrangements.

(b) Prior to the execution of a health care provider contract, a health carrier shall furnish to the contracting entity, in writing or in electronic format, a complete copy of the proposed contract including all attachments and exhibits. The health carrier shall also make available to the contracting entity, in writing or in electronic format, the most current provider manual.

(c) The contracting entity may request that a health carrier disclose the fees applicable to specified procedure codes that pertain to the entity's practice or specialty or a method or process that allows the contracting entity to determine the fees pursuant to the terms of the contract. Upon request by the contracting entity, the insurer shall furnish, in writing or in an electronic format, the requested procedure codes within 30 calendar days from receipt of the request.

(d) No provider contract shall allow for a material change in the applicable fee schedule unless notice of such change is given at least 60 days in advance of the effective date.

AMENDED ANALYSIS

This bill requires a health carrier to furnish a provider with a complete copy of a proposed health care provider contract. The bill also requires that a health carrier give a 60-day notice to a provider before there is a material change in the applicable fee schedule.

2005-1381h

Amendment to SB 78

Proposed by the Committee on Commerce - C

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

1 Individual Insurance; Prompt Payment. Amend RSA 415:6-h to read as follows:

415:6-h Prompt Payment Required.

I.(a) Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within ~~[45]~~ ***30*** calendar days upon receipt of a clean ~~[written]~~ ***non-electronic*** claim or 15 calendar days upon receipt of a clean electronic claim.

(b) [H] When the insurer is denying or pending the claim, the insurer shall have 15 calendar days upon receipt of ~~[the]~~ ***an electronic claim or 30 days upon receipt of a non-electronic*** claim to notify the health care provider or certificate holder of the reason for denying or pending the claim and what, if any, additional information is required to ~~[process]~~ ***adjudicate*** the claim. ***Upon the insurer's receipt of the requested additional information, the insurer shall adjudicate the claim within 45 calendar days. If the required notice is not provided, the claim shall be treated as a clean claim and shall be adjudicated pursuant to subparagraph (a).***

(c) Payment of a claim shall be considered to be made on the date a check was issued or electronically transferred. The insurer shall mail checks no later than 5 business days after the date a check was issued. Failure to mail a check within 5 business days shall constitute a violation subject to enforcement under RSA 415:20.

(d) The insurer's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer ***and, if covered by the Health Insurance Portability and Accountability Act (HIPAA), is in such form and substance as to be in compliance with such act.***

III. Any ***initial clean*** claim ***submission*** not paid within the time periods specified in ~~[paragraph I]~~ ***subparagraph I(a)*** shall be deemed overdue. ~~[When a claim is overdue, the health~~

care provider may notify the insurer in writing of the insurer's noncompliance with this section. ~~If the insurer fails to pay the claim within 10 days of receiving the notice, then]~~ ***In that case:***

(a) The ***insurer shall pay the health care provider or the insured person the*** amount of the overdue claim ~~[shall include]~~ ***plus*** an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the insurer, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The insurer is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any insurer or may suspend or revoke the license or certificate of authority of any insurer after determining that the insurer has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000. ***Nothing in this paragraph shall be construed to alter the commissioner's authority to investigate or take action, including, but not limited to, action pursuant to RSA 415:20, in response to individual instances of noncompliance.***

2 Group Insurance; Prompt Payment. Amend RSA 415:18-k to read as follows:

415:18-k Prompt Payment Required.

I. ***(a)*** Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within ~~[45]~~ ***30*** calendar days upon receipt of a clean ~~[written]~~ ***non-electronic*** claim or 15 calendar days upon receipt of a clean electronic claim.

(b) [H] When the insurer is denying or pending the claim, the insurer shall have 15 calendar days upon receipt of ~~[the]~~ ***an electronic claim or 30 days upon receipt of a non-electronic*** claim to notify the health care provider or certificate holder of the reason for denying or pending the claim and what, if any, additional information is required to ~~[process]~~ ***adjudicate*** the claim. ***Upon the insurer's receipt of the requested additional information, the insurer shall adjudicate the claim within 45 calendar days. If the required notice is not provided, the claim shall be treated as a clean claim and shall be adjudicated pursuant to subparagraph (a).***

(c) Payment of a claim shall be considered to be made on the date a check was issued or electronically transferred. The insurer shall mail checks no later than 5 business days after the date a check was issued. Failure to mail a check within 5 business days shall constitute a violation subject to enforcement under RSA 415:20.

(d) The insurer's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer ***and, if covered by the Health Insurance Portability and Accountability Act (HIPAA), is in such form and substance as to be in compliance with such act.***

III. Any ***initial clean claim submission*** not paid within the time periods specified in ~~[paragraph I]~~ ***subparagraph I(a)*** shall be deemed overdue. ~~[When a claim is overdue, the health care provider may notify the insurer in writing of the insurer's noncompliance with this section. If the insurer fails to pay the claim within 10 days of receiving the notice, then]~~ ***In that case:***

(a) The ***insurer shall pay the health care provider or the insured person the*** amount of the overdue claim ~~[shall include]~~ ***plus*** an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the insurer, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The insurer is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any insurer or may suspend or revoke the license or certificate of authority of any insurer after determining that the insurer has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000. ***Nothing in this paragraph shall be construed to alter the commissioner's authority to investigate or take action, including, but not limited to, action pursuant to RSA 415:20, in response to individual instances of noncompliance.***

3 Health Service Corporations; Prompt Payment. Amend RSA 420-A:17-d to read as follows:
420-A:17-d Prompt Payment Required.

I.**(a)** Every health service corporation, and every other similar corporation licensed under the laws of another state that issues or renews any policy of individual or group blanket accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within ~~[45]~~ ***30*** calendar days upon receipt of a clean ~~[written]~~ ***non-electronic*** claim or 15 calendar days upon receipt of a clean electronic claim.

(b) [H] When the health service corporation is denying or pending the claim, the corporation shall have 15 calendar days upon receipt of [the] an electronic claim or 30 days upon receipt of a non-electronic claim to notify the health care provider or subscriber of the reason for denying or pending the claim and what, if any, additional information is required to [process] adjudicate the claim. Upon the health service corporation's receipt of the requested additional information, the health service corporation shall adjudicate the claim within 45 calendar days. If the required notice is not provided, the claim shall be treated as a clean claim and shall be adjudicated pursuant to subparagraph (a).

(c) Payment of a claim shall be considered to be made on the date a check was issued or electronically transferred. The health services corporation shall mail checks no later than 5 business days after the date a check was issued. Failure to mail a check within 5 business days shall constitute a violation subject to enforcement under RSA 415:20.

(d) The corporation's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to

payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) “Clean claim” means a claim for payment of covered health care expenses that is submitted to a health service corporation on the corporation’s standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the corporation’s published filing requirements.

(b) “Electronic claim” means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the corporation ***and, if covered by the Health Insurance Portability and Accountability Act (HIPAA), is in such form and substance as to be in compliance with such act.***

III. Any ***initial clean claim submission*** not paid within the time periods specified in ~~[paragraph I]~~ ***subparagraph I(a)*** shall be deemed overdue. ~~[When a claim is overdue, the health care provider may notify the health service corporation in writing of the health service corporation’s noncompliance with this section. If the health service corporation fails to pay the claim within 10 days of receiving the notice, then]~~ ***In that case:***

(a) The ***health service corporation shall pay the health care provider or the insured person the*** amount of the overdue claim ~~[shall include]~~ ***plus*** an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the health service corporation, upon a judicial finding of bad faith, reasonable attorney’s fees for advising and representing a health care provider in a successful action against an health service corporation for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No health service corporation shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The corporation is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The corporation’s compliance is rendered impossible due to matters beyond the corporation’s control which are not caused by such corporation.

(b) No health service corporation shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No health service corporation shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any health service corporation or may suspend or revoke the license or certificate of authority of any health service corporation after determining that the health service corporation has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000. ***Nothing in this paragraph shall be construed to alter the commissioner’s authority to investigate or take action, including, but not limited to, action pursuant to RSA 415:20, in response to individual instances of noncompliance.***

4 Managed Care; Prompt Payment. Amend RSA 420-J:8-a to read as follows:

420-J:8-a Prompt Payment Required.

I.(a) Health carriers issuing health benefit plans subject to this chapter shall pay claims submitted by health care providers for services rendered in New Hampshire to covered persons within ~~[45]~~ ***30*** calendar days upon receipt of a clean ~~[written]~~ ***non-electronic*** claim or 15 calendar days upon receipt of a clean electronic claim.

(b) ~~[H]~~ ***When*** the health carrier is denying or pending the claim, the carrier shall have 15 calendar days upon receipt of ~~[the]~~ ***an electronic claim or 30 days upon receipt of a non-electronic*** claim to notify the health care provider or covered person of the reason for denying or pending the claim and what, if any, additional information is required to ~~[process]~~ ***adjudicate*** the claim. ***Upon the health carrier’s receipt of the requested additional information, the health carrier shall adjudicate the claim within 45 calendar days. If the required notice is not provided, the claim shall be treated as a clean claim and shall be adjudicated pursuant to subparagraph (a).***

(c) Payment of a claim shall be considered to be made on the date a check was issued or electronically transferred. The health carrier shall mail checks no later than 5 business days after the date a check was issued. Failure to mail a check within 5 business days shall constitute a violation subject to enforcement under RSA 415:20.

(d) The health carrier's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health carrier on the carrier's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the carrier's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the health carrier ***and, if covered by the Health Insurance Portability and Accountability Act (HIPAA), is in such form and substance as to be in compliance with such act.***

III. Any ***initial clean*** claim ***submission*** not paid within the time periods specified in ~~[paragraph I]~~ ***subparagraph I(a)*** shall be deemed overdue. ~~[When a claim is overdue, the health care provider may notify the health service corporation in writing of the health service corporation's noncompliance with this section. If the health service corporation fails to pay the claim within 10 days of receiving the notice, then]~~ ***In that case:***

(a) The ***health carrier shall pay the health care provider or the insured person the*** amount of the overdue claim ~~[shall include]~~ ***plus*** an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the carrier, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against a carrier for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No health carrier shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The health carrier is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The carrier's compliance is rendered impossible due to matters beyond the carrier's control which are not caused by such carrier.

(b) No health carrier shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No health carrier shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review determination pursuant to RSA 420-J:5 or RSA 420-J:5-a-e.

V. The commissioner may assess an administrative fine against any health carrier or may suspend or revoke the license or certificate of authority of any health carrier after determining that the health carrier has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000. ***Nothing in this paragraph shall be construed to alter the commissioner's authority to investigate or take action, including, but not limited to, action pursuant to RSA 415:20, in response to individual instances of noncompliance.***

5 Effective Date. This act shall take effect 90 days after its passage.
2005-1386h

Amendment to SB 83

Proposed by the Committee on Resources, Recreation and Development - C

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

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

- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of environmental services, or designee.
- (d) The director of the office of energy and planning, or designee.
- (e) One member of a regional planning commission, nominated by the New Hampshire Association of Regional Planning Commissions, and appointed by the governor.
- (f) A representative of the New Hampshire Lakes Association, nominated by the New Hampshire Lakes Association, and appointed by the governor.
- (g) Two members of the public who are waterfront property owners, appointed by the governor.
- (h) A representative of the New Hampshire Farm Bureau Federation, nominated by the New Hampshire Farm Bureau Federation, and appointed by the governor.
- (i) A representative of the Home Builders Association of New Hampshire, nominated by the Home Builders Association of New Hampshire, and appointed by the governor.
- (j) A member with estuary experience representing the University of New Hampshire, appointed by the governor.
- (k) A representative of the New Hampshire Association of Realtors, nominated by the New Hampshire Association of Realtors, and appointed by the governor.
- (l) A representative of a waterfront community, nominated by the New Hampshire Municipal Association, and appointed by the governor.
- (m) A representative of the New Hampshire Rivers Council, nominated by the New Hampshire Rivers Council, and appointed by the governor.
- (n) A member representing forestry interests, nominated by the New Hampshire Timberland Owners Association, and appointed by the governor.
- (o) A member who is a landscaping consultant, appointed by the governor.
- (p) A member representing a conservation commission of a waterfront community, nominated by the New Hampshire Association of Conservation Commissions, and appointed by the governor.
- (q) A member from the New Hampshire Marine Trades Association, nominated by the association, and appointed by the governor.
- (r) The attorney general, or designee.
- (s) A member from the new Hampshire Wildlife Federation, nominated by the federation, and appointed by the governor.
- (t) A member from the New Hampshire Waterworks Association, nominated by the association, and appointed by the governor.
- (u) A member from the New Hampshire Association of Natural Resource Scientists, nominated by the association, and appointed by the governor.

2005-1480h

Amendment to SB 86

Proposed by the Committee on Ways and Means - C

Amend the bill by replacing section 2 with the following:

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

2005-1463h

Amendment to SB 105

Proposed by the Committee on Ways and Means - R

Amend RSA 214:9-f as inserted by section 1 of the bill by replacing it with the following:

214:9-f Promotion Activities; Reductions in Fees Authorized. The executive director, with approval of the commission, may take such marketing actions to promote fisheries and wildlife resources, and attract hunters and anglers to the state as deemed necessary, which may include the reduction or the waiver of the fees for certain types of licenses available to the public for specified periods of time and at specified locations, to promote license sales for hunting, fishing, and trapping in the state. This may include coordination of activities between the public and private sectors and utilization of promotional advertising, exhibits, brochures, technical assistance, and expertise as necessary to develop and promote hunting, fishing, and other wildlife-related activities within the state. A description of the reductions, waivers, and activities under this section shall be included in the biennial report of the department under RSA 206:9-a.

2005-1337h

Amendment to SB 124

Proposed by the Committee on Executive Departments and Administration - R

Amend RSA 331-A:10, II(c)(1) as inserted by section 7 of the bill by replacing it with the following:

(c)(1) Has been employed full time by an active **principal** broker for at least one year **in this state within 5 years of the date of application**; or

Amend RSA 331-A:17, II as inserted by section 11 of the bill by replacing it with the following:

II. A real estate **principal** broker who proposes to use a registered trade name in connection with ~~the~~ **a** business ~~as~~ **principal** broker **license or the individual principal broker license** shall state that fact on ~~the application and the license shall be issued in that trade name. If already licensed, the broker shall return the license for appropriate amendment together with notice, in writing, of the broker's intention to use a registered trade name and the appropriate fee~~ **an amendment form, and submit the form along with the appropriate fee, the business or individual principal broker license to be amended, and a trade name registration form. The business or individual principal broker license shall be amended to include the trade name.**

Amend RSA 331-A:17, V as inserted by section 11 of the bill by replacing it with the following:

V. The commission shall issue a new license for the unexpired term if the salesperson **or associate broker** meets all requirements of licensure, upon receipt of a statement from a **principal** broker, together with the appropriate fee, that such salesperson **or associate broker** has become affiliated with such **principal** broker.

Amend RSA 331-A:26, X as inserted by section 18 of the bill by replacing it with the following:

X. Advertising in any manner without stating the broker's **legal** name as licensed **or reasonable derivative thereof**, and in the case of a salesperson **or associate broker**, without stating the name of the **principal** broker **or business name** as licensed for whom or under whom the salesperson **or associate broker** operates.

2005-1312h

Amendment to SB 153-FN

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to the administration of a certain program by the department of environmental services.

Amend the bill by deleting sections 1 and 2 and renumbering the original sections 3 and 4 to read as 1 and 2, respectively.

AMENDED ANALYSIS

This bill transfers the lead abatement licensing and certification program from the department of environmental services to the department of health and human services which administers the rest of the lead paint poisoning prevention program.

2005-1369h

Amendment to SB 165-FN

Proposed by the Committee on Ways and Means - C

Amend RSA 21-J:14, V(f) as inserted by section 3 of the bill by replacing it with the following:

(f) Disclosure of department records, files, returns, or information to an authorized vendor of collection services that is a legal representative or agent engaged to collect a debt of the state if the taxpayer whom the information concerns is the subject of an authorized investigation regarding an unpaid tax liability to the state; or the information concerns a transactional relationship between a person who is or may be a party to such proceeding and the taxpayer. The department shall only disclose such information that is directly related to the unpaid tax liability and is necessary to collect such debt. The vendor and its employees having access to this confidential information shall be subject to the provisions of RSA 21-J:14.

2005-1296h

Amendment to SB 186

Proposed by the Majority of the Committee on Judiciary - R

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Assignment of Justices. Amend RSA 502-A by inserting after section 5 the following new section:

502-A:5-a Assignment of Judges. After assessing caseload needs and requirements under exigent circumstances and consulting with the administrative judges, the chief justice of the supreme court may assign from a precertified list of judges any district justice to hear cases in the probate court on a temporary basis.

2 New Section; Assignment of Judges. Amend RSA 547 by inserting after section 37 the following new section:

547:38 Assignment of Judges. After assessing caseload needs and requirements under exigent circumstances and consulting with the administrative judges, the chief justice of the supreme court may assign from a precertified list of judges any probate court judge to hear cases in the district court on a temporary basis.

2005-1391h

Amendment to SB 187

Proposed by the Committee on Environment and Agriculture - C

Amend RSA 147-A:5, III(a) as inserted by section 2 of the bill by replacing it with the following:

III.(a) Each hazardous waste generator that generates more than 220 pounds of hazardous waste per month shall have on staff at the facility where the hazardous waste is generated a hazardous waste coordinator certified by the department. The certified hazardous waste coordinator shall be responsible for ensuring that the generator is aware of and in compliance with applicable requirements relating to hazardous waste management, including but not limited to storage, transportation, and disposal. Certification shall not be transferable. Initial certification shall be valid for one year and may be renewed for subsequent one-year terms. The department may charge a reasonable fee to cover expenses for education and training programs that fulfill the initial certification and continuing education requirements. ***The commissioner may authorize alternative certified hazardous waste coordinator programs provided the program demonstrates equivalent on-site staffing, training, continuing education, and management organization to meet the responsibilities of this paragraph.***

2005-1364h

Amendment to SB 188

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing sections 1 and 2 with the following:

1 Erection of Buildings on Streets; Exception. Amend the introductory paragraph of RSA 674:41, II-a to read as follows:

II-a. Municipalities may except ***any lot, including*** island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body ***pursuant to RSA 675***, first submitted to the planning board for its approval and:

2 Erection of Buildings on Streets; Preemption. Amend RSA 674:41, III to read as follows:

III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), ~~(c)~~, ***(d), or (e)***.

AMENDED ANALYSIS

This bill allows towns to exempt certain structures from the requirement that they be built on streets and clarifies the definition of a street giving access to a lot.

2005-1238h

Amendment to SB 215-FN

Proposed by the Committee on Science, Technology and Energy - C

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

AN ACT creating a committee to study alternatives for the disposal of construction and demolition debris.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study alternatives for the disposal of construction and demolition debris.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study alternatives for the disposal of construction and demolition debris with particular emphasis on the use of wood derived from the construction and demolition waste stream as a fuel for generating electricity and the importation of such wood products in the state.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2005.

AMENDED ANALYSIS

This bill creates a committee to study alternatives for the disposal of construction and demolition debris.