

HOUSE RECORD

First Year of the 162nd General Court Calendar and Journal of the 2011 Session

Vol. 33 Concord, N.H.

Friday, May 20 2011

No. 41

Contains: Hearings, Meetings, Notices, Governor's Veto Message on HB 474, Request for an Opinion of the Justices, House Bills Amended by the Senate, Committee of Conference Procedures, Reports and Amendments for May 25.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, May 25th at 10:00 a.m. and Wednesday, June 1st**. Please note that the deadline for committees to report Senate bills and lists of retained Senate bills is Thursday, May 26th. The last day for the House to act on Senate bills is Thursday, June 2nd.

The New Hampshire Supreme Court is accepting memoranda on the three questions of law presented to it in SR 9, which requests an opinion of the justices on the constitutionality of HB 89, an act requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. Memoranda must be filed on or before 12:00 noon, May 23, 2011. The specific requirements for such filings is outlined in the Court's Order, which can be found elsewhere in this Calendar and on the General Court website.

The 2011-2012 Roster is available in the House Clerk's office. Each member is entitled to one copy of the Roster.

Chairmen and Vice-Chairmen will meet at **9:00 a.m. on Tuesday, May 24th** in Rooms 305-307 of the Legislative Office Building.

No members are to use a House committee room, even for informal meetings, unless the room use is first cleared with the committee chairman and scheduled in the Clerk's office.

Groups wishing to sponsor events in the State House Cafeteria must first contact Director of Operations Doug Dolcino (271-3323) to avoid conflicts in the schedule. Members should not agree to sign calendar notices for such events unless they are sure this has been done. Your cooperation in this regard is appreciated.

For your planning purposes, please note that July will be the month in which the House takes a break. There will be no House committee hearings or work sessions, and no other legislative business will be conducted.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **May 25** and Thursday, **May 26** at **9:00 a.m.** in Representatives Hall.

D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **May 25** at **9:00 a.m.** in Rooms 305-307, LOB.

Terie Norelli, Democratic Leader

NOTICE

The Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at noon 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

HOUSE DEADLINES

Wednesday, May 25, 2011

First day to file LSRs for the 2012 session.

Thursday, May 26, 2011

Last day to report all remaining SBs and list of retained SBs.

Thursday, June 2, 2011

Last day to act on Senate bills.

Wednesday, June 8, 2011

Last day to form Committees of Conference.

Last day to file LSRs for the 2012 session.

Thursday, June 16, 2011

Last day to sign Committee of Conference reports.

Thursday, June 23, 2011

Last day to act on Committee of Conference reports.

Wednesday, November 2, 2011

Last day to report retained bills.

LAID ON TABLE

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. (Pending question: OTP.)

HB 37-FN-A, reestablishing the initial monthly gross charge exemption to the communications services tax. (Pending question: OTP – third reading.)

HB 154-FN-A, increasing a threshold amount for taxation under the business enterprise tax. (Pending question: OTP/A – third reading.)

HB 166-FN-A-L, reducing the rate of the meals and rooms tax. (Pending question: OTP – third reading.)

HB 213-FN-A, reducing the rate of the business profits tax. (Pending question: OTP/A – third reading.)

HB 292-FN, relative to securities regulation. (Pending question: adoption of majority committee amendment.)

HB 343-FN, establishing a permanent state defense force. (Pending question: adoption of majority committee report of inexpedient to legislate.)

HB 421, relative to candidates for United States senator. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 484-FN, requiring random drug testing of food stamp program participants. (Pending

question: adoption of committee report of inexpedient to legislate.)

HB 485-FN, relative to requiring photo identification for food stamp program participants.

(Pending question: adoption of committee report of inexpedient to legislate.)

HB 573, relative to the administration of certain pain relief medications by a school nurse.

(Pending question: adoption of committee report of inexpedient to legislate.)

HB 577, relative to the use of foreign languages by retail establishments. (Pending question: adoption of committee report of inexpedient to legislate.)

HCR 13, urging the New Hampshire delegation to support HR 459 and S. 202 requiring a comprehensive audit of the Federal Reserve.

HCR 15, urging our federal senators to vote against the Law of the Sea Convention.

(Pending question: adoption of committee report of ought to pass with amendment.)

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Pending question: ought to pass.)

CONSENT CALENDAR

WEDNESDAY, MAY 25

COMMERCE AND CONSUMER AFFAIRS

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J Manuse for Commerce and Consumer Affairs: This bill is one of five bills introduced this session that is meant to ease private lending restrictions and regulatory overreach that came with the federal Secure and Fair Enforcement Act (SAFE Mortgage and Licensing Act of 2008). The federal SAFE Act was adopted by the legislature in July 2009, and its provisions were subsequently institutionalized in RSA 397-A. Because of this, current law bans private parties from lending money for a residential mortgage to other private parties, even if the money borrowed is from friends, family members, benefactors, and etc. Current law requires any person to get a mortgage loan originators license from the New Hampshire banking department, even in harmless circumstances when licensing private citizens who intend to make up to three loans is not practical. Before the excessive enforcement of the SAFE Act in New Hampshire, private transactions between two parties had been allowed for many years. Such transactions were limited by regulation to no more than four private transactions a year as an exception to licensing law. New Hampshire's adoption of the SAFE Act harshly eliminated any legal commerce in most private residential lending. In moving this bill forward to the House, the committee found that SB 28 with its amendment was the most appropriate legislation to restore common sense to New Hampshire law by allowing up to three private transactions a year. The department of housing and urban development (HUD) ultimately regulates this matter pursuant to the new federal law. HUD has promised definitive new rules on this matter, yet such a ruling has not yet materialized. We need a fix in the interim period, and this is it. In anticipation of any conflict between state and federal law in the future, the committee recommends an amendment that would allow the state banking department to recognize the HUD rules upon their adoption. Finally, the resolution of this issue and this bill in particular is supported by New Hampshire real estate, accounting and legal professionals, who all testified on this bill. The New Hampshire banking department does not object to the bill, as amended. **Vote 17-0.** **SB 189**, relative to the definition of mortgage loan originator. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M Sullivan for Commerce and Consumer Affairs: This bill addresses an issue created by the federal SAFE Act and New Hampshire's corresponding state law recently enacted which was being interpreted to barring even a mortgagee's accountant from giving advice on a home mortgage without a banking department license. In this case, HUD has

clarified its position on this issue. This bill brings state law into compliance with the new federal rules in granting an exception from mortgage loan origination status to those performing purely clerical or administrative tasks and doing so under supervision of a licensed person. **Vote 17-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. **OUGHT TO PASS.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill requires the commissioners of the departments of health and human services, corrections and the attorney general to enter into a memorandum of understanding (MOU.) to establish an inter-departmental team, to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. The purpose of the MOU is to promote collaboration and cooperation across all service systems to determine and recommend system responsibility for providing and/or funding specific services and supports to effectively meet the needs of the individual and the public safety of the community in accordance with the rules of the respective departments. There is no fiscal impact related to this bill. **Vote 14-0.**

EDUCATION

SB 95, establishing a commission to study youth sports concussions and other concussions received while at school. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for Education: Concussions are being studied across the country by professional and college sports. We do not need to do it also. The New Hampshire interscholastic athletic association (NHIAA) has adopted the very strict National Federation of state High Schools (NFHS) guidelines on handling concussions. These guidelines include cognitive abilities that have to be met before the student can even return to exercise for a sport. The NHIAA also has guidelines for any injury during a practice or game. It is no longer up to the coach, athlete, or even the parents, a licensed medical professional has to give the okay, and every high school has to have one available for all practices and games. Gone are the days of, "I'm okay coach. Put me in." **Vote 13-3.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 68, relative to records of disciplinary actions taken by the electricians' board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Spec Bowers for Executive Departments and Administration: This bill creates a sort of "statute of limitations" for disciplinary hearings by the electrician's board. Records of such hearings shall not be retained or considered after 10 years. The committee amendment increased the retention period to 10 years. **Vote 14-0.**

JUDICIARY

SB 34-FN, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill amends RSA 463 to clarify responsibility for paying for and mailing orders of notice of guardianship proceedings to interested parties. It also amends RSA 457:6 by transferring jurisdiction for approving marriages for persons under age 18 to the judicial branch family division. Finally, it repeals and re-enacts RSA 169-C:15, III(d) to establish and clarify the time period within which the court must hold and issue written findings following the adjudicatory hearing in child protection cases. **Vote 16-0.**

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This bill seeks to level the competitive playing field in the bail bond business. With the amendment, RSA 598-A:3 would be amended to require that the list of names of registered professional bail bondsmen already furnished by the secretary of state to all courts, jails and police stations under current law not be altered or supplemented, and that it contain a statement informing defendants in need of bail that not all bail bondsmen charge the same fees or provide the same services and encouraging them to contact more than one. **Vote 16-0.**

SB 65, making technical corrections to a law relative to court facility financing. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill makes technical corrections to RSA 490-B:5, II, relating to court facility financing to reflect procedures already being followed for negotiating and approving leases. As amended, the statute will provide that negotiations concluded by the department of administrative services shall be subject to final approval by the governor and council or by the department of administrative services, as applicable, rather than by the fiscal committee of the general court. **Vote 14-0.**

SB 139-FN, relative to state recoveries of public assistance caused by fraud. **OUGHT TO PASS.**

Rep. Joseph M. Hagan for Judiciary: A whistleblower who brings action for himself and the state against a defendant alleged to have committed Medicaid fraud, if successful, receives a percentage of the recovery. This bill would limit jurisdiction to cases involving New Hampshire healthcare providers. Other clarifications would reduce legal costs and increase monetary settlements. **Vote 15-0.**

SB 176, relative to marriage licenses. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill is a housekeeping measure that amends the marriage registration provisions of RSA 5-C:41 and 42 to make them consistent with the amendments in 2006 to RSA 457:26 and 27, which eliminated the three-day waiting period between applying for and issuance of a marriage license. **Vote 13-1.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 144, relative to extending certain permits and approvals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P Belanger for Municipal and County Government: Presently, planning board subdivision plans and site approvals are exempt from subdivision, site plan review, impact fees and zoning ordinance changes for a period of four years as long as substantial development or building has begun within one year (12 months) of the approval and recording of the plans. This amended bill makes a minor but important change RSA 674:39 and extends the periods to five years and start of substantial development or building to 24 months. Given the increased complexity of today's permitting and financing requirements and the slowed sale rate of new homes, projects need this additional time to earn vested rights. This was a bi-partisan vote with no testimony in opposition to the bill or to the amendment. **Vote 15-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 22, relative to alternative regulation of small incumbent local exchange carriers. **OUGHT TO PASS.**

Rep. Jacqueline A Cali-Pitts for Science, Technology and Energy: The bill provides that small incumbent local exchange carriers having under 25,000 access lines may petition the PUC for alternative regulation. Alternative regulation provides that local rates do not exceed comparable rates and that all service obligations under law be maintained. The alternative regulation plan may also allow small incumbent local exchange carriers to offer bundled services such as data and video. **Vote 15-0.**

WAYS AND MEANS

SB 40, making technical corrections to meals and rooms tax laws. **OUGHT TO PASS.**

Rep. Patrick F Abrami for Ways and Means: This bill simply makes technical corrections to meals and rooms tax laws as requested by the department of revenue administration. These changes involved license renewals, rate corrections, gender neutral statements, account separation due to delinquent payments and bond requirements. The committee unanimously agreed that these changes were both required and reasonable. **Vote 17-0.**

REGULAR CALENDAR

WEDNESDAY, MAY 25

COMMERCE AND CONSUMER AFFAIRS

SB 93, relative to pharmacist administration of vaccines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: This bill, as passed by the Senate, intended to expand the vaccines that may be administered by a pharmacist to include pneumococcal (for pneumonia) and varicella zoster (for shingles) for a sunsetted two-year period. It also removes redundant qualifications for pharmacists to administer vaccines. Currently pharmacists in all 50 states are able to administer adult immunizations. New Hampshire is one of three states that limit pharmacists to administer only the seasonal flu vaccine. SB 93 would increase access to these vaccines thus improving immunization rates and decreasing long-term health care costs. Since documentation of vaccinations is also important, pharmacists are required to insure that the records are accurate and up-to-date and that the patient's physician is notified. The committee determined that the bill needed to be amended, because the Senate's sunset clause unintentionally repealed the redundant current law. The sunset provision of the bill was removed in the committee's amendment. The committee feels this is a consumer friendly solution for New Hampshire residents. **Vote 16-1.**

SB 120, relative to alcoholic beverage advertising restrictions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick C Rice for Commerce and Consumer Affairs: Present regulations allow the advertising or promotion of liquor or beverages at reduced prices only within restaurants licensed premises, unless it is part of a "champagne brunch" or similar package. This bill would allow licensees to advertise liquor and beverage prices separately from any other advertisement or promotion. The bill allows the liquor commission to suspend any single advertising or promotion that is not in the spirit of public health or safety. The bill also includes a local opt out by allowing the legislative body of a city or town to adopt provisions prohibiting exterior signs advertising reduced price liquor or beverages. Beginning upon enactment and lasting up to next July 1st, the governing body of the city or town may adopt temporary prohibitions on such exterior advertising until the legislative body votes whether to adopt a permanent prohibition, or the temporary prohibition expires, whichever occurs sooner. **Vote 17-0.**

SB 162-FN, relative to federal health care reform 2010. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J Manuse for Commerce and Consumer Affairs: This bill, as amended, repeals and replaces RSA 420-L with a new policy for managing federal health care reform in New Hampshire. The committee amendment makes changes to the bill that reflect other policy votes of the House on this matter. Passing this bill as amended, will stake out a strong House position that creates a Joint Legislative Oversight Committee with real power to direct the insurance commissioner or any other department or agency official on whether or not to implement certain components of federal health care reform. While the law does not go as far as some of us would have liked-to completely nullify recent federal healthcare reform

the law also does not go as far as the past legislature went in giving the insurance commissioner authority to implement any part of the federal health care reform that he or she wanted. This bill strikes a good balance by giving an oversight committee real power to prevent implementation of choice parts of the federal health care reform, to revisit administrative rules passed previously and strike them if necessary, to approve new rules to be submitted through the regular process or to approve of proposals from the commissioner to implement parts of federal health care reform. The bill also requires the oversight committee to report back to the legislature, leaving room for changes to policy or the process. If the House does not act on this legislation, there will be no official arm of the government attending directly to the federal changes, which means any agency official might act to accept grant money for implementation of the act. By keeping this oversight committee in place, the legislature is ensuring a check on the executive branch of the government to make sure it is not enforcing or implementing parts of federal health care reform without authority. At the same time, the proposed committee will allow the state to implement parts of the federal law that make common sense. This bill also eliminates a permanent insurance department position that was meant to implement federal healthcare reform in New Hampshire, a position that is no longer needed. Eliminating this position will save the state money. **Vote 16-1.**

SB 171, relative to prescription drug benefits for the treatment of pain. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F Nevins for the **Majority** of Commerce and Consumer Affairs: Current law requires that every health benefit plan that provides prescription drug benefits to maintain an expeditious exception process that does not exceed 48 hours. This bill intended to reduce that time limit to 24 hours for pain medications. A major problem with the bill was that there was no definition for pain. In testimony it was noted that the vast majority of prescriptions are approved immediately and that in the rare occasion where there is a problem, most emergency prescriptions are approved within a 24-hour period. While well intended, the law is redundant since “Urgent Care” is already covered by federal law. The committee is concerned about forcing an additional mandate on insurers, which would only serve to increase costs unnecessarily, and ultimately higher premiums. The majority of the committee felt that New Hampshire consumers are already well served by current law. **Vote 13-4.**

Rep. Kathleen N Taylor for the **Minority** of Commerce and Consumer Affairs: Testimony from insurance companies was that they presently adhere to a 24 hour exception review process for “medically necessary” prescription drugs, including pain medication, but conflicting testimony detailed a 3-step process used by insurance companies before a patient can get the pain medication prescribed by a doctor. Current law requires a 48 hour expedited review process for non-formulary prescription drugs. The minority believes the Senate passed version establishing a 24 hour expedited review process for formulary and non-formulary pain medication is needed, considering the urgent need for proper pain relief by some patients. The expedited process will only apply to “medically necessary” drugs as currently defined in New Hampshire law and since it would conform to the practice insurance companies claim to use, giving consumers the ability to request assistance from the NH insurance department would be helpful. This bill will help doctors in their practice and take away insurance companies interference with “medically necessary” pain medication.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robbie L Parsons for Criminal Justice and Public Safety: This bill makes important and necessary changes to SB 500, Chapter 247, laws of 2010 based upon input from the NH parole board, the attorney general’s office, the department of corrections and other interested

parties. The bill as amended gives the parole board a significant role over inmates returned to prison for recommitment after parole violations. Current law provides that the recommitment period can only be for up to 90 days; the amendment allows the parole board to extend this term beyond 90 days for the parolee's failure to meet a variety of factors. The bill as amended would apply to all parolees and give the parole board discretion over both violent and nonviolent offenders. The committee believes that this bill corrects an oversight in the law which will allow for its further successful implementation. **Vote 14-0.**

EDUCATION

SB 67, establishing a committee to study school vouchers and school choice. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the **Majority** of Education: This bill as amended strengthens the original bill by expanding the scope of study beyond vouchers to tax credit programs that have been operating across the country. The goal for the study committee is to become well versed and therefore a resource to the House and Senate education committees. The study committee shall issue a report containing recommendations of features that should be included in future plans of this nature. The recommendations made by the committee will be helpful to ensure any programs are precise as to terminology and methodology and beneficial to parents and students. **Vote 12-4.**

Rep. Mary Stuart Gile for the **Minority** of Education: This bill proposes a committee to study the implementation of an education tax credit and education voucher program that would include but not be limited to authorizing a credit against the business profits tax for cash contributions from business organizations to support the education of students at non-public schools, authorizing the establishment of tax-exempt scholarship granting organizations which would award grants to offset the costs of attending non-public schools and administration and enforcement by department of revenue administration. The minority's position is that funding public education, given limited public and private resources, has to be the state's number one priority. While SB 67, as amended, is only a study, it will dilute time, energy and resources that could be better put to the support and improvement of public education for NH students.

SB 192, establishing a commission to identify strategies needed for delivering a 21st century education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kathleen A Lauer-Rago for the **Majority** of Education: The majority believes that this bill is another rehash of continual strategies tried and failed since the 1930's and therefore sees no need to open the door to a new fad which could result in moving further away from the basics and academic excellence. **Vote 12-5.**

Rep. Mary Stuart Gile for the **Minority** of Education: This bill proposed establishing a 21st century education commission to identify strategies for delivering a 21st century education to address student mastery of required course competencies in all learning environments, identify multiple models of financing for a 21st century education system and to identify the roles educators will play in a 21st century education. The minority supports SB 192's goal of ensuring that NH students attain mastery of course competencies in all learning environments. Further, the minority agrees that the opportunity to explore innovative and creative options and to think critically and futuristically about NH in the 21st century would provide positive benefits to the entire educational community.

FINANCE

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dan McGuire for the **Majority** of Finance: The state has a program to provide aid to public water and wastewater projects. Since October, 2008 new money for these projects has

been unavailable, so subsequent projects have been added to a waiting list. There are now 87 projects on the list. Current law would fund these projects on a first-come first-served basis. SB 158 would freeze the list as of June 30, 2011 and proportionally fund all projects on the list as funds become available. Any subsequent projects would go on a new first-come first-served list. While the majority is sympathetic to those municipalities who are waiting for funding, we dislike retroactive policy changes and see no compelling reason to change the operation of the waiting list. **Vote 18-8.**

Rep. Karen C Umberger for the **Minority** of Finance: The current method of distributing payments for state aid grants for the 77 wastewater projects and 10 water projects, approved by the department of environmental services since 2008 should be changed from first in first paid to a sharing of any dollars available across all projects. When these projects were approved by the voters there was an expectation that funds would be available to support the state's promised 20% of the construction costs. This did not happen because no money was budgeted for the program. We believe the fairer method of funding is to share the money across all projects so every project would receive some funding as it might become available. We recognize there is no money in the budget to support funding for any of the 87 water/wastewater construction projects.

SCIENCE, TECHNOLOGY AND ENERGY

SB 46, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country. **INEXPEDIENT TO LEGISLATE.**

Rep. James D Summers for Science, Technology and Energy: This bill would have reconstituted a commission to study the upgrading of the Coos electric transmission system, also known as the "Coos loop." Prior commissions have studied the issue for almost 5 years, spent almost \$200,000 on consulting reports, had interesting dialogue, but still have not been able to get all stakeholders to reach a solution for funding the upgrades. The root of the problem is this: for-profit, renewable energy developers (wind farms, biomass plants, hydro-electric dams) want to build projects in the North Country (usually in remote locations), but do not want to pay for the transmission line upgrades necessary to bring their power onto the regional electric grid. Some stakeholders feel that the developers should bear all the cost; some feel that ratepayers should front the cost; some feel costs should be allocated or otherwise socialized. The majority of the committee believes that since the parties have been unable to reach agreement after all these years, another commission and potentially another consulting study would be a waste of time and resource. The majority also felt that electric ratepayers should not be expected to subsidize transmission upgrades which are not necessary for system reliability and which will benefit profit-making developers. **Vote 10-6.**

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. **INEXPEDIENT TO LEGISLATE.**

Rep. Sam A Cataldo for Science, Technology and Energy: This bill would have mandated that a specific chemical (denatonium benzoate) be added to certain engine coolants and antifreeze to render them unpalatable. The purpose of adding a "bittering agent" to antifreeze would be to make it unpalatable to animals and children, in the hopes that they will not drink it and be poisoned. While the majority cares about animal health, we had several problems with the bill. First, it mandated only one bittering solution, even though there are multiple options available in the market. Second, it frees both the antifreeze manufacturers and chemical manufacturers from legal liability when the products are blended. Third, it includes multiple exclusions that watered down the desired impact of the bill. This mandate is not needed, and we encourage the antifreeze manufacturers to voluntarily offer "bittered" product for sale in the state. **Vote 8-7.**

GOVERNOR'S VETO MESSAGE REGARDING HB 474

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire

Constitution, on May 11, 2011, I vetoed HB 474.

States should not interfere with the rights of businesses and their employees to freely negotiate contracts. That is unless there is a compelling public interest, and there is no compelling public interest in passing this legislation.

There is no evidence that this legislation will offer any benefits to New Hampshire's economy or workers.

As I have said repeatedly, New Hampshire has an economic strategy that is working. New Hampshire has one of the strongest and fastest-growing economies in the nation. We have one of the lowest unemployment rates and one of the highest median incomes in the nation. We are considered one of the safest states and one of the healthiest states, and a high percentage of our citizens have private health insurance.

New Hampshire has a lower unemployment rate and a stronger economy than most states with so-called right-to-work laws. In states with a right-to-work law, workers on average have a lower standard of living, bringing home less in their paychecks and going without health insurance more frequently.

In my time as a CEO, in my years spent in the private sector turning around companies, and in my seven years as Governor, I have never seen the so-called right-to-work law serve as a valuable economic development tool.

In the last seven years of recruiting businesses to move to New Hampshire, not one business leader has ever even asked me if New Hampshire had a right-to-work law, let alone suggested it was a factor in the company's location decision. No New Hampshire business leaders have ever told me that the lack of a so-called right-to-work law prevented them from expanding or hiring new workers here in New Hampshire. And no New Hampshire workers have ever told me they couldn't get a job because New Hampshire doesn't have a so-called right-to-work law.

The debate over the so-called right-to-work bill in New Hampshire appears to be largely driven by national outside interest groups, and is not a result of problems facing New Hampshire businesses or workers.

There is no justification in this case for state government to interfere with the right of private businesses to freely negotiate and enter into contracts with their employees. Therefore, I am vetoing HB 474.

Respectfully submitted,
John H. Lynch
Governor

Date: May 11, 2011

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2011-0319, Request for an Opinion of the Justices (House Bill 89), the court on May 6, 2011, issued the following order:

The following request of the senate for an opinion of the justices was adopted on May 4, 2011, and filed with the supreme court on May 5, 2011:

SENATE RESOLUTION 9

A RESOLUTION requesting an opinion of the justices concerning the constitutionality of HB 89.

Whereas, there is pending in the senate HB 89, “An act requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act;” and

Whereas, HB 89 as passed by the house of representatives and presently pending before the senate would require the attorney general to move to join the state of New Hampshire as a plaintiff in the lawsuit pending in federal court captioned State of Florida et al. v. United States Department of Health and Human Services et al. (hereinafter “the lawsuit”); and

Whereas, at least 27 of the 50 states have joined as plaintiffs in the lawsuit; and

Whereas, the lawsuit challenges the applicability of portions of a federal law that would require individual New Hampshire citizens to purchase health insurance, even if they did not wish to do so; and

Whereas, the provisions being challenged in the lawsuit reflect matters of broad public policy, but do not presently affect the individual liberty or property interests of any individual New Hampshire citizen; and

Whereas, Part II, Article 5 of the New Hampshire constitution states: “full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution;” and 2

Whereas, Part I, Article 37 of the New Hampshire constitution sets forth the principle of separation of powers as an integral part of our governmental system of checks and balances; and

Whereas, a question has arisen as to the constitutionality of the provision in HB 89 requiring the attorney general to join the lawsuit; now, therefore, be it

Resolved by the Senate:

That the justices of the supreme court be respectfully requested to give their opinion upon the following questions of law:

1. Does the requirement in HB 89 that the attorney general move to have the state of New Hampshire join as a plaintiff in the lawsuit, violate Part I, Article 37 of the New Hampshire constitution?

2. Does the requirement in HB 89 that the attorney general move to have the state of New Hampshire join as a plaintiff in the lawsuit, fall within the broad grant of authority to the general court set forth in Part II, Article 5 of the New Hampshire constitution?

3. Does HB 89 as adopted by the house of representatives and presently pending before the senate violate any other provision of the New Hampshire constitution?

That the clerk of the senate transmit copies of this resolution and HB 89 to the justices of the New Hampshire supreme court.

Typewritten memoranda on the questions presented by the request may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before 12:00 noon, May 23, 2011. An original and eight copies of any memorandum must be filed with the clerk's office.

This order is entered by a single justice (Dalianis, C.J.). See Rule 21(7).

Eileen Fox,
Clerk

HOUSE BILLS AMENDED BY THE SENATE

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. (House Nonconcurrent; C of C 5/18/11)

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. (House Concurred 5/18/11)

HB 31, relative to insurance payments for ambulance services. (House Concurred 5/18/11)

HB 33, relative to the care of memorials in Franconia Notch state park. (House Nonconcurrent; C of C 5/4/11)

HB 47, relative to inactive license status for real estate brokers and salespersons. (House Concurred 5/18/11)

HB 52, relative to grounds for modification of parental rights and responsibilities. (SJ 5/11/11)

HB 55, adding a member to the exotic aquatic weeds and species committee. (House Concurred 5/4/11)

HB 67, expanding the duties of the school administrative unit oversight committee. (SJ 4/13/11)

HB 70, relative to changes to town charters. (House Concurred 5/4/11)

HB 71, authorizing establishment of pharmaceutical drug take-back programs. (House Concurred 4/27/11)

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate. (House Concurred 5/18/11)

HB 109, relative to residential fire sprinklers. (SJ 5/11/11)

HB 131, relative to indemnification of volunteers performing duties in the state park system. (SJ 5/11/11)

HB 132, adopting and implementing the United States flag code. (House Concurred 5/4/11)

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act. (House Concurred 5/18/11)

HB 155, relative to permits to conduct raffles. (House Concurred 5/4/11)

HB 175, relative to technical changes in life, accident, and health insurance. (House Concurred 5/18/11)

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. (House Concurred 5/18/11)

HB 190, relative to legislative study committees. (SJ 5/11/11)

HB 205-FN, relative to notice to owners of upstream dams. (SJ 5/11/11)

HB 218, repealing the New Hampshire rail transit authority. (SJ 5/11/11)

HB 278, setting the natural high water mark of Ossipee Lake. (House Concurred 5/4/11)

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. (House Concurred 5/18/11)

HB 299-FN, relative to the method of financing for the judicial retirement plan. (House Nonconcurrent; C of C 5/18/11)

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. (SJ 5/4/11)

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (House Nonconcurrent; C of C 5/18/11)

HB 381, authorizing net metering for micro-combined heat and power systems. (House Concurred 5/18/11)

HB 397, relative to image display devices in motor vehicles. (House Concurred 5/18/11)

HB 419-FN, relative to language in insurance certificates. (House Concurred 5/18/11)

HB 424, relative to surplus lines tax collection. (House Concurred 5/18/11)

HB 444-FN, relative to the commemoration of General John Stark Day. (House Concurred 4/27/11)

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. (House Concurred 4/27/11)

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. (SJ 5/11/11)

HB 474-FN, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. (House Concurred 5/4/11)

HB 483-FN-L, relative to mosquito control. (House Nonconcurrent; C of C 5/18/11)

HB 487-FN, relative to election day registrants. (SJ 5/11/11)

HB 524-FN, relative to the release of prisoners on probation or parole. (House Nonconcurrent 5/18/11)

HB 544, relative to state authority over firearms and ammunition. (House Concurred 5/18/11)

HB 579, exempting department of revenue administration guidelines from the right-to-know law. (SJ 5/4/11)

HB 580-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement. (House Concurred 5/4/11)

HB 601-FN, relative to implementation of federal health care reform. (SJ 4/27/11)

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (SJ 5/11/11)

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. (House Nonconcurrent; C of C 5/18/11)

COMMITTEES OF CONFERENCE

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. (Reps. Daniels, Infantine, Laware and Goley - Subject to Senate agreement.)

HB 33, relative to the care of memorials in Franconia Notch state park. (Reps. Baldasaro, Swinford, Bolster and Parkhurst – Subject to Senate agreement.)

HB 299-FN, relative to the method of financing for the judicial retirement plan. (Reps. Hawkins, Cohn, Winter and Sanborn - Subject to Senate agreement.)

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (Reps. Winter, Hansen, Whitehead and Bowers - Subject to Senate agreement.)

HB 483-FN-L, relative to mosquito control. (Reps. Sterling, Ferrante, K. Roberts and Burt Subject to Senate agreement.)

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. (Reps. B. Patten, Ferrante, Sterling and D. Hooper - Subject to Senate agreement.)

SB 3-FN-A-L, making comprehensive changes to the state retirement system. (Sens. Bradley, Carson and Larsen; Reps. Hawkins, Kurk, W. Smith and Sedensky)

2011 HOUSE COMMITTEE OF CONFERENCE PROCEDURES

- The Chairmen of the policy committees will receive bills amended by the Senate and should check with their committees to determine whether the committee will recommend that the House concur, non-concur, or non-concur and request a Committee of Conference.
- When a committee requests that the bill be sent to a Committee of Conference, the Chairman will recommend members for appointment. If the bill has gone to more than one committee, the members may come from the different committees as determined by the Speaker. Chairmen should recommend only those members from their policy committees. The Speaker shall make the final decision of Conference committee members.

- The **first named House member shall serve as Chairman of the House Conferees.** For House bills in Committee of Conference, the House Conferee Chairman shall set the time and place of the first meeting and shall chair each meeting of the Committee of Conference. **Each meeting shall be posted in the Clerk's Office and outside the committee room at least 24 hours in advance.** [House Rule 43 (c)]. If a Committee of Conference meeting recesses, the reconvening time shall be posted in the Clerk's office and outside the committee room.
- The House and Senate Conferees on a bill shall meet jointly but vote separately while in conference.
- The Committee of Conference may not change the title of the bill. The Committee also may not add amendments that are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is one in which the subject matter is not contained in either the House or Senate version of the bill. [House Rule 49 (g)]
- The sponsor of a bill that is in Committee of Conference shall, upon request, be provided an opportunity to be heard.
- A unanimous vote of both the House and Senate Conferees, voting separately, is necessary for an agreed upon report to be sent to the House and Senate.
- **Reports of all Committees of Conference must be filed with the Office of Legislative Services by the June 16, 2011 deadline adopted by the House.** All Committee of Conference members must sign their reports in the Office of Legislative Services.
- The **first-named House member on all bills in Committee of Conference must prepare an analysis of the report.** This "blurb" should contain a complete explanation of all changes made to the bill since it was passed by the House and must be submitted to the House Clerk for printing in the calendar.
- All Committee of Conference reports shall be distributed in seat pockets to be acted on some subsequent day. [House Rule 49 (f)].

See House Rule 49 for more information

COMMITTEE MEETINGS

FRIDAY, MAY 20

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 205-207, LOB (Please note room change.)

9:00 a.m. Regular meeting.

ADVISORY COUNCIL ON CHILD CARE (RSA 126-A:17), Dolloff Building, 4th Floor, 107 Pleasant Street, Concord

9:00 a.m. Regular meeting.

**ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128),
NH Employment Security, 32 South Main Street, Concord**

9:00 a.m. Special meeting.

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

12:00 p.m. Regular meeting.

**NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA
238-A:2), Room 201, LOB**

10:00 a.m. Rescheduled regular meeting.

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Upham Walker House

2:00 p.m. Regular meeting. Topic: Overview of US/Travel Policies. Presenter: Staff of
Congressman Charles Bass.

MONDAY, MAY 23

**ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-
E:21), Room 101, LOB**

3:00 p.m. Regular meeting.

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

1:00 p.m. Regular meeting.

HISTORICAL COMMITTEE (RSA 17-I), Room 208, LOB

9:30 a.m. Regular meeting.

**INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-
H:14-c), Room 101, LOB**

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

**RESOURCES, RECREATION AND DEVELOPMENT, Room 307, LOB (Please note
room change.)**

9:30 a.m. Subcommittee work session on **SB 19**, relative to the definition of "prime
wetlands."

10:00 a.m. Or immediately following the work session, full committee work session on
SB 19, relative to the definition of "prime wetlands."

TUESDAY, MAY 24

**CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206,
LOB**

10:00 a.m. Title Recodification subcommittee work session.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

11:00 a.m. Full committee work session on **SB 88**, relative to physical force in defense of
a person and relative to the brandishing of a firearm or other means of self-
defense.

Executive session on **SB 88**, relative to physical force in defense of a person
and relative to the brandishing of a firearm or other means of self-defense, to
follow

EDUCATION, Room 207, LOB

1:00 p.m. Executive session on **SB 172**, relative to performance-based school

accountability criteria, **SB 117**, relative to private postsecondary career schools and the student tuition guaranty fund and continued executive session on **SB 194**, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. Subcommittee work session on **SB 115**, relative to observing voter check-in.
- 10:30 a.m. Subcommittee work session on **SB 193**, relative to nomination of political organizations.
- 11:00 a.m. Subcommittee work session on **SB 190**, relative to the duties and membership of the executive branch ethics committee.
- 1:00 p.m. Executive session on **SB 115**, relative to observing voter check-in, **SB 135-FN-A**, relative to election returns and election records, **SB 190**, relative to the duties and membership of the executive branch ethics committee, **SB 193**, relative to nomination of political organizations.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Executive session on **SB 75-FN**, relative to clarification of part-time service in the state retirement system, **SB 82-FN**, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district, **SB 129-FN**, relative to presenting photo identification to vote in person and relative to the election fund, **SB 151-FN**, relative to contracts of the department of health and human services, **SB 154-FN**, reforming and renaming the comprehensive shoreland protection act.

FINANCE – (DIVISION III), Room 209, LOB

- 9:45 a.m. Work session on **SB 151-FN**, relative to contracts of the department of health and human services.

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

- 2:00 p.m. Mental Health and Substance Abuse Prevention and Treatment subcommittee meeting to establish a subcommittee work plan.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

- 9:30 a.m. Educational tour of Riverbend Mental Health.

Room 205, LOB

- 12:00 p.m. Dartmouth student group presentation on “Shared Decision Making in Health Care.”

JUDICIARY, Room 208, LOB

- 11:00 a.m. Rescheduled executive session on **SB 12-FN**, relative to screening panels for medical injury claims, **SB 108**, relative to emergency obstetrical care, **SB 50**, making various changes to laws regulating trusts and trust companies, **SB 70-FN**, relative to remedies in landlord-tenant actions.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:15 a.m. Rescheduled executive session on **SB 49**, relative to tip pooling arrangements.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Subcommittee work session on retained **HB 232-FN**, relative to abandoned homes in manufactured housing parks.
- 10:30 a.m. Full committee work session on Senate amendments to House Bills.
- 11:30 a.m. Subcommittee work session on retained **HB 108**, authorizing the town of

Hampton to appoint a tree warden.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

11:15 a.m. Executive session on ***SB 19***, relative to the definition of "prime wetlands."

WAYS AND MEANS, Room 202, LOB

8:00 a.m. Subcommittee work session on ***SB 157-FN***, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician.

10:00 a.m. Executive session on ***SB 72-FN***, establishing a comprehensive cancer plan fund, ***SB 97***, relative to the application of the community revitalization tax relief incentive, ***SB 157-FN***, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician, ***SB 170***, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.

WEDNESDAY, MAY 25

CHILDREN AND FAMILY LAW, Room 206, LOB

2:00 p.m. Or following the House session, subcommittee work session on retained ***HB 587***, relative to grounds for divorce for persons with minor children.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

1:30 p.m. Or fifteen minutes after the House session, rescheduled executive session on ***SB 166***, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

THURSDAY, MAY 26

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

1:30 p.m. Medical Sharps subcommittee meeting.

REDRESS OF GRIEVANCES, Room 104, LOB

10:00 a.m. Work and information session.

FRIDAY, MAY 27

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 109 Pleasant Street, Concord

9:30 a.m. Regular meeting.

JOINT LEGISLATIVE FACILITIES (RSA 17-E:2), Room 100, State House

11:00 a.m. Regular meeting.

TUESDAY, MAY 31

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. Subcommittee work session on outdated, sunsetted and expired statutes.

WEDNESDAY, JUNE 1

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY COMMITTEE (RSA 186-C:3-b), Department of Education, Room 15, 101 Pleasant Street, Concord

4:30 p.m. Regular meeting.

FRIDAY, JUNE 3

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB

9:00 a.m. Continued regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB

1:00 p.m. Regular meeting.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 205, LOB

9:00 a.m. Regular meeting.

MONDAY, JUNE 6

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 212, LOB

1:00 p.m. Regular meeting.

FRIDAY, JUNE 10

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB

9:30 a.m. Regular meeting.

TUESDAY, JUNE 14

COMMITTEE TO STUDY THE 2009 NEW HAMPSHIRE CHILD SUPPORT GUIDELINES REVIEW AND RECOMMENDATIONS (HB 1193, Chapter 26:2, Laws of 2010), Room 206, LOB

10:00 a.m. Work session with UNH Team.

FRIDAY, JUNE 17

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB

9:00 a.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

10:00 a.m. Regular business.

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

1:00 p.m. Regular meeting.

MONDAY, JUNE 20

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 101, LOB

9:00 a.m. Regular meeting.

TUESDAY, JUNE 21

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201,

LOB

3:00 p.m. Regular business.

THURSDAY, JUNE 23

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

Division of Public Health Services, Room 312, 29 Hazen Drive, Concord

2:00 p.m. Public health improvement services subcommittee meeting.

FRIDAY, JUNE 24

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue

Administration, 109 Pleasant Street, Concord

9:30 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB

10:00 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Rooms 305-307, LOB

10:00 a.m. Rescheduled regular meeting.

MONDAY, JUNE 27

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Executive Committee will meet Monday, **May 23rd** at 4:00 p.m. to review the quarterly Belknap County finance report. The Belknap County Delegation will meet at 4:30 p.m. on the same day for a report from the Belknap County Commissioners regarding the Capital Projects Strategic Plan.

Rep Alida I. Millham, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Cheshire County Delegation Farm Committee will meet on Monday, **May 23, 2011** at 3:00 p.m., in the County Administration Building, 33 West Street, Keene, NH. The purpose of this meeting is for the following: 1. To hold a meeting to receive an update regarding the feasibility study of the Farm and Farm Infrastructure Project pertaining to the long-term plans of the county farm, surrounding land resources, and adjacent county buildings. 2. To address any other matters that may come before the committee.

Rep. Jane Johnson, Clerk
Cheshire County Delegation

COUNTY DELEGATION NOTICE

Sullivan County Delegation will meet on Wednesday, **June 1** at 9:30 a.m. in Room 209, LOB with the County Administrator.

Rep. Beverly T. Rodeschin, Chairman
Sullivan County Delegation

REVISED FISCAL NOTES

The following House and Senate Bills have a revised fiscal note: HBs 25, 26, 35, 37, 49, 72, 131, 154, 186, 205, 206, 213, 222, 224, 225, 228, 229, 231, 232, 234, 238, 242, 256, 261, 262, 264, 265, 266, 268, 270, 274, 276, 277, 284, 288, 292, 293, 299, 302, 303, 309, 310, 311, 325, 329, 330, 332, 333, 335, 337, 340, 343, 345, 347, 353, 356, 365, 368, 369, 377, 388, 411, 418, 419, 420, 439, 440, 441, 444, 448, 451, 452, 453, 454, 456, 459, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 477, 479, 480, 481, 482, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 502, 504, 505, 506, 507, 509, 515, 517, 518, 519, 522, 523, 528, 529, 537, 539, 542, 557, 569, 571, 580, 601, 602, 609, 619, 621, 622, 626, 627, 628, 629, 634, 636, 637, 638, 639, 640, 641, 642. SBs 1, 3, 20, 21, 22, 53, 58, 72, 75, 81, 129, 147, 152, 154, 156, 157, 161, 162, 170.

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.

The Board of Directors of the Merrimack County Farm Bureau invite all Merrimack County representatives for a day tour of some Merrimack County Farms on Friday, **May 20**. Transportation and lunch will be provided. There will be ample opportunity to ask any and all questions. Spouses or significant others are welcome. We will be meeting at the Legislative parking garage on Storrs Street at 9:30 a.m. and returning at 4:00 p.m. RSVP to chuck@applehillfarmnh.com.

Rep. David Palfrey

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the 19th Annual New Hampshire Law Enforcement Officers Memorial Ceremony. The ceremony will be held on Friday, **May 20**, 2011, beginning promptly at 10:00 a.m. on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please do not hesitate to contact either Timothy J. Acerno of Fish and Game at 603-271-3128 or Chief Michael Greeley of the Deerfield Police Department at 603-463-7258 if you have any questions.

William L. O'Brien, Speaker

The Sullivan County Republican Committee will meet next at 12 Main Street, Newport, NH Saturday, **May 21**, 2011 at 9:00 a.m. Please note that we will be voting on the new bylaws and on accepting new office space. Please make an effort to attend.

Rep. Steven Cunningham

The Coos County Democrats will be having their annual fund raising event, "The Truman

Dinner" on Saturday, **May 21st**. This year's dinner will be held at the Town and Country Motor Inn and Resort located in Shelburne, NH. and will begin with cocktails at 6:00 p.m. One of the guest speakers will be the candidate for New Hampshire's 2nd Congressional District, Ann McLane Kuster. For more information and/or tickets, contact either Rep. Bill Hatch (466-9491) or Rep. Robert Theberge (723-8996). Tickets are \$50.00/person. I thank you in advance for your time and consideration.

Rep. Robert L. Theberge

All legislators are cordially invited to join the New Hampshire Association of Regional Planning Commissions for breakfast on Tuesday, **May 24** from 8:00 to 10:00 a.m. in the State House cafeteria. Come and meet the staff and learn about the Regional Planning Commission in your district.

Rep. James E. Coffey

The New Hampshire House Business Coalition will meet at 2:00 p.m. on Tuesday, **May 24** in Room 202, LOB. Please contact Rep. Laurie J. Sanborn at repsanborn@gmail.com.

Rep. Laurie J. Sanborn

The New Hampshire Snowmobile Association would like to invite all House members to a reception to be held in the State House cafeteria on Wednesday, **May 25**, 2011 from 7:30 to 9:30 a.m. Please come by and have a cup of coffee and a quick snack prior to session.

Reps. D.J. Bettencourt and Terie Norelli

The American Legion and the State Veterans Cemetery staff cordially invite everyone to attend Memorial Day ceremonies beginning at 11:00 a.m. on Monday, **May 30**, at the State Veterans Cemetery in Boscawen (110 Daniel Webster Highway, Route 3, Boscawen, NH).

William L. O'Brien, Speaker

Belknap County GOP Lincoln Day "First in the Nation Presidential Cruise" Update – This year's M/S Mount Washington Cruise on Lake Winnepesaukee, scheduled for Friday, **June 3**, is sure to be a hit once again. All of the Republican "potential" candidates as well as other dignitaries have been invited to join us. The excellent buffet that the Mount is known for has been set; it includes chef-carved roast turkey and chef-carved roast beef! This year's cruise will leave The Weirs in Laconia at 5:30 p.m., sail to Wolfeboro and then return to The Weirs at 9:00 p.m. We'll have silent and live auctions, raffles, live entertainment, and an opportunity to "hob nob" with our special guests! Tickets are the same price as last year - \$45 – and are available from Belknap County GOP members or by emailing to Alan@BelknapCountyRepublicans.org

Reps. Elaine Swinford and Franklin Tilton

The Nashua Area Federated Republican Women will honor Jennifer Horn at the NAFRW 2011 Woman of the Year Luncheon on Monday, **June 20th** at 11:00 a.m. at the Crowne

Plaza, Exit 8, Nashua- Former Minnesota First Lady, Mary Pawlenty, is the guest speaker.
Cost: \$25. Registered Republicans RSVP to Rep. Jeanine Notter before Monday, June 13th.
Rep. Jeanine Notter

The Main Street Republicans meet on Tuesdays at 8:30 a.m. in Room 104, LOB. All
Republican House members are welcome.

Rep. Kenneth H. Gould

All members of the Republican caucus are invited to the House Republican Alliance's weekly
meeting. The HRA will meet Tuesdays at 8:00 a.m. in Rooms 306-308, LOB.

Reps. Dan McGuire, Marilinda Garcia and Stephen Palmer

All Representatives are invited to attend morning prayer at 8:00 a.m. on Wednesdays at the
Upham Walker House. Come and share coffee and prayer before session.

Rep. Susan DeLemus

The Natural Rights Council will hold its weekly meeting at 8:00 a.m. Wednesday at Caffenio,
84 North Main Street. All House members are welcome. NRC is a bi-partisan group
dedicated to upholding principles outlined in Article 2, Part I of the NH Constitution.

Reps. Mark Warden, Andrew Manuse and Seth Cohn

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the
following schedule of schools and other groups visiting the State House in **2011**. These
listings are to ensure all members be notified in a timely manner of visitors from their
district. Our schedule is tightly booked for the school year and subject to changes. **Please
contact the Visitor Center concerning school tour booking information.** Legislators
planning to meet with students should notify the Visitor Center. Thank you for your
continued participation with your School Visitation Program.

Virginia J. Drew, Director

Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
May 20	9:45	Ray School – Hanover	45/4
May 20	10:30/12:00	Memorial School – Newton	60/4
	SH/SC		
May 23	10:00	Maple Ave School – Claremont	55/4
May 23	11:30	Sacred Heart School – Hampton	28/4
May 23	12:30	Conway Elementary School	35/4
May 23	2:00	Villa Crest Nursing Home – Manchester	14/Srs
May 24	9:00	Merrimack Middle School	50/8
May 24	10:30	Open World Program/NHCADSV-Russians	10
May 24	9:00	Florence Ride Out School	45/4
May 24	1:00	Camp Allen – Bedford	20
May 25	10:00/11:30	Wm. Barron School – Salem	82/4
	SH/HM		
May 25	12:30	Russell Elementary School – Rumney	25/4

May 26	9:00	Merrimack Middle School	50/8
May 26	10:00	Newfields Elementary School	32/4
May 26	11:00	Bakersville Elementary School – Manchester	43/4
May 26	12:00	St. Elizabeth Seton School – Rochester	22/4
May 27	9:15	St. Thomas School of Derry	45/3&4
May 27	10:00	Lin-Wood School - Lincoln	32/4
May 27	11:00	New Hampton School	26/4
May 27	12:30	Holderness Central School	22/4
May 31	9:00	Hollis Brookline High School	46/HS
May 31	9:45/11:00	Richards School – Newport	80/4
	SH/HM		
May 31	11:30	Northwood Elementary School	60/4
June 1	9:30	Mountain Shadows School – Dublin	10/6
June 1	10:00	Kensington Elementary School	40/4
June 1	11:00	Dunbarton Elementary School	31/4
June 2	10:00	Salisbury/Webster Elementary Schools	30/4
June 2	10:00	Cornerstone Christian Academy – Ossipee	10/4
June 2	11:00	Birch Hill Elementary School – Nashua	77/4
June 3	9:00/10:30	Riddle Brook Elementary School – Bedford	80/4
	SH/SC		
June 3	11:30	William E. Lancaster School – Salem	
June 6	9:00	John Fuller School – No. Conway	28/4
June 6	10:15/11:30	Pelham Elementary School	100/4
	SH/Giftshop		
June 7	9:00	Andover Elementary Middle School	54/3&4
June 7	10:00/11:30	Interlakes Elementary School – Meredith	80/4
	SH/HM		
June 7	12:30	Conant Rumford School – Concord	45/4
June 8	10:15/11:30	Pelham Elementary School	75/4
	SH/Giftshop		
June 8	12:30	Conant Rumford School – Concord	45/4
June 9	10:15/11:30	Winchester School	60/4
	SH/HM		
June 9	12:30	Milton Elementary School	44/4
June 10	9:00/10:30	Riddle Brook Elementary School – Bedford	80/4
	SH/SC		
June 10	11:30	Jonathan Daniels School – Keene	29/4
June 10	1:30	Home School from Chesterfield	
June 13	9:00	Ben Franklin Elementary School – Keene	35/4
June 13	10:00	Plymouth Elementary School	43/4
June 13	11:30	Lakeway Elementary School – Littleton	60/4
June 14	9:15/10:30	Smyth Road School – Manchester	96/4
	SH/HM		
June 15	9:00/10:30	Maple St. School – Hopkinton	64/4
	SH/HM		
June 15	11:00/12:00	Northwest Elementary School – Manchester	100/4
June 16	9:45	Lincoln-Akerman School – Hampton Falls	44/4
June 17	12:30	Boscawen Elementary School – Gettysburg Recitation Group	12/5

AMENDMENTS

WEDNESDAY, MAY 25

2011-1977h

Amendment to SB 28

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 397-A:4, VI as inserted by section 1 of the bill by replacing it with the following:

VI. An owner of real property who in any 12 consecutive month period makes no more than 3 mortgage loans to purchasers of the property for all or part of the purchase price of the real estate against which the mortgage is secured; provided, however, that the final regulations relating to the Secure and Fair Enforcement for Mortgage Licensing Act issued by the United States Department of Housing and Urban Development shall supersede the provisions of this paragraph to the extent such regulations conflict with the provisions of this paragraph.

2011-1722h

Amendment to SB 52-FN

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

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

AN ACT relative to recommitment of prisoners on probation or parole.

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

1 Effect of Recommitment. Amend RSA 651-A:19 to read as follows:

651-A:19 Effect of Recommitment.

I. A prisoner who is recommitted shall serve 90 days in prison before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, **or may be subject to an extended term of recommitment pursuant to paragraphs III and IV.** The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence.

II. Prisoners who are recommitted shall be ~~housed separately in a prison housing unit that provides~~ **provided access to** focused, evidence-based programming aimed at reengaging parolees in their parole plan.

III. The parole board may impose an extended term of recommitment for greater than 90 days if:

(a) The prisoner has previously been recommitted for a parole violation;

or

(b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII; and

(1) The conduct underlying the parole violation is related to his or her offense or offending pattern; or

(2) The prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or

(3) Both subparagraphs (1) and (2); or

(c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII; or

(d) The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment.

IV.(a) A prisoner may be brought before the parole board at any time during the 90-day term of recommitment to determine whether a longer term is warranted if:

(1) The prisoner did not participate in the evidence-based programming during the 90-day recommitment period; or

(2) The prisoner received one or more major disciplinary violations during the 90-day recommitment period.

(b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.

V. The imposition of an extended term of recommittal pursuant to paragraph III or IV shall be supported by written findings and a written order.

VI. Any prisoner who is subject to an extended term of recommittal shall receive a hearing before the parole board after serving 6 months of his or her term of recommittal and every 6 months thereafter.

VII. At the revocation hearing, the parole board may impose a term of recommittal for less than 90 days if:

(a) The prisoner has not been previously recommitted for a parole violation;

(b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;

(c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII;

(d) The parole violation is not substantially related to his or her offense or offending pattern; and

(e) The parole board determines that a lesser period of recommittal will aid in the rehabilitation of the parolee.

2 Applicability. RSA 651-A:19 as inserted by section 1 of this act shall apply to any person who is on parole as of July 1, 2010 or thereafter. The version of RSA 651-A:19 as inserted by 2010, 247:10 shall not apply to any person who had absconded on parole prior to October 1, 2010 and was a fugitive as of that date.

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

AMENDED ANALYSIS

This bill establishes additional criteria for recommittal of prisoners on probation or parole.

2011-1600h

Amendment to SB 63

Proposed by the Committee on Judiciary - C

Amend the bill by replacing section 1 with the following:

1 List of Professional Bondsmen. Amend RSA 598-A:3 to read as follows:

598-A:3 List of Professional Bondsmen. The secretary of state or designee shall furnish all superior court clerks, all district courts having authority to accept bail, all jails, and all police stations with a list of the names of all persons registered as professional bondsmen and shall notify such clerks, courts, jails, and police stations of any change in a bondsman's status. The secretary of state shall update the list as necessary, but not less than once per year. ~~[No person, other than the secretary of state or the secretary of state's designee, shall alter any list furnished under this section.]~~ ***The list shall include the following statement in bold type: "You are encouraged to contact more than one bail bondsman because not all bail bondsmen charge the same fees or provide the same services."*** The *unaltered* list shall be displayed prominently and visibly to defendants in all courts, jails, and police stations. ***No other list shall be displayed, furnished, or provided.***

AMENDED ANALYSIS

This bill amends the criteria for the list of bail bondsmen provided to the courts. The bill also provides that a defendant released pending trial who fails to appear within 45 days of the date required shall forfeit all designated property held by the court to secure such defendant's appearance.

2011-1962h

Amendment to SB 67

Proposed by the Majority of the Committee on Education - R

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

AN ACT establishing a committee to study the implementation of an education tax credit plan in New Hampshire.

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

1 Committee Established. There is established a committee to study the implementation of an education tax credit plan in New Hampshire.

2 Membership and Compensation.

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 of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Study the implementation of an education tax credit plan in New Hampshire which could include, but not be limited to, authorizing a credit against the business profits tax for cash contributions from business organizations to support the education of students at nonpublic schools, authorizing the establishment of tax-exempt scholarship granting organizations which would award grants to offset the cost of attending nonpublic schools, and administration and enforcement by the department of revenue administration.

II. Study the features of education tax credit and education voucher programs which have been implemented or are under consideration in other states and recommend any feature of those plans that would merit inclusion in the plan proposed in New Hampshire.

III. Act as a resource to the house and senate education committees on education tax credit or education voucher legislation, including making recommendations as to appropriate terminology and methodology for such legislation to the committees.

IV. Solicit input from any individual or organization with relevant information or expertise.

V. Study any other matter the committee deems relevant to its objective.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall submit an interim report of 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, 2011 and a final report on or before November 1, 2012.

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

AMENDED ANALYSIS

This bill establishes a committee to study the implementation of an education tax credit plan in New Hampshire.

2011-1844h

Amendment to SB 68

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 319-C:12, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The board shall retain the record of an action taken in a disciplinary proceeding under this section for 10 years from the date of final decision of the action and shall not consider such disciplinary action more than 10 years after the final decision in any future disciplinary proceeding concerning the same licensee.

AMENDED ANALYSIS

This bill requires that records of actions taken in disciplinary proceedings by the electricians' board shall not be considered after 10 years.

2011-1868h

Amendment to SB 93

Proposed by the Committee on Commerce and Consumer Affairs - R

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

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

AMENDED ANALYSIS

This bill expands the vaccines which may be administered by a pharmacist and changes the qualifications for pharmacists to administer vaccines.

2011-1956h

Amendment to SB 120

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend the bill by replacing section 2 with the following:

2 Alcoholic Beverages; Advertising Restrictions. Amend RSA 179:31, IX to read as follows:

IX. Advertising of liquor or beverages shall ~~[not be inconsistent]~~ **be consistent** with the spirit of **public health or** safety ~~[or safe driving]~~. **The commission may suspend any single advertising or promotion of liquor or beverage, at its discretion, that is inconsistent with the spirit of public health or safety.**

Amend RSA 179:31, XI-a as inserted by section 3 of the bill by replacing it with the following:

XI-a. Notwithstanding paragraph XI, if the legislative body of a city or town adopts a provision prohibiting exterior signs or signs in view of any public way promoting the sale of liquor or beverages at reduced prices by an on-premises licensee, such signs shall not be permitted in that city or town.

Amend the bill by replacing all after section 5 with the following:

6 Temporary Local Advertising Restrictions. The governing body of a city or town may adopt a temporary provision prohibiting exterior signs or signs in view of any public way promoting the sale of liquor or beverages at reduced prices by an on-premises licensee. The temporary prohibition shall be enforceable in the same manner as a prohibition adopted under RSA 179:31-a, XI-a. The temporary prohibition shall expire on the earliest of the following dates:

I. The date on which the legislative body of the city or town votes on whether to adopt a permanent prohibition under RSA 179:31, XI-a.

II. The date specified by the governing body when adopting the temporary prohibition.

III. July 1, 2012.

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

2011-1797h

Amendment to SB 144

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to approvals for site plans and subdivision of land.

Amend the bill by replacing section 1 with the following:

1 Regulation of Subdivision of Land. Amend RSA 674:39 to read as follows:

674:39 ~~[Four-Year]~~ **Five-Year** Exemption.

I. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision

regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of ~~[4]~~ **5** years after the date of approval; provided that:

(a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within ~~[12]~~ **24** months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;

(b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and

(c) At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.

II. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.

III. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

(a) "Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and

(b) "Active and substantial development or building," for the purposes of fulfilling paragraph I.

IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the ~~[4-year]~~ **5-year** exemption described in paragraph I. The planning board may, for good cause, extend the ~~[12-month]~~ **24-month** period set forth in ~~[paragraph]~~ **subparagraph I(a)**.

~~[V. Notwithstanding the time limits established in paragraph I, every subdivision plat and site plan approved by the planning board on or after January 1, 2007 and prior to July 1, 2009 shall be allowed 36 months after the date of approval to achieve active and substantial development or building as described in subparagraph I(a) and every subdivision plat and site plan approved by the planning board on or after July 1, 2005 and prior to July 1, 2009 shall be allowed 6 years after the date of approval to achieve substantial completion of the improvements as described in paragraph II.]~~

2011-1967h

Amendment to SB 162-FN

Proposed by the Committee on Commerce and Consumer Affairs - R

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

AN ACT relative to New Hampshire opting-out of federal health care reform.

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

1 Federal Health Care Reform 2010. RSA 420-L:1-RSA 420-L:6 are repealed and reenacted to read as follows:

420-L:1 Purpose and Scope.

I. The intent of this chapter is to preserve the constitutional integrity and sovereignty of the State of New Hampshire under the Tenth Amendment to the United States Constitution and Part I, Article 7 of the New Hampshire Constitution by limiting the extent to which the commissioner shall or shall not enforce the insurance reforms under the Patient Protection and Affordable Care Act of 2009, as amended by the Health Care and Education Reconciliation Act of 2010, (hereinafter “Act”).

II. Further, it is the intent of this chapter to prevent the state of New Hampshire from defaulting into federal oversight regarding the Act by not meeting certain federally mandated time frames measuring the progress being made of state-implemented requirements under the Act. It is not the intent of this chapter to commit the state of New Hampshire to implementation of the Act, but rather to prevent the implementation of the Act and to preserve the state's options regarding implementation of any constitutional portions as the general court directs.

420-L:2 Definitions. In this chapter:

I. “Act” means the Patient Protection and Affordable Care Act of 2009 (Public Law 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

II. “Commissioner” means the insurance commissioner.

III. “Department” means the insurance department.

IV. “Health Care and Education Reconciliation Act of 2010” means the law enacted by the 111th United States Congress, HR 4872, (Public Law 111-152) signed into law on March 30, 2010.

V. “Oversight committee” means the joint health insurance reform oversight committee established in RSA 420-L:5.

VI. “Patient Protection and Affordable Care Act of 2009” means the law enacted by the 111th United States Congress, HR 3590, (Public Law 111-148) signed into law on March 30, 2010.

420-L:3 Authority of the Commissioner.

I. Only with the prior approval of the majority of the oversight committee established in RSA 420-L:5, the commissioner shall have the authority to do the following with regard to the Act:

(a) Enforce the consumer protections and market reforms as set forth in the Act that relate to insurance;

(b) Take any action or permit the taking of any action by any state employee, state agent, or anyone to implement the Act;

(c) Establish any standards for enforcing the provisions of the Act;

(d) Make, adopt, or amend rules and regulations pursuant to RSA 541-A for, or as an aid to, the administration of any provision of the Act relating to insurance;

(e) Apply for any grant funds available under the Act;

(f) Adopt or apply standards consistent with the Act for form and rate review of insurance products and any other regulatory oversight functions performed by the department; or

(g) Expend any money, whether received by the federal government, the state government, any other governmental agency, a private organization, a nonprofit organization, or otherwise, on the implementation or advancement of the Act.

II. Any state official or agency outside the department, that seeks to enforce, implement, establish standards for enforcing, or otherwise take action under a provision of the Act, shall first obtain approval for the action from the majority of the oversight committee established in RSA 420-L:5.

420-L:4 Implementation of the Act.

I. The general court shall determine all policies within the state of New Hampshire regarding implementation of the Act if it is determined that the state of New Hampshire is

required to implement the Act. The insurance commissioner, the department, or any other state official, agency or designee, working in conjunction with the oversight committee, shall act on the presumption that enforcement of any provision of the Act shall first be authorized by the general court.

II. The commissioner, the department, or any other state official, agency or designee, shall develop recommendations in conjunction with the oversight committee established in RSA 420-L:5, prior to any enforcement of the Act. In addition, any state official or agency that seeks to enforce the provisions of the Act shall first develop recommendations in conjunction with the oversight committee.

420-L:5 Joint Health Insurance Reform Oversight Committee.

I. There is established a joint health insurance reform oversight committee consisting of 5 members as follows:

(a) Two members of the senate, appointed by the senate president, one of whom shall be from the senate commerce committee.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be from the house commerce and consumer affairs committee.

II. The terms of the members of the oversight committee shall be for the biennium and shall be coterminous with their membership in the general court. The oversight committee shall elect a chairman from its membership. The oversight committee shall meet at the call of the chairman who may call a meeting as often as necessary. The oversight committee shall require 3 members for a quorum.

III. The commissioner, upon direction of the oversight committee, shall make such periodic reports to the oversight committee relative to the department's interaction with federal officials enforcing the Act, and relative to federal deadlines and requirements for the Act.

IV. The oversight committee shall provide legislative oversight, policy direction, and recommendations for further legislation to prevent implementation of the Act in the state of New Hampshire as it determines appropriate. The oversight committee shall also review existing rules adopted pursuant to the version of RSA 420-L enacted under 2010, 243 and may require that rules it deems unnecessary be withdrawn.

V. The oversight committee shall submit an annual report, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, the house commerce and consumer affairs committee, and the senate commerce committee on or before November 1, 2011, and thereafter on or before November 1 of each year.

2 Health Reform Coordinator Position. Amend RSA 400-A:6, VII to read as follows:

VII. The commissioner shall appoint, as the commissioner's assistants, a health care policy analyst, a health care statistician, a general counsel, an insurance fraud attorney, a senior insurance fraud investigator, an assistant property and casualty actuary, **and** a compliance and enforcement counsel, ~~[and a health reform coordinator,]~~ each of whom shall serve at the pleasure of the commissioner during good behavior. The health care policy analyst, health care statistician, general counsel, insurance fraud attorney, senior insurance fraud investigator, assistant property and casualty actuary, **and** compliance and enforcement counsel, ~~[and health reform coordinator,]~~ shall perform such duties and exercise such powers as the commissioner may authorize.

3 Repeal. The following are repealed:

I. 2010, 243:15, relative to the repeal of RSA 420-L, regarding federal health care reform.

II. 2010, 243:16, relative to relative to rules adopted pursuant to RSA 420-L.

4 Effective Date. This act shall take effect June 30, 2011.

AMENDED ANALYSIS

This bill removes the repeal of RSA 420-L, regarding federal health care reform. Under this bill, the general court is to determine all policies within the state of New Hampshire regarding implementation of the Patient Protection and Affordable Care Act of 2009 (Public Law 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152). The bill establishes an oversight committee to prevent implementation of such Act as it determines appropriate. This bill also eliminates the health reform coordinator position in the department of insurance.

2011-1830h

Amendment to SB 171

Proposed by the Minority of the Committee on Commerce and Consumer Affairs - R

Amend RSA 420-J:7-b, II as inserted by section 1 of the bill by replacing it with the following:

II. Every health benefit plan that provides prescription drug benefits shall maintain an expeditious exception process, not to exceed [48] **24** hours, by which covered persons may obtain coverage for a medically necessary nonformulary ***or formulary*** prescription drug. The exception process shall begin when the prescribing provider has provided the health benefit plan with the clinical rationale for the exception.

2011-1853h

Amendment to SB 189

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 397-A:1, XVII(a)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) Any individual who is not otherwise described in subparagraph (a) and who performs purely administrative or clerical tasks as an employee at the direction of and subject to the supervision and instruction of a licensed person who is described in subparagraph (a).