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Contains: Committee of Conference Statements

ADDENDUM TO HOUSE CALENDAR NO. 42 COMMITTEE OF CONFERENCE STATEMENTS

SENATE BILLS

SB 141-FN, establishing the Granite State farm to plate program.
The Senate agreed to the House position on this bill.

Rep. Tara Sad

SB 220-FN, relative to the regulation of electricians by the electricians' board.
The Conferees adopted a new amendment to the House version of the bill which removes the language "fees for inspections preformed upon request of the general public done pursuant to RSA 319-C:5." Both sides agreed that this language was not going to resolve the issue of who shall pay for electrical inspections that are requested of the board, and that the issue should be addressed next year with new legislation.

Rep. Jeff Goley

SB 222, restructuring the department of administrative services, division of plant and property management and establishing the position of deputy commissioner in the department of information technology.
The Senate added the position of Deputy Commissioner in the department of information technology to this bill. The House amendment deleted that position and added minor provisions regarding the Adjutant General and the Division of Accounting Services. The House conferees agreed to accept the addition of the Deputy Commissioner and the Senate conferees agreed to the rest of the House amendment.

Rep. Dianne Schuett

SB 235, relative to the patients' trust fund and relative to a 10-bed psychiatric crisis unit.
The Senate agreed to the House version of the bill which had removed the section in which positions were created at New Hampshire Hospital to staff a new unit that will open by July 1, 2015. The section is not necessary because the commissioner of health and human services already has the authority to create the needed temporary positions in the current budget without a statutory change. It is the department's intention to make the position permanent in the next budget.

Rep. James MacKay

SB 253, relative to grounds for termination of parental rights.
This bill allows the victim of a sexual assault, who becomes pregnant due to the rape, to petition to terminate the parental rights of the father. When granted, this termination will allow her to avoid any and all contact with her rapist and will allow her to protect her child from the rapist. The House version was identical to the Senate version of the bill and added a provision which allowed a mother who chose not to pursue termination of the rapists parental rights to collect child support from the father without having any contact with her rapist. The Senate was concerned the protections added by the House were inadequate and refused to concur. The House agreed to the Senate version of the bill.

Rep. Mary Beth Walz

SB 261, allowing the commissioner of administrative services to administer the health benefits of certain retirees of the State Employees' Association of New Hampshire.
Currently, there is no statutory authority for the long-standing practice of allowing retired employees of the State Employees' Association to continue to be covered by the state employees health plan, with all costs of participation paid for by the SEA. The Senate version of SB 261 permitted current SEA retirees to continue on the program; the House version allowed future as well as present retired SEA employees to participate. Senate conferees refused to consider anything other than the Senate position. The House conferees agreed to the Senate position to preserve the participation of current retirees, who would otherwise have been terminated from the plan.

Rep. Lucy Weber

SB 268, relative to funding for certain energy efficiency programs.

This bill clarifies the procedure by which organizations are selected by the Public Utilities Commission to provide services to electrical customers to help them reduce energy consumption. The Conferees jointly crafted an amendment which ultimately satisfied all stakeholders.

Rep. David Borden

SB 270, establishing a commission to study mental health implementation in New Hampshire.

The Senate agreed to the House position and proposed an amendment that was adopted by the Committee of Conference. The amendment added significant community based organizations to the commission on implementation of mental health planning. The Conference committee was unanimous in its support of the work of this council.

Rep. James MacKay

SB 271, relative to retention of voter affidavits and identity verification.

This bill requires that all voter challenge affidavits be retained for at least 22 months, allows voters the option of providing a telephone number and email address on voter affidavits and clarifies when voter identity verification letters should be sent. The committee of conference amended the bill to add certain provisions from SB 183 relating to the processing of absentee ballots and SB 294 relating to recounts. Both SB 183 and SB 294 passed in the House by voice votes, but failed to obtain Senate concurrence. The provisions of SB 183 are of particular concern to our town and city clerks and local election officials. The House conferees strongly endorse the conference report and urge the House to do the same.

Rep. Gary B. Richardson

SB 321, relative to motorist service signs.

The bill as passed by the House has two major provisions. First, it would authorize signs indicating the location of attractions only in advance of intersections on limited access highways. Second, it would authorize the Transportation Commissioner to contract with a private entity to administer the motorist service signing program, and eliminated the restrictions on fees charged to program participants. The bill as passed by the Senate had the identical second section. But the bill's first section would have instead authorized motorist service signs indicating food, fuel, lodging, camping, as well as attractions in advance of limited access highways between the Mass. Border and Concord as well as Rochester. The Senate conferees decided to go along with the bill as passed by the House.

Rep. John Cloutier

SB 343, relative to the duties of the statewide education improvement and assessment program legislative oversight committee and repealing the school administrative unit legislative oversight committee.

The Committee of Conference agreed with the House amendment to clarify that the statewide assessment program shall only measure student understanding of key concepts, skills and knowledge applied within or across academic content domains. Further, it was agreed to repeal RSA 194-C:11 and RSA 194-C:12 relative to the school administrative unit legislative oversight committee and related duties.

Rep. Mary Gile

SB 345, repealing the prospective repeal of the annual public hearing and report on health insurance costs and trends.

The House and Senate, noting that it is important to continue to have reliable data to evaluate the impact of the Affordable Care Act and other changes being made to our health care and insurance coverage systems, agree to keep the annual report and public hearing. The conferees added additional defining language to request as comprehensive an analysis as a possible.

Rep. Ed Butler

SB 369-FN-A, relative to the Medicaid enhancement tax.

This legislation is based on a settlement agreement reached between the state and 25 New Hampshire hospitals. Enactment of this legislation will settle the 25 New Hampshire hospitals' outstanding challenges to: the constitutionality of the Medicaid Enhancement Tax; to claims that the hospitals had filed for refunds on their 2014 tax payments; and to Medicaid rate reductions made in previous years.

In many measures, it brings the division of MET revenue nearly back to the situation that existed prior to FY 2012. It also manages risk for both the hospitals and the state, capping the state's potential liability for payments and providing a floor to the hospitals. The alternative is to continue the litigation. The potential risk to the state if it was not successful in the litigation was hundreds of millions of dollars.

Under the agreement, the state would agree to provide "disproportionate share" (DSH) payments to critical and noncritical access hospitals. Critical access hospitals would be reimbursed 75 percent of their uncompensated care costs, and noncritical care access hospitals would receive no more than 50 percent of their individual uncompensated care costs in Fiscal Years 2016 and 2017. The state's liability would be capped at \$224 million

in total payments, including the federal government's 50 percent match. Based on aggregate uncompensated care estimates, the state's liability is expected to range between approximately \$45 and \$100 million for the 2016-2016 biennium, depending on actual levels of uncompensated care.

In Fiscal Years 2018 and 2019, critical access hospitals would continue to be reimbursed 75 percent of their uncompensated care costs. Other acute care hospitals would receive no more than 55 percent of their uncompensated care costs, up to a cap of \$241 million. The state's liability for FY 18 and 19 is expected to range between approximately \$35 million and \$86 million, as compared to FY 15. The hospitals are guaranteed at least \$175 million a year in DSH payments.

Payments to hospitals would be contingent on Medicaid Enhancement Tax revenues reaching agreed upon estimates. If revenues fall short of the estimates, state payments to the disproportionate share pool for non-critical access hospitals will be reduced.

The legislation also reduces the rate of the Medicaid Enhancement Tax from 5.5 percent to 5.45 percent in FY 2016 and to 5.4 percent in FY 2017. Beginning in FY2018, if total aggregate uncompensated care costs fall below \$375 million, the tax rate will be further reduced to 5.25 percent.

The state agrees to put all money raised from the Medicaid Enhancement Tax in a trust fund and use those funds exclusively to support Medicaid services, including funding DSH payments, hospital provider payments, and other Medicaid costs.

The agreement also eliminates certain freestanding rehabilitation hospitals from the Medicaid Enhancement Tax base, and also precludes them from receiving uncompensated care payments.

Through the agreement, the participating hospitals agree they will not challenge the MET on constitutional grounds as long as the terms of the agreement are met. If the legislature does not approve the agreement, or future legislatures choose to cut funding, the hospitals retain the right to re-launch their litigation and the state retains all of its defenses.

Through the agreement, the participating hospitals agree to drop their claims for tax refunds in 2014 and '15 and drop their participation – and claims – in lawsuits challenging the constitutionality and application of the Medicaid Enhancement Tax. They also agree to drop claims in state and federal court cases challenging rate reductions made beginning in 2008.

Rep. Mary Jane Wallner

SB 385, relative to examination requirements for chiropractors.

The Senate agreed to the House amendment to the bill.

Rep. Dianne Schuett

SB 389, relative to the enforcement of motor vehicle laws by officers of the fish and game department.

The Senate and House conferees have agreed to the House position. As a side note, the department has agreed to submit policy regarding this legislation to the House and Senate

Rep. Rose Marie Rogers

SB 391, relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center.

This bill reconstitutes the juvenile justice advisory board, redefines the responsibilities of the board, separates the division of children, youth and families from juvenile justice and changes the timeframe for cuts to the budget of the Sununu Center. The amendment being adopted by the House and Senate combines into one position the responsibilities of the director of juvenile justice and the director of the Sununu Center. The amendment makes this position an appointment of the Commissioner of HHS with the approval of the governor and council. The bill becomes effective upon passage except for the provisions relating to the appointment of the director of juvenile justice. At the request of the department, the committee delayed the implementation of this section with the expectation that the additional 90 days will provide the Commissioner enough time to nominate a candidate immediately after the effective date.

Rep. Mary Beth Walz

SB 393, relative to the housing finance authority and surplus lands housing program.

The bill makes some technical changes to housing statutes to encourage housing development and preservation and streamlines disposal of surplus lands. The Senate agreed to the House position which redefines funds so that they can be used for rehabilitation as well as for new housing.

Rep. Ed Butler

SB 405-FN, requiring the registration of radon mitigation system installers with the board of home inspectors. The Senate agreed to adopt SB 405 as it was passed by the House.

Rep. Lucy Weber

HOUSE BILLS

HB 256-FN, relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, and relative to the commission on sustainability of the fish and game department.

The Senate amended this bill to address fees, a study commission and a study committee. First, the Senate amendment modified the voluntary hike safe card online fee from the House- passed \$3 to a non-specified amount, which should be somewhat less. Second, the Senate amendment re-creates an expired study commission, which the House had tried to extend. That commission is charged with examining the financial stability and sustainability of the Fish and Game Department and will now report by November 1, 2014. Finally, the Senate amendment deletes a study committee for funding the Fish and Game Search and Rescue Fund. The House agreed with these changes.

Rep. Steve Shurtleff

HB 312, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions. The House conferees agreed to SB 312 as passed by the Senate. With respect to the collection of biometric data, the Senate version deleted “a photograph or computerized or other image of an individual” from the definition of biometric data. The Senate version also made three other changes. First, the words “directly or indirectly” were deleted after the words “obtain, retain or provide” with respect to biometric data. Finally, the words “against a government agency” were added to the section authorizing civil actions for damages and costs for a violation of the chapter. Also attached to HB 312 as passed by the Senate was the text of SB 264 as passed by the House. SB 264 was the bill addressing the notice of election under the Judicial Retirement Plan.

Rep. Lucy Weber

HB 343-FN, establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

The Senate had amended HB 343, which created a pawnbroker and secondhand dealer study commission, by replacing it with the text of SB 104, passed in 2013, which created a scrap metal dealers’ study commission. This commission never met, so the Senate wanted to re-create it. The committee of conference agreed that we would amend HB 343 to create both the scrap metal and pawnbroker study commission.

Rep. Kermit Williams

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission.

This bill makes various changes to the Real Estate Practice Act and regulation by the New Hampshire Real Estate Commission. The Senate added parties in a transaction in which the commission has determined an individual was practicing unlawfully to the list of parties to whom disciplinary decisions of the commission must be sent. The House agreed with this change.

Rep. Steve Shurtleff

HB 422, relative to the adoption, revision, and amendment of municipal charters.

The Committee of Conference on HB 422 originally attempted to address issues that were raised by members of the House during the last floor debate and more. Those issues have been resolved and include the following: (1) after removal by the Senate, the secretary of state has been reinserted into the charter approval process, as the House version of the bill maintained; (2) the process to determine the ballot order of charter commission candidates was amended to satisfy constitutional concerns which refer to alphabetical order (this was in the existing statute); (3) the agreement changes “votes cast” to “ballots cast,” provisions which are also in the current law, but now will more properly reflect election law terminology; (4) and finally, the applicability of the legislation was clarified so that the act “shall only apply to the process for adopting, revising, or amending a municipal charter and shall not otherwise affect the substance of any municipal charter.”

The Committee met on numerous occasions to address all other concerns, great and small, even those that had not been identified in the two years of examination of this legislation. The secretary of state and the municipal association, as well as Senate and House legal counsel, were all instrumental in identifying areas of improvement and suggesting modifications and compromise. An example of this was a provision added at the suggestion of the secretary of state to limit charter questions to non-state election days in cities to avoid unworkable election day lines at the polls. Additionally, this addresses concerns regarding the federal/state requirements under the MOVE Act and absentee ballot issues which are not otherwise an issue for local elections. While it was noted that these issues exist today without this bill, the committee took the opportunity to address them here. The committee accepted as many suggestions as we thought made the legislation workable for all communities who wish to adopt, revise or amend their charters and we listened to concerns regarding our largest city to ensure this legislation did not infringe on their charter process. The committee members are confident that this legislation has received the highest scrutiny, is a vast improvement over the current muddled law, and provides clear guidance to our towns and cities.

Rep. Marjorie Porter

HB 466-FN, relative to determining qualifications of voters.

This bill combines current affidavit forms for voter registration and clarifies how the forms are being used. The Senate amendment permits voters who register to vote at the policy polling place on the day of the state general election to use a combined form, but retains the Qualified Voter Affidavit and the Domicile Affidavit for voters who register on any other day and do not have other acceptable proof of qualifications. The House conferees agreed with the Senate amendment.

Rep. Gary Richardson

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association.

The House and Senate agree to the Senate amendment which creates a "Commission to Study the NH Medical Malpractice Joint Underwriting Association." The House and Senate Conferees further agree to a new amendment which broadens the JUA's ability to provide undistributed funds for grants to health care providers servicing medically underserved populations.

Rep. Ed Butler

HB 496-FN, relative to driving privileges for certain first-time DWI offenders.

The House conferees agreed with the Senate version on HB 496 (the "Cinderella License" bill) that establishes a limited license privilege fund into which shall be deposited the \$50 fee paid by a licensee who has been granted a limited license, with the moneys deposited in the fund to be used to cover the expenses of implementation, oversight and supervision of the limited privilege license program and supervision of the ignition interlock program. The conferees also agreed with the Senate position that a person must operate a motor vehicle to continue his or her education at a state-approved educational institution, or must operate a motor vehicle to attend job training, as additional qualified conditions making a person eligible for a limited license. The conferees further agreed with the Senate position that a person granted a limited license is required to deliver a copy of the court order granting a limited license to the law enforcement agency in the city or town in which he or she resides, and must carry a copy of the order with him or her while driving. The conferees agreed with the Senate change to the effective date. Finally, all conferees agreed to change the minimal time a license must be suspended before becoming eligible for a limited license to 45 days, a compromise between the House position of 15 days and the Senate position of 60 days.

Rep. Robert Cushing

HB 498, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays.

This bill now has three parts. The only change to the original House version is the requirement that police departments be notified when guns are to be fired at military funerals.

The Senate then added two amendments. The first requires the state to give preference to veterans and disabled veterans in public employment. The same requirement for cities and towns was removed. Reference to spouses was also removed. The second allows the PTSD Commission to continue its work. The House agreed to the Senate version.

Rep. Laura Pantelakos

HB 532, relative to energy efficiency and clean energy districts.

Currently RSA 53-F, entitled "Energy Efficiency and Clean Energy Districts," enables municipalities to help finance energy efficiency improvement projects on structures within the municipality through various funding avenues, including bonds, grants and private investors, and caps the funding at \$60,000. HB 532, as passed by the House, provided that only commercial properties within a municipality are eligible for this type of funding. The funding cap was also removed, because the relatively low limit was seen as insufficient for commercial needs, where energy efficiency projects frequently cost more than \$60,000 to complete. The bill let the stakeholders (business, financing and municipality), determine the size of the project and amount to be financed. It also clarified the rules that apply in a default situation.

The Senate amended the bill by inserting language specifying that funding sources may include private individuals or institutions, and that total indebtedness (special assessment liens plus existing mortgages) may not exceed 35% of the assessed value of the building and property.

The Senate also attached the substance of SB 281, relative to the siting of wind turbines.

Committee conferees agreed that while the 35% funding cap was most likely sufficient to meet the needs of large businesses, it may be too low to be of help to small or medium-sized businesses. To address this issue, the capping language was changed such that total indebtedness "...shall not exceed \$1 million or 35% of the assessed value of the building and property, whichever is greater."

As the siting of wind turbines was addressed in another bill in conference, it was dropped from HB 532. HB 532 emerged from the conference a better bill, which allows municipalities who so choose to help keep their local businesses local.

Rep. Marjorie Porter

HB 590, relative to the unauthorized practice of law.

The House version of this bill sought to increase the ability of non-attorney members or employees of small companies, corporations or partnerships to represent these entities in Circuit Court. The Senate took a more restricted view and sought to limit this ability to matters arising only under the Landlord and Tenant Statute, RSA 540. The House conferees were willing to agree with the Senate that giving some relief was an improvement over the current state of affairs.

Rep. David Woodbury

HB 591, relative to an abusive work environment and the health and safety of public employees.

This bill requires all agencies and departments of the State to develop and implement policies which prohibit abusive conduct in the workplace. The House conferees ultimately agreed with the Senate passed version. It should be noted that the conferees agreed that the policy requirement may be a single policy adopted by each agency and department, is intended to be prospective only, that passage of the bill is not intended to create new cause of legal action, and that remedies should be clearly spelled out in the policy created by the state or the agencies and departments.

Rep. Andrew White

HB 658-FN, relative to registration for medical technicians.

This bill establishes the board of registration of medical technicians and requires medical technicians practicing in New Hampshire to register with the board. The Senate amendment clarified two definitions in the bill, removed the appropriation and added a 90 day period beyond the effective date for currently practicing medical technicians to comply with the new law. The House agreed with these changes.

Rep. Steve Shurtleff

HB 685, relative to state agency communications.

This bill clarifies existing language relative to the legislative budget analyst's interactions with state agencies during the audit process. The Senate corrected a drafting error in the House version. The committee of conference further tightened the language. The net result is that regulated agencies will not be required to share certain confidential information, but the LBA should be better able to carry out the responsibilities outlined in existing law. Both house and senate conferees agree that this work is essential if the legislature is to carry out its policy and budget responsibilities.

Rep. Marjorie Smith

HB 1128, establishing a committee to study issues related to students receiving special education services while attending a chartered public school.

This bill establishes a committee to study issues related to students receiving special education services while attending a charter public school.

The Senate changed the membership of the committee to four members of the House and one member of the Senate. Wording in Section 3 was changed to reflect federal law mandated under Section 504 of the Rehabilitation Act of 1973. The word "seek" also in Section 3 was changed back to "receive" which was in the House version. In Section 4 the quorum number was changed back to three, as in the House version.

All attending conferees agreed with the changes.

Rep. Barbara Shaw

HB 1129, (New Title) requiring the development of an energy efficiency implementation plan.

The House agreed with the Senate amendment which eliminated a findings statement that specifically authorized the State Building Code Review Board to adopt by rule the updated International Energy Conservation Codes prior to legislative approval. Existing statute already addresses this issue. In addition, the Senate provided the Office of Energy and Planning with an additional 8 months to complete its final report on how to maximize all cost-effective energy efficiency opportunities across all energy use sectors. The final report is now due July 1, 2015.

Rep. Steve Shurtleff

HB 1135-FN, relative to penalties for driving without a license

The House agreed with the Senate amendment to the bill which provides that any person who drives with a license which has been expired for not more than 12 months shall be guilty of a violation for a first offense and class B misdemeanor for a second or subsequent offense and any person who has never had a license shall be guilty of a class B misdemeanor.

Rep. Steve Shurtleff

HB 1167, an act relative to exemptions from boiler inspection requirements.

The House agreed with the Senate version that inspection requirements shall not apply to buildings used exclusively as private residences or apartment buildings of less than 3 family units.

Rep. Herbert Vadney

HB 1182, relative to membership of the state transparency website oversight committee.

The House and Senate compromised by changing the membership of the state transparency website oversight committee from 6 to 5 members (1 senator and 4 house members). It also changes the number of members needed for a quorum from 4 to 3.

Rep. Jeff Goley

HB 1188, relative to paycheck equity.

This bill as passed by the House prohibits employers from requiring an employee to refrain from disclosing their wages. The Senate amended the bill with the exact language of SB 207 (a very similar bill which originated in the Senate), which also passed the House. The Committee of Conference was convened to correct a very minor language problem deleting the word "she" and changing it to "because he or she."

Rep. Andrew White

HB 1210, correcting certain references to divisions of the department of revenue administration.

The underlying bill, HB 1210, correcting certain references to the divisions of the department of revenue administration, remains unchanged from the version passed by the House. The Senate added three new sections to the bill. The first section ratifies the vote on the Hanover School District bond warrant article, correcting certain technical defects in the notice provided for the bond hearing held prior to the town-wide vote. The second addition is a modified form of SB 228, relative to notice of changes to zoning districts. The compromise language requires individual notices of hearings on changes of the boundary of a zoning district if the change affects 100 or fewer properties. Changes to minimum lot sizes or permitted uses within a district require individual notice if the district includes 100 or fewer properties. A good faith provision has been included and petitioned amendments under RSA 675:4 are an exception to the notice requirement. Language has also been added clarifying what information must be included in the notice. The last addition is the text of SB 202, relative to the crime of burglary, as passed by the House.

Rep. Lucy Weber

HB 1227, making changes to parole and parole board procedures

The House agreed with the Senate amendment to the bill which made no changes to any sections contained in the House version of the bill. The Senate amendment adds a new Section 10 which extends a provision relative to the probation/parole 30-day sanction in felony cases to now include both felonies and misdemeanors. This amendment was proposed by the Judicial Branch because the current sanction in felony cases has been successful and courts would like to use it in all misdemeanor cases as well.

Rep. Steve Shurtleff

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog.

The House version of the bill changed the civil forfeiture from \$5.00 to \$10.00 and after meeting with the Senate conferees, we agreed to change the amount to \$7.00 which would cover the cost of certified mail.

Rep. Bruce Tatro

HB 1281-FN, relative to copayments for certain specialists.

The conferees have agreed to an amendment which offers individual policy holders a plan that provides for co-pays for physical therapists and chiropractors at the same level as primary care providers. For small group policy holders, plans will be offered with the same co-pays but also an option to have policies with differing co-pays will be required. The conferees believe that providing this option will give small business owners an option they may need when evaluating the cost of coverage. Furthermore the conferees added a study to evaluate the impact of the changes made with this mandate.

Rep. Ed Butler

HB 1282-FN, relative to prepaid contracts for home heating fuel.

The conferees agreed with the changes made on the prepaid contract portion in the Senate version of HB 1282. This includes language allowing consumers to elect to enter into a contract prior to May 1st but preserves the prohibition against fuel companies advertising or soliciting pre-buy customers earlier than May 1st or later than October 31st of the year in which the heating season begins. The bill contained a registration process for companies offering prepaid contracts, with a \$100 fee paid to the Secretary of State's office. The registration requirement remains but the fee is removed. On the appropriation to towns under the Merrimack and Connecticut River flood control compact, the conferees agreed to pay out \$542,672, which represents 100% of money owed to communities for the Massachusetts' share for FY12. Under the current state budget the legislature has already allocated the full amount due in FY14 and plans to do the same for FY15.

Rep. Donna Schlachman

HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council and establishing a committee to study state procurement.

The Senate amendment added a committee to study and develop standards and methods for a centralized system of state procurement. The committee is required to report its findings by November 1, 2014. The House believes that this is an important issue and agreed with the amendment.

Rep. Steve Shurtleff

HB 1343, relative to guardian ad litem fees

The House agreed with the Senate amendment to the bill which provides that when a guardian ad litem is appointed, the court shall establish a maximum fee for the appointment which shall be exceeded only with the prior approval of the presiding judge and when all parties have been notified.

Rep. Steve Shurtleff

HB 1350, relative to prior public hearings for acceptance of unanticipated funds.

There are 23 regional Career Technical Centers (CTEs) in various high schools across the state. The state's obligation under a long-time statute is to fund CTE capital renovations between 50% and 75%. Past legislatures have included two CTE renovations in each biennial state capital budget (a 23 year cycle for each school). The capital budgets in the previous six biennia funded the two schools that were next in line and recommended by the Department of Education; each at the 75% level. In the past when a municipality failed to get local approval for its 25% match, another CTE was able to step in and utilize the allocated capital money, ensuring that two schools have received funding in each biennium.

This current capital budget cycle, Whitefield received a 75% allocation of \$13.5 million and Salem \$10.8 million (at 58%). Salem received local approval, but Whitefield, for the second time in the last two biennia, was unable to get local bonding authority from the voters earlier this year. Being the second year of the Legislative session the purpose of the senate amendment to HB 1350 is to reallocate the Whitefield money as follows: \$3 million in additional money to the Salem CTE to bring their allocation to 75% level and \$10.5 million to the Dover CTE (the next school in the queue, after the Plymouth CTE also failed to get local bonding authority), which gives them a 58% allocation.

During the capital budget process, the House Public Works & Highways Committee, partly due to the large dollar amounts of the Whitefield and Salem projects (at 75%: \$13.5 million each) funded Whitefield at 75%, but Salem at only 58% and believed that 60% was all that future legislatures could afford. However, looking forward, the Department of Education told conferees that the upcoming CTE projects are far less expensive. Plymouth is requesting \$8 million at 75%. Somersworth and Rochester are seeking about \$5 million each at the 75% allocation level. The next municipalities in line include Claremont, Hudson and Newport. The department expects the scope and cost of their projects to be reasonable, because of the necessity of these towns to receive local bonding authority.

The House agreed with the Senate position, because it continues the tradition of two CTE renovations per biennium; brings Salem, like all the other CTEs before it to the 75% level; and allows future legislatures (given the expected costs of prospective CTE projects) the opportunity, should they see fit, to fund Dover and future CTE projects at 75%. A lesser amount penalizes their property taxpayers and jeopardizes the necessary renovation of CTEs, and thereby their critical mission of student training and job creation.

Rep. David Campbell

HB 1368, relative to consideration of criminal records for occupational and professional licensing.

The Senate amendment modified the new provision pertaining to prohibiting certain regulatory boards from denying licenses based on an individual's prior criminal conviction without a consideration of the nature of the crime or the relationship to the occupation. It added the ability to suspend or revoke such license, in addition to denying it. The House agreed with these changes.

Rep. Steve Shurtleff

HB 1376, establishing a committee to study pipeline safety and development in the state of New Hampshire.

The House agrees with the Senate amendment which establishes a study committee to study transportation and delivery of oil, gas, natural gas and propane throughout the state of NH. The Senate added review of rail transportation and the feasibility of re-establishing the Pease rail spur. The committee made a technical correction that all were in agreement with by changing a reference to section 1 in the bill to read section 6.

Rep. Jacqueline Cali-Pitts

HB 1383, relative to municipal monitoring of large groundwater withdrawals.

The Senate amended the bill to specify that backflow prevention devices installed solely to prevent possible contamination of public water systems from residential irrigation systems be tested annually when the irrigation system is in operation. Without the amendment, such devices may have been required to be tested more frequently. The House agreed with these changes.

Rep. Steve Shurtleff

HB 1400, establishing New Hampshire's presidential primary centennial anniversary commission and adding Millsfield to a certain election law.

The Senate slightly amended the name of the commission and added Millsfield to the list of very small towns that may close their polls early once all voters in town have had the opportunity to vote. The House agreed with these changes.

Rep. Steve Shurtleff

HB 1407, relative to privacy in the workplace.

The House agreed to the Senate changes to this bill to delete a reference to social media and modify references to login information versus passwords/user names for employer- provided accounts or devices. Employers will still be able to monitor network devices and any personal account information of employees will still be protected from employer use. Like the House version, the Senate version retains the ability to conduct investigations pursuant to applicable laws and regulatory requirements but it also specifies when employers may be able to conduct investigations based on an employee's unauthorized transfer of employer proprietary information and other specific circumstances.

Rep. Steve Shurtleff

HB 1410, including household and domesticated animals under the domestic violence protection statute

The House agreed with the Senate amendments to the bill which do two things: 1. change the effective date to effective upon passage; 2. correct an improper reference to RSA 174-B:1 in the House version to RSA 173-B:1.

Rep. Steve Shurtleff

HB 1415-FN, establishing a robotics education fund in the department of education.

The conferees agreed on the Senate amendments to HB 1415. Sections 1 and 2, which are the original language in HB 1415 as passed by the House, are intact with only a change in the effective date. The Senate amendment to HB 1415 is similar to SB 346 which passed the House with amendment. The remaining sections of the Senate version remove the definition of liquor manufacturer and rectifier, which would have required the manufacturers ferment and distill from raw material, add rectifiers to provision for tasting activities, adds a commission to address what may be inconsistencies in our existing laws for liquor manufacturers.

Rep. Donna Schlachman

HB 1434, relative to surrogate health care decision making by a family member or a friend.

The House agreed with the Senate amendment to the bill which adds the words "or surrogate" to the Requirement to Act in Accordance with Principal's Wishes and Best Interest section of the Directives for Medical Decisions statute.

Rep. Steve Shurtleff

HB 1465-FN, authorizing special permits for movement of uninspected semi-trailers.

The House version created a new statute for limited-use permits as specified by the Director of the DMV, while the Senate version amended the uninspected vehicle statute (RSA 266:6). The Senate amendment allows special permits for use during daylight hours only. The combined vehicle-trailer must conform to brake standards and have working signals and stop lamps. The House agreed with these changes.

Rep. Steve Shurtleff

HB 1488-FN, establishing the New Hampshire program on educational support for military children.

The committee of conference agreed with the Senate position with an amendment to clarify several language specific terms such as definitions of "accredited" schools, "co curricular activities," "remedial services", "English Language Learner" and the requirements of the NH Immunization program.

Rep. Anne Grassie

HB 1494-FN, relative to administration of the New Hampshire retirement system and authority of the board of trustees.

The House agreed to the Senate version of the bill. This removes reference to RSA 100-A:20,I-a in the definition of earnable compensation for teachers and full-time employees who are employed in paraprofessional or support positions, at the request of the New Hampshire Retirement System. The Senate version also removes the reporting requirement for employers of retired members of the retirement system who serve as elected state officials or as elected officials or as elected officials of a political subdivision.

Rep. Jeff Goley

HB 1533-FN, requiring a warrant to search information in a portable electronic device.

The conferees agree to support the position of the Senate. The Senate version clarifies that the warrant requirement does not apply to searches incidental to arrest or for inventory purposes, adds county to the definition of government entity, and deletes the misdemeanor penalty contained in the House version. A person injured by a government entity as a result of violation of this law would be able to file a civil suit.

Rep. Robert Cushing

HB 1534, establishing a commission to study fiscal disparities between public school districts.

This bill originally established a commission to study fiscal disparities among public school districts. The Senate version added the additional duty of the commission to “examine the growth of charter public schools and the financial obligation of the state.” The committee of conference determined that due to complexities associated with charter school funding, this component can more appropriately occur through the HB 435-FN interim study. Lastly, the commission’s reporting date was changed from September 1, 2014 to November 1, 2014.

Rep. Rick Ladd

HB 1602, relative to the divestiture of PSNH assets.

House conferees agreed to the Senate position on HB 1602, with the addition of two amendments, one minor and one substantive. The first inserts the phrase “if appropriate” in the purpose section of the bill regarding PUC authority to determine whether divestiture of PSNH generation assets is in the economic interest of PSNH customers. The second makes changes to the text of SB 281 (relative to the siting of wind turbines), which had been incorporated into HB 1602 by the Senate. Conferees agree that the new language provides appropriate guidance for future rulemaking relative to the siting of wind energy projects.

Rep. Amanda Merrill

HB 1615, relative to emergency prescriptions.

The House agreed to the Senate version of the bill which gives the Board of Pharmacy the authority to determine an allocation from a pharmacists’ annual license renewal for the impaired pharmacist program. The Senate agreed to add back a modification of the original House language enabling pharmacists to dispense a 72 hour supply of medication under specific emergency conditions when authorization for the prescription was not available.

Rep. Laurie Harding

HB 1630-FN-A, relative to gaming in New Hampshire.

The Senate amended the effective date so that the non-study commission provisions of the bill would take effect July 1, 2015 rather than 60 days after passage. This gives licensees and the public time to adjust to changes to the gaming laws. The House agreed with these changes.

Rep. Steve Shurtleff

HB 1635-FN-A, relative to community mental health programs and making appropriations therefor.

The House version of the bill ratifies the mental health court directed settlement. The Senate added an amendment to put 10% of all future funds received by the state in any judgment or settlement in the rainy day fund. The House agreed with the Senate amendment.

Rep. Sharon Nordgren

HB 2014, relative to the state 10-year transportation improvement program.

The Senate amended the bill to delete a reference to the removal of the toll at Exit 12 at a cost of \$1,600,000; it removed the I93 project (Salem to Manchester) from the unfunded priorities list and funds it with bond proceeds. Both of these provisions are addressed in SB 367. Expenditure of road toll revenue is to be consistent with the new provisions of SB 367 and a contingency for the passage of that bill was added. The House agreed with these changes.

Rep. Steve Shurtleff

COMMITTEE OF CONFERENCE REPORTS NOT SIGNED OFF

SB 307, establishing a committee to review Citizens United amendments to the United States Constitution. The House conferees do not agree with the Senate’s version of the bill. The Senate stated that there “may be” a need for a Constitutional Convention where as the House position is that there “is” a need for a Constitutional Convention. There was no agreement.

Rep. Robert Theberge

SB 355, relative to access to social media by educational institutions.

The House and Senate conferees could not reach agreement around language that would require students in NH’s elementary and middle schools giving passwords to their personal social media accounts to their school district personnel.

Rep. Anne Grassie

HB 582, relative to early offers for medical injury claims.

The House and Senate members were unable to come to agreement. The most significant disagreement related to the provision requiring at least 125% of the amount offered by the medical provider or obtain nothing.

Rep. Frank Heffron

HB 1203, repealing provisions relative to the sale of the former Laconia state school property.

The conferees were unable to agree, because the Senate changed the effective date to July 1, 2015, thereby obviating the purpose for this legislation at this time.

Rep. David Campbell

HB 1359-FN, establishing a committee to study the feasibility of placing medal decals on special number plates for veterans.

The Senate had amended this bill with SB 88, relative to the official adoption of the Honor and Remember Flag. This is legislation the House voted Inexpedient to Legislate. The Senate refused to remove its amendment. Conferees were unable to agree on a unanimous outcome.

Rep. Candace Bouchard

HB 1372-FN-A, (New Title) making an appropriation for the pediatric sexual assault nurse examiner training program.

The House and Senate Conferees were unable to agree. The Senate removed the appropriation of \$20,000 for the pediatric sexual assault nurse examiner training program. The House conferees could not support the Senate's actions.

Rep. Peter Leishman

HB 1409, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking.

The conferees were unable to agree. The Committee of Conference considered an amendment that would extend protection from discrimination in housing access for documented victim/survivors of domestic or sexual violence and recipients of the Veterans Administration Supportive Housing program as administered through HUD. The Committee was not able to agree to these protections. The House conferees did not support the Senate version which would have created a study commission on housing discrimination with an end date of November 1, 2014.

Rep. Sylvia Gale

HB 1499-FN, increasing the maximum weekly benefit amount of unemployment benefits; amending the definitions of "full-time" and "part-time" work; and establishing a commission study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a and the elimination of some or all of the waiting periods required to be served pursuant to RSA 282-A:31, I(h). The conferees were unable to agree. HB 1499, as passed by the House, would have provided very moderate increases in the maximum weekly benefit to the unemployed, changed definitions of full and part time work, and established a committee to study future rate reduction trigger points. The Senate removed all increases to the maximum benefit, and changed the charge of the study committee from the removal of the waiting period to only studying increasing maximum weekly benefits. In an effort to reach compromise, the House proposed postponing the increases in the maximum weekly benefit until the trust fund reached 300 million dollars which the Senate conferees summarily rejected. With the Senate unwilling to compromise in any way with the House position of increasing maximum weekly benefits to the unemployed, no agreement could be reached.

Rep. Andrew White

HB 1532, relative to notification of radon and arsenic levels.

The conferees were unable to agree. In amending this bill, the Senate removed language that the House believes is crucial to the intent and goal of the bill. The Senate was not willing to consider alternative language proposed by the House.

Rep. Donna Schlachman

HB 1634-FN, relative to the salaries of certain unclassified positions.

House and Senate came to no agreement. The Senate had added SB 415 to HB 1634. The House Finance Committee had held SB 415 for interim study. For that reason the House did not agree with HB 1634 as amended.

Rep. Mary Jane Wallner