

May 18, 1999

No. 32

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR

REPORTS, HEARINGS, MEETINGS & NOTICES

**THE SENATE WILL MEET IN SESSION ON THURSDAY, MAY 20, 1999, AT
10:00 A.M.**

L Aid ON THE TABLE

HJR 1, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire.

SR 7, declaring that any deficit in the education trust fund be financed with new sources of revenue and not through reductions to appropriations in the state operating budget.

CACR 20, relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected.

HB 56, establishing a procedure for reinstating corporate charters that have been expired for more than 3 years.

HB 64, relative to changes of registration for undeclared voters.

HB 112, increasing the tobacco tax and imposing the tax on all types of tobacco products.

SB 20, limiting the price for resale of tickets to motor sports events at the New Hampshire International Speedway to the original purchase price.

SB 50-FN-A-L, relative to the state's responsibility to provide an adequate education.

SB 51-FN-A-L, establishing a referendum for a new taxation plan to fund public education.

SB 72, exempting certain portions of Seabrook Beach Village District and certain portions of Hampton Beach from certain provisions of the excavating, filling, and construction permit laws.

SB 82, relative to the termination of employees.

SB 94, relative to absentee voter affidavits.

SB 147, relative to self-referrals for chiropractic care under managed care organizations.

SB 179-FN, allowing for motor vehicle license suspension or revocation for certain minors.

SB 194-FN-A, dedicating certain sums in the moose management fund for the payment for damage done by moose to certain trees.

REPORTS

ENERGY & ECONOMIC DEVELOPMENT

HJR 3, urging ISO-New England to adopt policies furthering the state's interest in electric utility restructuring. Vote 7-0

Ought to Pass, Senator Below for the committee.

HB 535, establishing a committee to study the department of resources and economic development.

MINORITY REPORT: Inexpedient to Legislate, Senator Fraser for the committee. Vote 3-4

MAJORITY REPORT: Ought to Pass, Senator Johnson for the committee. Vote 4-3

SB 196-FN-L, relative to electric rate reduction financing. Vote 7-0

Ought to pass with amendment, Senator F. King for the committee.

ENVIRONMENT

SB 68, establishing minimum 400 foot buffer zones around sensitive areas from application of herbicides.

SPLIT REPORT: Inexpedient to Legislate, Senator Krueger for the committee. Vote 4-4

SPLIT REPORT: Ought to pass with amendment, Senator Russman for the committee. Vote 4-4

SB 71, establishing a ban on MTBE in gasoline as of January 1, 2000. Vote 6-2

Ought to pass with amendment, Senator Wheeler for the committee.

SB 218-FN-L, regulating the land application of sewage sludge.

SPLIT REPORT: Inexpedient to Legislate, Senator Krueger for the committee. Vote 4-4

SPLIT REPORT: Ought to pass with amendment, Senator Wheeler for the committee. Vote 4-4

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 60, relative to meetings of the ballot law commission. Vote 4-0

Ought to Pass, Senator Cohen for the committee.

HB 261-L, relative to the official ballot option. Vote 4-0

Ought to Pass, Senator Roberge for the committee.

SB 221-FN, relative to competitive bidding for state construction contracts. Vote 4-3

Ought to pass with amendment, Senator D'Allesandro for the committee.

INSURANCE

SB 190-FN, relative to grievance procedures of managed care entities. Vote 7-0

Inexpedient to Legislate, Senator Squires for the committee.

SB 199, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system. Vote 5-3

Ought to pass with amendment, Senator McCarley for the committee.

JUDICIARY

HB 367, relative to requesting certifying scientists to appear at DWI hearings. Vote 7-0

Ought to pass with amendment, Senator Wheeler for the committee.

PUBLIC AFFAIRS

HB 689-FN, establishing a committee to study campaign contributions and expenditures. Vote 3-2

Ought to pass with amendment, Senator Wheeler for the committee.

SB 157, clarifying that a prisoner's right to vote absentee is in his or her town or city of former residence. Vote 7-0

Inexpedient to Legislate, Senator Trombly for the committee.

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES

HB 441, relative to a mother's right to breast-feed. Vote 5-0

Ought to Pass, Senator Wheeler for the committee.

HB 619-FN, requiring the commissioner of health and human services to produce certain annual reports. Vote 4-0

Ought to Pass, Senator Squires for the committee.

HB 624-FN, establishing a committee relative to health care quality. Vote 3-1

Ought to Pass, Senator Squires for the committee.

SB 54-FN, relative to partial birth abortion.

MINORITY REPORT: Ought to pass with amendment, Senator Krueger for the committee. Vote 1-5

MAJORITY REPORT: Inexpedient to Legislate, Senator Wheeler for the committee. Vote 5-1

SB 214-FN, establishing new procedures under the certificate of need law for certain ambulatory surgical facilities.

SPLIT REPORT: Ought to pass with amendment, Senator Squires for the committee. Vote 3-3

SPLIT REPORT: Ought to pass with amendment, Senator Wheeler for the committee. Vote 3-3

SB 220-FN, relative to the disclosure of child abuse and neglect information. Vote 6-0

Ought to pass with amendment, Senator McCarley for the committee.

SB 229-FN-L, relative to the supervision of juvenile delinquents on probation and parole and the operation and organization of the youth development center. Vote 6-0

Rereferred to Committee, Senator Squires for the committee.

TRANSPORTATION

SB 156, granting the commissioner of transportation authority to layout and approve the construction of a restricted use driveway onto a public highway. Vote 6-0

Ought to pass with amendment, Senator Gordon for the committee.

WILDLIFE & RECREATION

HB 362, relative to dam safety program violations. Vote 4-0

Ought to Pass, Senator Krueger for the committee.

HB 552, relative to the issuance of crossbow permits to persons with a permanent physical disability. Vote 5-0

Ought to Pass, Senator D'Allesandro for the committee.

SB 144, relative to qualifications for members of the fish and game commission. Vote 6-0

Rereferred to Committee, Senator Disnard for the committee.

AMENDMENTS

PROPOSED SENATE RULES AMENDMENT

Every Senate Bill, Joint Or Concurrent Resolution, Except Any Senate Bills In The Committee Of Finance Must Be Acted On By The Senate No Later Than May 20, 1999.

Energy and Economic Development

May 18, 1999

1999-1324s

05/10

Amendment to SB 196-FN-LOCAL

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

1 Statement of Purpose.

I. The state of New Hampshire and Public Service Company of New Hampshire (PSNH) are in the process of negotiating a settlement to resolve the outstanding issues concerning the implementation within PSNH's service territory of electric utility restructuring pursuant to RSA 374-F. Any settlement proposal that results from these negotiations will in all likelihood include a component for securitizing a portion of PSNH's stranded costs.

II. It is important that the general court, through the declaration of purpose and findings of RSA 369-A:1, express its understanding of securitization and the criteria that are essential to meet prior to authorizing the use of securitization.

2 New Chapter; Electric Rate Reduction Financing. Amend RSA by inserting after chapter 369 the following new chapter:

CHAPTER 369-A

Electric Rate Reduction financing

369-A:1 Declaration of Purpose and Findings. The general court finds that:

I. Restructuring of electric utilities to provide greater competition and more efficient regulation has been found by the general court to be in the public good and New Hampshire is now aggressively pursuing restructuring and increased customer choice in order to provide electric service at lower and more competitive rates.

II. The transition to competitive markets for electricity is a complex endeavor and requires the development of creative and flexible mechanisms to facilitate the movement from monopoly to competition.

III. The establishment of structured financing options for public utilities will enhance and facilitate the expeditious transition to competition, choice for retail electric customers, and reductions in electric rates for all customer classes consistent with the near term rate relief principle of RSA 374-F:3, XI, without creating any debt or obligation of the state or other adverse impacts upon the state's finances or credit rating. Structured financing options may facilitate and help mitigate stranded cost recovery that the commission determines is appropriate, equitable, and balanced pursuant to authority granted in RSA 374-F:3, XII and 374-F:4.

IV. Structured finance options are best pursued in the context of settlement agreements between a utility and the commission concerning the implementation of competition.

V. Rate reduction bonds are instruments underwritten for recovery by a guaranteed promise of customer repayment as part of the stranded cost recovery charge on a customer's bill. These bonds' irrevocable guarantee of repayment creates a secure expectation of performance and thus allows for an attractive rate of refinancing of a utility's stranded costs.

VI. Stranded costs are at significant risk of not being recovered under traditional rate regulation and market pressures. Electricity prices in New Hampshire are so high as to cause customers to aggressively consider fuel switching, conservation, or self generation. Technological innovation may soon allow small scale self generation units to be viable in the near future. Over time, technological innovation will increasingly threaten the recovery of stranded costs.

VII. Once stranded costs are securitized through rate reduction bonds, a utility immediately recovers through a lump sum payment that portion of its stranded costs underwritten by the bond. As such, the risk of not recovering that portion of a utility's stranded costs is completely removed. The utility may then favorably recapitalize its debt structure taking advantage of its improved risk profile.

VIII. A lump sum payment derived from a rate reduction bond provides a large infusion of cash with which a utility may repay its debt. This infusion of cash also gives a utility a tremendous opportunity to become a major participant in deregulated electric generation markets or deregulated telecommunication markets.

IX. The financial and security advantages that accrue to a utility in the form of improved debt structure, risk reduction, and new cash resources could make such a utility an attractive investment opportunity. It is likely that any such utility's publicly traded stock value would rise considerably, especially for a utility that had faced significant investor uncertainty.

X. The extraordinary benefits that utilities and their investors will receive through issuance of rate reduction bonds are appropriate and fair, but only to the extent that customers also receive equitable and extraordinary benefits. Unless these customer benefits can be achieved at the same time that utilities receive the extraordinary benefits of securitization, the use of revenue reduction bonds and the irrevocable obligation they create for customers is not in the public interest. The benefits to customers should be substantially consistent with the following principles:

(a) The opportunity to choose among a range of competitive suppliers in a manner that promotes public trust in the benefits of competitive options. Public trust is not achieved if a utility uses rate reduction bonds to maintain a commanding presence in all of the traditional utility functions of transmitting, distributing, and generating electricity.

(b) Electricity prices consistent with RSA 374-F:3, XI, the near term rate relief principles for all customer classes.

(c) Electricity prices that approach the regional average within 4 years.

(d) Electricity prices that do not create another rate gap for New Hampshire customers.

(e) Risk sharing by the utility of the non securitized portion of the utility's stranded cost should regional average prices not be approached in 4 years.

(f) The continued opportunity for end users to generate electricity for their own use without an exit fee.

(g) Further renegotiations between representatives of the 6 wood-to-energy facilities, Public Service Company of New Hampshire, the public utilities commission, and other interested parties in order to reduce customer cost of this source of electricity.

(h) The cessation of any dispute, litigation, or regulatory proceedings concerning any electric restructuring issue, in any forum where the utility's position is adverse to the state of New Hampshire, the commission, or the New Hampshire Electric Cooperative prior to use of structured financing options.

(i) Retention of commission jurisdiction over any proposed settlement.

(j) Filing of any proposed settlement at the public utilities commission prior to further legislative consideration of authorization to use structured financing options.

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

1999-1324s

AMENDED ANALYSIS

This bill expresses certain legislative purposes and findings relative to electric rate reduction financing.

Environment

May 18, 1999

1999-1298s

08/03

Amendment to SB 68

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

AN ACT establishing minimum 300 foot buffer zones around sensitive areas from application of herbicides, authorizing a study of environmental effects from residual herbicides and making an appropriation therefor.

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

1 Findings. The general court finds that scientific measurement and monitoring of residual herbicides in waters and aquatic resources of the state from aerial spraying of forest lands for timber management purposes should be conducted to provide a greater basis for adequate regulatory safeguards and controls on aerial herbicide spraying.

2 Study.

I. Beginning July 1, 1999, the department of environmental services is authorized to conduct an ongoing study of the environmental effects from residual herbicides due to aerial spraying of forest lands. The study shall be in addition to other monitoring of pesticide residuals which may be conducted by the department, and shall be focused on those north country watersheds which have received aerial herbicide application in the recent past. These watersheds shall include Lake Umbagog and the Third Connecticut Lake.

II. The department is instructed to seek funding for the study from federal and private sources.

3 New Subparagraph; Scientific Measurement and Monitoring of Residual Pesticides in the Waters and Aquatic Resources of the State Fund. Amend RSA 6:12, I by inserting after subparagraph (vvv) the following new subparagraph:

(www) Money received from state, federal, or private sources for monitoring of residual pesticides under 485-A:4, XI, which shall be credited to the scientific measurement and monitoring of residual pesticides in the waters and aquatic resources of the state fund.

4 Appropriation. The sum of \$20,000 is hereby appropriated to the scientific measurement and monitoring of residual pesticides in the waters and aquatic resources of the state fund for the biennium ending June 30, 2000 for the purposes of section 2 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

5 New Section; Buffer Zones for Aerial Application of Herbicides. Amend RSA 430 by inserting after section 41 the following new section:

430:41-a Buffer Zones for Aerial Application of Herbicides. A buffer zone or non-spray area of at least 300 feet shall be maintained between the targeted spray area of an aerial herbicide application and the following critical areas:

I. Private wells, springs, and other sources of water used for drinking or domestic purposes.

II. Surface waters, as defined in RSA 485-A:2, XIV.

III. Depressions or runoff areas where there is active water flow.

IV. Adjacent property lines, provided adjacent property has ownership other than that of applicant.

V. Houses, barns, and other structures.

VI. Animal feeding and watering tanks.

VII. Public roads.

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

1999-1298s

AMENDED ANALYSIS

This bill:

I. Establishes minimum 300 foot buffer zones around sensitive areas from application of herbicides.

II. Authorizes the department of environmental services to conduct a study of the environmental effects from residual herbicides due to aerial spraying of forest lands, and appropriates \$20,000 to the department for this purpose.

III. Creates a special fund for scientific measurement and monitoring of residual pesticides in the waters and aquatic resources of the state.

Environment

May 17, 1999

1999-1265s

08/09

Amendment to SB 71

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

AN ACT prohibiting the use of MTBE as an additive in gasoline.

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

1 New Section; Prohibition on Sale of Gasoline Containing MTBE. Amend RSA 339 by inserting after section 30-a the following new section:

339:30-b Sale of Gasoline Containing MTBE Prohibited.

I. A person shall not sell or offer for sale at wholesale in this state any gasoline, as defined in RSA 259:37-b, that has been treated with the fuel oxygenate methyl tertiary butyl ether (MTBE).

II. The commissioner of environmental services, in consultation with the commissioner of health and human services and the air pollution advisory committee, shall implement the provisions of this section. The provisions of this section shall be exempt from the requirements of RSA 541-A.

III. The commissioner of environmental services shall develop a timetable by April 1, 2000 for the removal of MTBE from gasoline at the earliest possible date, but not later than

January 1, 2003. The timetable shall ensure the adequate supply and availability of gasoline for New Hampshire consumers at a reasonable price.

2 Clean Air Act Requirements. The commissioner of environmental services shall make a formal request to the administrator of the Environmental Protection Agency for an immediate waiver for New Hampshire gasoline from the federal Clean Air Act requirement for oxygen content in reformulated gasoline.

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

1999-1265s

AMENDED ANALYSIS

This bill:

I. Prohibits gasoline containing the fuel additive MTBE from being sold or offered for sale at wholesale in this state.

II. Requires the commissioner of environmental services to implement the provisions of this act. Such provisions shall be exempt from the requirements of the administrative procedure act.

III. Requires the commissioner of environmental services to develop a timetable by April 1, 2000 for the removal of MTBE from gasoline.

IV. Requires the commissioner of environmental services to make a formal request to the Environmental Protection Agency for a waiver from the Clean Air Act requirement for reformulated gasoline oxygen content.

Environment

May 18, 1999

1999-1299s

08/03

Amendment to SB 218-FN-A-LOCAL

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

1 Land Application of Sludge. Amend RSA 485-A:5-d to read as follows:

485-A:5-d Land Application of Sludge

I. Sludge or biosolids which are to be land applied in New Hampshire shall not exceed the maximum concentrations for specific chemical contaminants contained in the rules of the department, or the rules or regulations of the state in which the sludge was generated, whichever are more stringent.

II. Class B sludge that is applied to land used for grazing ruminants or land upon which one or more forage crops are grown intended for ruminants shall be immediately incorporated into the soil. Such sludge shall not contain more than 10 ppm of molybdenum.

III. Class B sludge shall not be land applied to forestland, as defined in RSA 227-G:2, VIII, or in newly clearcut areas.

IV. Class B sewage sludge and industrial paper mill sludge shall not be used to reclaim spent gravel pits above aquifers.

V. A soil pH reading of between 6.5 and 7.0 shall be maintained for such soil during land application activities and for 5 years after the last application to such land.

VI. A minimum buffer distance shall be maintained between land applied class B sludge and surface waters of the state, as defined in RSA 485-A:2, XIV. The minimum buffer distance shall be 250 feet from the high water mark.

VII. A minimum distance of 3 feet shall be maintained between the seasonable high water table and the lowest point of land application of sludge.

VIII. Class A and class B sludge shall not be stockpiled or land applied on 100 year flood plains. Stockpiles may be placed on application sites that are not flood plains up to and including 30 days before any planting or seeding. Sludge shall not be stockpiled where there is less than 3 feet of unsaturated soil between the lowest point of such storage and the maximum high groundwater table.

IX. Class B sludge shall not be applied to agricultural land which has a slope greater than 8 percent.

X. Deliveries of class A sludge exceeding 20 tons per site per year shall be reported to the department.

2 New Sections; Sludge Quality Certification Requirements. Amend RSA 485-A by inserting after section 5-d the following new sections:

485-A:5-e Sludge Quality Certification Requirements.

I. All publicly owned treatment works (POTWs) who land apply sludge shall list all industrial waste water contributors and chemical constituents of their waste water.

II. As of January 1, 2001, the following maximum metal concentrations shall be required by any wastewater treatment facility if such facility shall be issued a sludge quality certification by the department:

(a) For arsenic, 10 mg/kg.

- (b) For cadmium, 10 mg/kg.
- (c) For chromium, 160 mg/kg.
- (d) For copper, 1000 mg/kg.
- (e) For lead, 270 mg/kg.
- (f) For mercury, 7 mg/kg.
- (g) For molybdenum, 18 mg/kg.
- (h) For nickel, 98 mg/kg.
- (i) For selenium, 18 mg/kg.
- (j) For zinc, 1780 mg/kg.

III. Sludge quality certifications shall expire 2 years from the date of issuance.

IV. University of New Hampshire cooperative extension services best management practices with regard to agronomic application rates of sludge shall be adhered to by any person who land applies sludge.

485-A:5-f Sludge Containing Dioxins. In addition to all other rules and laws applying to the land application of sewage sludge, no pasturing of livestock whose products are consumed by humans shall occur on fields that receive sludge or residuals containing dioxins TEQ above 1 ppt.

485-A:5-g Required Record Keeping for Land Application of Sludge.

I. Each sludge hauler permit holder shall record the following information, on a form provided by the department, for each load of sludge:

- (a) The date the sludge is transported from the generator's site or facility.
- (b) The generator's name, address, and telephone number.
- (c) The quantity of sludge, in wet tons.
- (d) The type of sludge, such as domestic or industrial.
- (e) The name, address, and telephone number of the hauler permit holder and driver of the motorized vehicle.
- (f) The name, address, and telephone number of the sites, facilities, solid waste facilities, or wastewater treatment facilities to which the sludge is to be delivered.
- (g) The date delivered to the sites or facilities.

II. The information required in paragraph I shall be maintained in the motorized unit used to transport the sludge when the sludge is being transported.

III. Records required under this section shall be maintained on a permanent basis.

485-A:5-h Exclusion of Use by Towns that Regulate Prohibited. No wastewater treatment plant shall exclude a town from using its facility solely for the reason that the town exercises its rights under applicable state laws to regulate sludge disposal within its borders.

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

1999-1299s

AMENDED ANALYSIS

This bill establishes:

I. Record keeping requirements for haulers of sludge.

II. A prohibition on wastewater treatment plants from excluding towns that regulate sludge disposal within their borders.

III. Limitations to land application of sludge including sludge containing dioxins.

IV. Specific requirements and limitations for the land application of class A and class B sludge.

V. Requirements for persons or facilities acquiring sludge quality certification.

Senate Executive Departments and Administration

May 18, 1999

1999-1316s

09/01

Amendment to SB 221-FN-A

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

AN ACT relative to procedures for bid listing for state construction contracts.

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

1 New Section; Procedures for Bid Listing for State Construction Contracts. Amend RSA 228 by inserting after section 4-a the following new section:

228:4-b Procedures for Bid Listing for State Construction Contracts.

I. A general contractor bidding on a state contract for construction work on any contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency required to be awarded through competitive bidding shall, in addition to any other provision of this chapter, include in the general contractor's bid in writing the names, addresses, and bid prices of each subcontractor to be used in the performance of the contract.

II. If the general contractor substitutes any subcontractor listed in the general contractors' bid, or if the subcontractor refuses to perform the contract or offered contract, then the general contractor may substitute that subcontractor after having received prior approval of the governor and council. The general contractor shall submit written evidence to the state that the substituted subcontractor is costing the same amount of money or less than the amount shown in the bid proposal. If the substituted contractor costs less than the amount shown in the bid proposal, the savings shall be deducted from the total contract of the general contractor and rebated to the state.

III. Any person who violates the provisions of this section shall be guilty of a misdemeanor and each day of a continuing violation shall constitute a separate violation.

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

1999-1316s

AMENDED ANALYSIS

This bill establishes procedures for bid listing for state construction projects. A person who violates these procedures is guilty of a misdemeanor.

Insurance

May 18, 1999

1999-1325s

05/10

Amendment to SB 199

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

1 Statement of Purpose. The purpose and intent of this act is to strengthen protections for New Hampshire families who receive their medical care from managed care organizations by providing consumers with the information and tools consumers need to hold managed care organizations accountable for the health care treatment decisions they make.

2 Practice of Medicine; Medical Directors. Amend RSA 329:1 to read as follows:

329:1 Practice. Any person shall be regarded as practicing medicine under the meaning of this chapter who shall diagnose, treat, perform surgery, or prescribe any treatment of medicine for any disease or human ailment. "Surgery" means any procedure, including but not limited to laser, in which human tissue is cut, shaped, burned, vaporized, or otherwise structurally altered, except that this section shall not apply to any person to whom authority is given by any other statute to perform acts which might otherwise be deemed the practice of medicine. "Laser" means light amplification by stimulated emission of radiation. ***A medical director, as defined in RSA 420-J:3, XXV-a, shall be regarded as practicing medicine under the meaning of this chapter whenever:***

I. A medical necessity determination is made for which he or she is responsible under RSA 420-J:6, V or RSA 420-E:2-a; II. The medical necessity determination denies authorization or payment for a covered health care service, supply or drug that the treating health care provider has prescribed; and III. Such denial causes the covered person not to receive the health care service, supply or drug that the treating health care provider has prescribed. 3 New Section; Medical Directors Required. Amend RSA 420-E by inserting after section 2 the following new section:

420-E:2-a Medical Director. Every medical utilization review entity licensed by the department under this chapter shall employ a medical director licensed under RSA 329, who shall have final responsibility for the utilization system and its administration and implementation, including utilization review decisions affecting health care services provided to beneficiaries.

4 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph XXV the following new paragraph:

XXV-a. "Medical director" means a physician licensed under RSA 329 and employed by a health carrier or medical utilization review entity who is responsible for the utilization review techniques and methods of the health carrier or medical utilization review entity and their administration and implementation, including utilization review decisions affecting health care services provided to covered persons under a health benefit plan.

5 New Paragraph; Medical Director Required. Amend RSA 420-J:6 by inserting after paragraph IV the following new paragraph:

V. Each health carrier that conducts utilization review shall employ a medical director who shall have final responsibility for all utilization review techniques and methods and their administration and implementation, including utilization review decisions affecting health care services provided to covered persons under a health benefit plan.

6 Information Provided to Covered Persons. Amend RSA 420-J:5, II to read as follows:

II. A health carrier shall provide to consumers:

(a) A description of the ***internal*** grievance procedure ***required under RSA 420-J:5*** for adverse determinations and other matters ~~[which]~~ ***and a description of the process for obtaining external review under RSA 420-J:5-a. These descriptions*** shall be set forth in or

attached to the policy, certificate, membership booklet, or other evidence of coverage provided to covered persons.

(b) A statement of a covered person's right to contact the commissioner's office for assistance at any time. The statement shall include the toll-free telephone number and address of the commissioner.

(c) Upon written denial of a requested medical service or claim by the health carrier, a statement of the covered person's right to access the internal grievance process. ***This statement shall also include a written explanation of any adverse determination, with the name and credentials of the health carrier medical director, including board status and the state or states where the person is currently licensed, and the relevant clinical rationale used to make the adverse determination. If the person making the adverse determination is not the medical director but a designee, then the name, credentials, board status, and state or states of current license shall also be provided for that person. Nothing in this section shall be construed to require a health carrier to provide proprietary information protected by third party contracts.***

(d) Staff assistance in filing a grievance.

(e) [If requested by the consumer or health care provider acting on behalf of the consumer, a written explanation of any adverse determination, with the name and credentials of the health carrier medical director or designee, including board status and the state or states where the person is currently licensed, and the relevant clinical rationale used to make the adverse determination. Nothing in this section shall be construed to require a health carrier to provide proprietary information protected by third party contracts] ***Upon exhausting the second level grievance review process, a statement of the covered person's right to obtain an independent external review of the health carrier's determination. This shall include a description of the process for obtaining external review, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available.***

7 First Level Grievance; Names Required. Amend RSA 420-J:5, III(b)(1) to read as follows:

(1) The ***names***, titles and qualifying credentials of the persons participating in the first level grievance review process.

8 Second Level Grievance; Names Required. Amend RSA 420-J:5, V(a)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. Upon concurrence of the covered person, a copy of the decision shall be forwarded to the insurance department. The decision shall include the ***names and*** titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance, including issues raised by the covered person, and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person's right to file an external appeal as provided in RSA ~~[420-J:5, VIII]~~ ***420-J:5-a. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available..***

9 Review Panel; Names Required. Amend RSA 420-J:5, V(b)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. The decision shall include the **names and** titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person's right to file an external appeal as provided in RSA [420-J:5, VIII] **420-J:5-a. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available.**

10 Expedited Internal Grievance Review. Amend RSA 420-J:5, VI(e) to read as follows:

(e) In any case where the expedited review process does not resolve a difference of opinion between the health carrier and the covered person or the provider acting on behalf of the covered person, the covered person or the provider acting on behalf of the covered person may submit a written grievance, unless the provider is prohibited from filing a grievance by federal or other state law. A health carrier shall review it as a second level grievance. In conducting the review, the health carrier shall ~~[adhere to time frames that are reasonable under the circumstances]~~ **make a decision and notify the covered person as expeditiously as the covered person's medical condition requires, but in no event more than 72 hours after the grievance is submitted.** 11 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph III the following new paragraph:

III-a. "Authorized representative" means any person who has obtained express written consent to represent the covered person in an external review from:

- (a) The covered person;
- (b) A person authorized by law to provide substituted consent for a covered person; or
- (c) A family member of the covered person when adherence to the requirement of express written consent is impracticable or would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function.

12 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph XXIII the following new paragraph:

XXIII-a. "Independent review organization" means an entity that employs or contracts with clinical peers to conduct independent external reviews of health carrier determinations.

13 New Section; External Review. Amend RSA 420-J by inserting after section 5 the following new section:

420-J:5-a External Review Process. The insurance department shall arrange for independent external review of certain health carrier determinations as follows:

I. A covered person

shall have the right to independent external review of a health carrier determination when the following conditions apply:

(a) The subject of the request for external review is:

(1) An adverse determination; or

(2) A determination by the health carrier that a service, supply or drug is not a covered benefit, when the covered person is asserting that the service, supply or drug should be considered covered for medical reasons. This shall include, but not be limited to, the following circumstances:

(A) a service, supply or drug is denied, reduced or terminated by the carrier because the health benefit plan does not cover experimental or investigational treatment, but the covered person asserts that the treatment in question should not be considered experimental or investigational.

(B) a service is denied, reduced or terminated by the carrier because the health benefit plan does not cover procedures that are performed for cosmetic reasons or for reasons of convenience, but the covered person asserts that the service is required for medical reasons rather than cosmetics or convenience.

(C) a referral is denied by the carrier because treatment by out-of-network providers is not covered unless the service in question cannot be provided within the carrier's network, and the covered person asserts that the network does not have providers with the appropriate clinical expertise for the service in question.

(D) a drug is denied by the carrier because it is not on the formulary list, but the covered person asserts that the drug is covered under the medical exception criteria.

(E) a service, supply or drug is denied because of a medically-based decision that a condition is preexisting, and the covered person disputes this.

(b) The covered person has completed the internal review procedures provided by the health carrier pursuant to RSA 420-J:5, III through VI, or the health carrier has agreed to submit the determination to independent external review prior to completion of internal review, or the covered person has requested first or second level, standard or expedited review and has not received a decision from the health carrier within the required time frames.

(c) The covered person or the covered person's authorized representative has submitted the request for external review in writing to the commissioner within 12 months of the date of the health carrier's second level denial decision provided pursuant to RSA 420-J:5, V or VI, or if the health carrier has failed to make a first or second level, standard or expedited review decision that is past due, within 12 months of the date the decision was due.

(d) Except in the case of a request for expedited review, the covered person or the covered person's authorized representative has paid to the commissioner a filing fee of \$25 at the time of submitting the request for external review. However, the commissioner may waive the filing fee upon a showing of financial hardship.

(e) The health carrier determination does not relate to any category of health care services that is excluded from the external review provisions of this section pursuant to paragraph II.

(f) The request for external review is not based on a claim or allegation of provider malpractice, professional negligence, or other professional fault excluded from the external review provisions of this section pursuant to paragraph III.

II. Determinations relating to the following health care services shall not be reviewed under this section, but shall be reviewed pursuant to the review processes provided by applicable federal or state law:

(a) Health care services provided through medicaid, the state Children's Health Insurance Program (Title XXI of the Social Security Act), medicare or services provided under these programs but through a contracted health carrier.

(b) Health care services provided to inmates by the department of corrections.

(c) Health care services provided pursuant to a health plan not regulated by the state, such as self-funded plans administered by an administrative services organization or third-party administrator or federal employee benefit programs.

III. The external review procedures set forth in this section shall not be utilized to adjudicate claims or allegations of health care provider malpractice, professional negligence, or other professional fault against participating providers.

IV. Standard external review shall be conducted as follows:

(a) Within 7 days after the date of receipt of a request for external review, the commissioner shall complete a preliminary review of the request in order to determine whether:

(1) The individual is or was a covered person under the health benefit plan;

(2) The determination that is the subject of the request for external review meets the conditions of eligibility for external review stated in paragraph I; and

(3) The covered person has provided all the information and forms required by the commissioner that are necessary to process an external review.

(b) Upon completion of the preliminary review pursuant to subparagraph IV(a), the commissioner shall immediately notify the covered person or the covered person's authorized representative in writing:

(1) Whether the request is complete; and

(2) Whether the request has been accepted for external review.

(c) If the request for external review is accepted, the commissioner shall:

(1) Include in the notice provided to the covered person pursuant to subparagraph IV(b) a statement that if the covered person wishes to submit new or additional information or to present oral testimony via teleconference, such information shall be submitted, and the oral testimony must be scheduled and presented, within 20 days of the date of issuance of the notice.

(2) Immediately notify the health carrier in writing of the request for external review and its acceptance.

(d) If the request is not complete, the commissioner shall inform the covered person or the covered person's authorized representative what information or documents are needed to make the request complete.

(e) If the request for external review is not accepted, the commissioner shall inform the covered person or the covered person's authorized representative and the health carrier in writing of the reason for its non-acceptance.

(f) At the time a request for external review is accepted, the commissioner may select an independent review organization that is certified pursuant to paragraph VI to conduct the external review. If an independent review organization is not selected to conduct the review, then the policies and procedures established by the commissioner for selecting clinical peer reviewers and conducting the review shall meet the minimum qualifications established under paragraph VII for certification of independent review organizations.

(g) Within 10 days after the date of issuance of the notice provided pursuant to subparagraph IV(c)(2), the health carrier or its designated utilization review organization shall provide to the commissioner or the selected independent review organization and to the covered

person all information in its possession that is relevant to the adjudication of the matter in dispute, including but not limited to:

(1) The terms of agreement of the health benefit plan, including the evidence of coverage, benefit summary or other similar document;

(2) All relevant medical records, including records submitted to the carrier by the covered person, the covered person's authorized representative, or the covered person's treating provider;

(3) A summary description of the applicable issues, including a statement of the health carrier's final determination;

(4) The clinical review criteria used and the clinical reasons for the determination;

(5) The relevant portions of the carrier's utilization management plan;

(6) Any communications between the covered person and the health carrier regarding the internal or external review; and

(7) All other documents, information, or criteria relied upon by the carrier in making its determination.

(h) In providing the information required in subparagraph IV(g), the health carrier may not present different reasons than those the health carrier or its designated utilization review organization communicated to the covered person upon internal review, unless the reasons relate to new information presented by the covered person or the covered person's authorized representative or treating provider subsequent to the internal review.

(i) Failure by the health carrier to provide the documents and information required in subparagraph IV(g) within the specified time frame shall not delay the conduct of the external review.

(j) The commissioner or the selected independent review organization shall review all of the information and documents received from the carrier pursuant to subparagraph IV(g) and any other information submitted by the covered person or the covered person's authorized representative or treating provider pursuant to subparagraph IV(c)(1) and any testimony provided. The commissioner or the independent review organization shall consider anew all previously determined facts, allow the introduction of new information, and make a decision that is not bound by decisions or conclusions made by the health carrier during internal review. In addition to the information provided by the health carrier and the covered person or the covered person's authorized representative or treating provider, the commissioner or the independent review organization may consider the following in reaching a decision:

(1) The covered person's pertinent medical records;

(2) The treating health care professional's recommendation;

(3) Consulting reports from appropriate health care professionals and other similar documents submitted by the health carrier, covered person, or the covered person's authorized representative or treating provider;

(4) Any applicable, generally accepted clinical practice guidelines, including those developed by the federal government, national or professional medical societies, boards and associations;

(5) Any applicable clinical review criteria developed and used by the health carrier or its designated utilization review organization;

(6) Peer-reviewed scientific studies published in or accepted for publication by medical journals that meet nationally recognized requirements for scientific manuscripts;

(7) Peer-reviewed literature, biomedical compendia, and other medical literature that meet the criteria of the National Institute of Health's Library of Medicine for indexing or that are recognized by the Secretary of Health and Human Services under section 1861(t)(2) of the Social Security Act;

(8) Standard reference compendia; and

(9) Findings, studies, or research conducted by or under the auspices of federal government agencies and nationally recognized federal research institutes.

(k) The commissioner or the selected independent review organization shall render a decision upholding or reversing the determination of the health carrier and notify the covered person or the covered person's authorized representative and the health carrier in writing within 20 days of the date that any new or additional information from the covered person is due pursuant to subparagraph IV(c)(1). This notice shall include a written review decision that contains a statement of the nature of the grievance, references to evidence or documentation considered in making the decision, findings of fact, and the clinical and legal rationale for the decision, including, as applicable, clinical review criteria and rulings of law. The decision shall have the same force and effect as a final order of the commissioner and shall be enforceable pursuant to the penalty provisions of RSA 420-J:14.

V. Expedited external review shall be conducted as follows:

(a) Expedited external review shall be available when the covered person's treating health care provider certifies to the commissioner that adherence to the time frames specified in paragraph IV would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function.

(b) Except to the extent that it is inconsistent with the provisions of this subsection, all requirements for the conduct of standard external review specified in paragraph IV shall apply to expedited external review.

(c) At the time the commissioner receives a request for an expedited external review, the commissioner shall immediately make a determination whether the request meets the standard set forth in subparagraph V(a) for expedited external review, as well as the reviewability requirements set forth in subparagraph IV(a). If these conditions are met, the commissioner shall immediately notify the health carrier. If the request is not complete, the commissioner shall immediately contact the covered person or the covered person's authorized representative and attempt to obtain the information or documents that are needed to make the request complete.

(d) The commissioner may select an independent review organization that is certified pursuant to paragraph VI to conduct the expedited external review. If an independent review organization is not selected to conduct the review, then the policies and procedures

established by the commissioner for selecting clinical peer reviewers and conducting the review shall meet the minimum qualifications established under paragraph VII for certification of independent review organizations.

(e) The health carrier or its designated utilization review organization shall provide or transmit the documents and information specified in subparagraph IV(g) to the commissioner or the selected independent review organization by telephone, facsimile or any other available expeditious method within one day of receiving the commissioner's notice of the request for expedited external review pursuant to subparagraph V(c).

(f) When handling a review on an expedited basis, the commissioner or the selected independent review organization shall make a decision and notify the carrier and the covered person as expeditiously as the covered person's medical condition requires, but in no event more than 72 hours after the expedited external review is requested. The decision shall have the same force and effect as a final order of the commissioner and shall be enforceable pursuant to the penalty provisions of RSA 420-J:14.

(g) If the notice provided pursuant to subparagraph V(f) was not in writing, within 2 days after the date of providing that notice, the commissioner or the selected independent review organization shall:

(1) Provide written confirmation of the decision to the covered person or the covered person's authorized representative and the health carrier; and

(2) Include the information set forth in subparagraph IV(k).

(h) Reviews that the health carrier handled on an expedited basis in its internal review process shall be handled on an expedited basis in the external review process.

(i) An expedited external review shall not be provided for determinations made by the health carrier on a retrospective basis.

(j) Continuation of benefits pending expedited external review shall be provided when appropriate and as determined by the commissioner.

VI. The certification of independent review organizations shall be conducted as follows:

(a) The commissioner shall certify independent review organizations eligible to be selected to conduct external reviews under this section to ensure that an independent review organization satisfies the minimum qualifications established under paragraph VII.

(b) The commissioner shall develop an application form for initially certifying and recertifying independent review organizations to conduct external reviews.

(c) Independent review organizations wishing to be certified shall submit the application form and include all documentation and information necessary for the commissioner to determine whether the independent review organization satisfies the minimum qualifications established under paragraph VII.

(d) The commissioner may determine that accreditation by a nationally recognized private accrediting entity with established and maintained standards for independent review organizations that meet or exceed the minimum qualifications established under paragraph VII is sufficient for certification under this paragraph.

(e) The commissioner shall maintain and periodically update a list of certified independent review organizations.

VII. To be certified under paragraph VI to conduct external reviews, an independent review organization shall meet the following minimum qualifications:

(a) It shall develop and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process.

(b) It shall establish and maintain a quality assurance program that:

(1) Ensures that external reviews are conducted within the specified time frames and required notices are provided in a timely manner;

(2) Ensures the selection of qualified and impartial clinical peer reviewers to conduct external reviews on behalf of the independent review organization with suitable matching of reviewers to specific cases;

(3) Ensures the confidentiality of medical and treatment records; and

(4) Ensures that any person employed by or under contract with the independent review organization adheres to the requirements of this section.

(c) It shall maintain a toll-free telephone service on a 24-hour, 7-day-a-week basis related to external reviews that is capable of accepting or recording information from, and providing appropriate instruction to callers.

(d) It shall agree to maintain and provide to the commissioner such information as may be required to fulfill the provisions and purposes of this section.

(e) It shall assign clinical peer reviewers to conduct external reviews who are physicians or other appropriate health care providers and who:

(1) Are experts in the treatment of the covered person's medical condition that is the subject of the external review;

(2) Are knowledgeable about the recommended health care service or treatment through actual clinical experience;

(3) Hold a non-restricted license in a state of the United States and, for physicians, a current certification by a specialty board recognized by the American Board of Medical Specialties in the area or areas appropriate to the subject of the external review;

(4) Have no history or disciplinary actions or sanctions that have been taken or are pending by any hospital, governmental agency, or regulatory body that raise a substantial question as to the clinical peer reviewer's physical, mental or professional competence or moral character; and

(5) Have agreed to disclose any potential conflict of interest.

(f) It shall be free of any conflict of interest. To meet this qualification, an independent review organization may not own or control or in any way be owned or controlled by a health carrier, a national, state or local trade association of health carriers, or a national state or local trade association of health care providers. In addition, in order to qualify to conduct an external review of a specific case, neither the independent review organization selected to conduct the external review nor any clinical peer reviewer assigned by the independent organization to conduct the external review may have a material professional, familial or financial interest in any of the following:

(1) The health carrier that is the subject of the external review;

(2) Any officer, director or management employee of the health carrier that is the subject of the external review;

(3) The health care provider or the health care provider's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review;

(4) The facility at which the recommended health care service or treatment would be provided;

(5) The developer or manufacturer of the principal drug, device, procedure or other therapy being recommended for the covered person whose treatment is the subject of the external review; or

(6) The covered person or the covered person's authorized representative.

(g) For the purpose of allowing in-state health care providers to act as clinical peer reviewers in the conduct of external reviews, the commissioner may determine, in specific cases, that an affiliation with a hospital, an institution, an academic medical center, or a health carrier provider network does not in and of itself constitute a conflict of interest which is sufficient to preclude that provider from acting as a clinical peer reviewer, so long as the affiliation is disclosed to the covered person and the covered person has given his or her prior written consent.

(h) The following organizations shall not be eligible for certification to conduct external reviews:

(1) Professional or trade associations of health care providers;

(2) Subsidiaries or affiliates of such provider associations;

(3) Health carrier or health plan associations; and

(4) Subsidiaries or affiliates of health plan or health carrier associations.

VIII. A covered person shall:

(a) Be provided with timely and adequate notice of his or her rights with respect to external review.

(b) Have the right to be represented by any person, including the covered person's treating provider, and to otherwise make use of outside assistance during the review process, to receive a copy of all

documents, all information, and all clinical review criteria or other standards relied upon by the health carrier in making its determination, and to present to the commissioner or the selected independent review organization any information, including new information not previously considered by the health carrier, which the covered person believes to be relevant to the adjudication of the matter in dispute, provided that such information is simultaneously provided to the health carrier.

(c) Be provided the opportunity, under standard external review, to present oral testimony to the independent review organization via teleconference. At any such hearing, the health carrier shall also have the opportunity to present oral testimony and to respond to issues raised.

(d) Be protected from retaliation for exercising the right to an independent external review under this section.

IX. The health carrier against which a request for external review is filed shall pay the cost of the external review. The commissioner shall ensure that such costs assessed to the health carrier are at all times reasonable in relation to the services provided. If the covered person is the prevailing party in the external review, the health carrier shall pay to the covered person the amount of any filing fee paid by the covered person.

X. The confidentiality of any health care information acquired or provided to the commissioner or an independent review organization shall be maintained, and the records, and internal materials prepared for specific reviews by the commissioner or an independent review organization under this section shall be exempt from public disclosure under RSA 91-A.

XI. No independent review organization or clinical peer reviewer working on behalf of an independent review organization shall be liable for damages to any person for any opinions rendered during or upon completion of an external review conducted pursuant to this section, unless the opinion was rendered in bad faith or involved gross negligence.

XII. The right to external review under this section shall not be construed to change the terms of coverage under a health benefit plan.

XIII. When requested by the covered person, the commissioner shall provide consumer assistance in pursuing the internal grievance procedures and the external review process under RSA 420-J:5 and this section.

XIV. The commissioner shall report annually to the governor and the legislature on the number of grievances subjected to external review, the number of decisions resolved wholly or partially in favor of the covered person, the number of decisions resolved wholly or partially in favor of the health carrier, and any common themes or issues that may require legislative action.

XV. The commissioner shall report annually to the New Hampshire board of medicine the names of the medical directors responsible for determinations that resulted in external review and the outcomes of such external reviews. 14 New Paragraphs; Provider Contract Standards. Amend RSA 420-J:8 by inserting after paragraph VI the following new paragraphs:

VII. No contract between a health carrier and a participating provider shall contain any payment or reimbursement provision the terms of which create incentives for the provider to limit medically necessary care to covered persons. Nothing in this section shall be construed to prohibit the use of payment arrangements between a health carrier and a participating provider or provider group which involve capitation or withholds.

VIII. A health carrier shall provide to consumers, upon request, a description, in general terms, of the types of payment and reimbursement provisions contained in its contracts with participating providers. Such descriptions shall be set forth in clear, understandable language and shall, at a minimum, convey basic information about any financial incentives to providers that may directly or indirectly have the effect of reducing or limiting services to covered persons.

IX. Every contract between a health carrier and a participating provider shall provide that the health carrier may not remove a health

care provider from its network or refuse to renew the health care provider with its network for advocating on behalf of a covered person for medically necessary care for the covered person. 15 Repeal. RSA 420-J:5, VIII and IX, relative to an external process and annual report, are hereby repealed. 16 Effective Date. This act shall take effect 60 days after its passage.

1999-1325s

AMENDED ANALYSIS

This bill creates an independent external consumer appeal process to review certain determinations made by managed care entities. The bill requires health carriers that conduct utilization review and licensed utilization review entities to employ a medical director and amends the definition of the practice of medicine to include the making of certain medical necessity determinations. The bill prohibits contracts between health carriers and participating providers from including provisions that create financial incentives to deny medically necessary care. The bill also requires that health insurers disclose certain information necessary for consumers to hold managed care entities accountable for health care treatment decisions.

Senate Judiciary

May 18, 1999

1999-1290s

05/09

Amendment to HB 367

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

1 Official Record of Tests. Amend RSA 265:90, I to read as follows:

I. Any person who is arraigned on a charge arising under RSA 265:84 shall file notice in said court, within 10 days immediately following the receipt by the person of the results of any alcohol concentration test administered to ~~him~~ **such person**, requiring the attendance of the person who conducted ~~said~~ **the breath test, or in the case of any other chemical test, the certifying scientist**. Failure to file notice shall be deemed a waiver to require ~~his~~ attendance **of the person who conducted the breath test, or in the case of any other chemical test, the certifying scientist** at the trial. The official report of the test issued pursuant to RSA 265:84 shall be deemed conclusive evidence of the conduct and result of said test.

2 Boating While Intoxicated; Implied Consent for Boaters. Amend RSA 270:56, I to read as follows:

I. Any person who is arraigned on a charge arising under RSA 270:48-a shall file notice in the court, within 10 days immediately following the receipt by said person of the results of any alcohol concentration test administered to ~~him~~ **such person**, requiring the attendance of the person who conducted the *breath test, or in the case of any other chemical test, the certifying scientist*. Failure to file notice shall be deemed a waiver to require ~~his~~ attendance **of the person who conducted the breath test, or in the case of any other chemical test, the certifying scientist** at the trial. The official report of the test issued pursuant to RSA 270:49 shall be deemed conclusive evidence of the conduct and result of said test.

3 Effective Date. This act shall take effect January 1, 2000.

Public Affairs

May 13, 1999

1999-1241s

03/09

Amendment to HB 689-FN

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

1 Committee Established. There is established a committee to study campaign contributions and expenditures.

2 Membership and Compensation.

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

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

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

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 study campaign contributions and expenditures, including campaign financing alternatives.

4 Chairperson. 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 house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 1999.

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

Public Institutions, Health and Human Services

May 18, 1999

1999-1315s

01/03

Amendment to SB 54-FN

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

1 New Subparagraph; Discipline of Physicians; Grounds Added. Amend RSA 329:17, VI by inserting after subparagraph (k) the following new subparagraph:

(l) Has violated RSA 329:32, relative to performing certain abortions.

2 New Section; Certain Abortions Prohibited. Amend RSA 329 by inserting after section 31 the following new section:

329:32 Certain Abortions Prohibited.

I. In this section:

(a) "Abortion" means the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy.

(b) "Partial-birth abortion" means an abortion in which the physician or individual acting under the delegatory authority of the physician performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

(c) The terms "fetus" and "infant" are interchangeable.

II. Any person who knowingly performs a partial-birth abortion and thereby kills a human fetus or infant shall be guilty of a class B felony. Notwithstanding the provisions of RSA 651:2, a person found guilty under this paragraph may be fined up to \$100,000 or be imprisoned for not more than 2 years, or both.

III. Paragraph II shall not apply to a partial-birth abortion that is necessary to save the life of a mother because her life is endangered by a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, if no other medical procedure would suffice for that purpose.

IV. A woman upon whom a partial-birth abortion is performed shall not be prosecuted under this section for a conspiracy to violate this section.

3 Effective Date. This act shall take effect January 1, 2000.

1999-1315s

AMENDED ANALYSIS

The bill prohibits certain abortions.

Public Institutions, Health and Human Services

May 18, 1999

1999-1322s

01/10

Amendment to SB 214-FN

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

AN ACT establishing a committee to study the health services planning and review board and relative to the certificate of need process.

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

1 Legislative Findings; Public Interest; Review and Assessment of New Health Services.
RSA 151-C:1, III is repealed and reenacted to read as follows:

III. The general court recognizes the fact that many New Hampshire citizens receive surgical care in facilities not directly related to, or connected with, the traditional hospital setting. The past few years have witnessed a steady increase in the development of ambulatory surgery

centers that, as a result of technical and scientific advances, offer patients surgical care that only a short time ago required overnight stays. The general court further recognizes that, as a result of prior legislation, the construction of ambulatory surgery centers has been subject to review by the health services planning and review board through the certificate of need process. While it is acknowledged that a competitive environment for the provision of surgical services may be in the public's interest, there is ample evidence to support the belief that New Hampshire citizens have been well served by the institution of the community hospital. Community hospitals of a small size are particularly vulnerable to economic pressures that may ensue following construction of ambulatory surgical centers. Finally, public testimony has been presented suggesting that the certificate of need process, as applied to ambulatory surgery centers, requires examination and review to ensure that all parties are treated in a fair and impartial manner. These concerns and issues have, on occasion, resulted in a difficult and adversarial environment in which physicians and hospitals find themselves at odds with one another whereas the general court feels that, collaboration and cooperation should be encouraged and fostered.

2 Members of the Board. Amend RSA 151-C:3, I(a)(2)(B) and (c) to read as follows:

(B) ~~[Three]~~ **Four** consumers, each from a different region of the state. For the purposes of this subparagraph "consumer" means an individual whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in their immediate family to anyone who is involved in the delivery of health care services or health insurance.

(C) ~~[Two]~~ **Three** providers whose occupation is in the delivery of health care services regulated by the board. One of these providers shall be nominated by the New Hampshire Hospital Association. The ~~[other]~~ **second** provider shall be nominated by the New Hampshire Health Care Association. ***The third provider shall be nominated by the New Hampshire Ambulatory Surgery Association.***

3 Terms. Amend RSA 151-C:3, I(b) to read as follows:

(b) The commissioner of the department of health and human services or designee shall serve as the only permanent member of the board. All other members of the board shall serve only for one 3-year term, provided that of the initial members, the representative of health care insurers and one consumer shall serve for one year, one consumer and one provider shall serve for 2 years and one consumer and one provider shall serve for 3 years. ***Members of the board are not eligible for reappointment upon expiration of their terms.***

4 Staff; Meetings. Amend RSA 151-C:3, VII to read as follows:

VII.(a) The commissioner of the department of health and human services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the commissioner and the board. ***The staff director shall also testify at public hearings to defend staff analyses and recommendations to the board.*** The commissioner shall also provide space for the board and staff and other assistance and materials as necessary; ***provided, that all meetings of the board shall take place on government property owned or leased by the state of New Hampshire.***

(b) The staff director shall account to the commissioner of the department of health and human services for the administration of funds allocated under this chapter, for the conduct of the staff, and shall timely and appropriately execute his ***or her*** duties.

5 Committee Established. There is established a committee to study RSA 151-C and the structure and duties of the health services planning and review board.

6 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.

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

7 Duties. The committee's study shall include, but not be limited to;

I. A review of RSA 151-C and a review of the structure and duties of the health services planning and review board.

II. The role of ambulatory surgical centers and other advancements in medical technology which are currently changing the environment of health care.

8 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.

9 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1999.

10 Applicability. If the court remands the case of *Appeal of Central NH Ambulatory Surgical Center* to the health services planning and review board for further review, such case shall be reviewed by the board as it was constituted before the effective date of this act and considered under the threshold amounts in effect before the effective date of this act.

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

1999-1322s

AMENDED ANALYSIS

This bill requires the health services planning and review board to meet on government property owned by the state of New Hampshire.

This bill establishes a committee to study the structure and duties of the health planning services planning and review board.

Public Institutions, Health and Human Services

May 18, 1999

1999-1321s

01/10

Amendment to SB 214-FN

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

AN ACT relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board.

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

1 Members of the Board. Amend RSA 151-C:3, I(a)(2)(B) and (c) to read as follows:

(B) ~~[Three]~~ **Four** consumers, each from a different region of the state. For the purposes of this subparagraph "consumer" means an individual whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in their immediate family to anyone who is involved in the delivery of health care services or health insurance.

(C) ~~[Two]~~ **Three** providers whose occupation is in the delivery of health care services regulated by the board. One of these providers shall be nominated by the New Hampshire Hospital Association. The ~~[other]~~ **second** provider shall be nominated by the New Hampshire Health Care Association. ***The third provider shall be nominated by the New Hampshire Ambulatory Surgery Association.***

2 Terms. Amend RSA 151-C:3, I(b) to read as follows:

(b) The commissioner of the department of health and human services or designee shall serve as the only permanent member of the board. All other members of the board shall serve ~~[only for one]~~ 3-year ~~[term]~~ **terms**, provided that of the initial members, the representative of health care insurers and one consumer shall serve for one year, one consumer and one provider shall serve for 2 years and one consumer and one provider shall serve for 3 years. ***Members of the board shall not serve more than 2 full consecutive terms.***

3 Staff; Meetings. Amend RSA 151-C:3, VII to read as follows:

VII.(a) The commissioner of the department of health and human services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the commissioner and the board. ***The staff director shall also testify at public hearings to defend staff analyses***

and recommendations to the board. The commissioner shall also provide space for the board and staff and other assistance and materials as necessary; ***provided, that all meetings of the board shall take place on government property owned or leased by the state of New Hampshire. Notwithstanding this paragraph or any other provision of law to the contrary, the staff members shall report to the board.***

(b) The staff director shall account to the commissioner of the department of health and human services for the administration of funds allocated under this chapter, for the conduct of the staff, and shall timely and appropriately execute his ***or her*** duties.

4 Ambulatory Surgical Facilities. Amend RSA 151-C:5, II(f) to read as follows:

(f) ***Except as provided in subparagraph (g),*** the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than \$1,000,000. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index;

(g) The construction, development, expansion, renovation, or alteration of any ambulatory surgical facility which results in the addition of an operating room and having a capital cost of \$250,000 or more; provided, that such conduct shall not require the application of such standards if it has been the subject of a public hearing and no health care facility whose service area includes any area to be served by such facility has objected in writing within 15 days following such hearing.

5 New Paragraph; Definition Added. Amend RSA 151-C:2 by inserting after paragraph XXVI the following new paragraph:

XXVI-a. For the purposes of RSA 151-C:5, II(g), "operating room" means any room in a licensed hospital or ambulatory surgical facility equipped and used to perform outpatient surgical cases.

6 Ambulatory Surgical Facility; Definition. Amend RSA 151-C:2, I to read as follows:

I. "Ambulatory surgical facility" means a ***health care*** facility ~~which is not physically attached to a health care facility and~~ ***or a portion of a health care facility*** which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

7 References Changed. Amend RSA 151-C:13, I(f) to read as follows:

(f) Facilities and services which are intended to serve only outpatients and which do not require construction of greater than the appropriate threshold level, as determined under RSA 151-C:5, II(a) ~~[or RSA 151-C:5, II],~~ (f) ***or (g)*** or new equipment costing more than \$400,000;

8 Applicability. The provisions of sections 4-7 and 9 of this act shall not apply to applications or requests filed before January 1, 1999, or to applications or requests filed after January 1, 1999 and finally acted upon by the board in public hearing prior to the effective date of this act.

9 Reference Addition. Amend RSA 151-C:2, XII to read as follows:

XII. "Construction" includes actual commencement of any construction or fabrication of any new building, or addition to any existing facility, or any expenditure of more than the appropriate threshold level, as determined under RSA 151-C:5, II(a) [~~or RSA 151-C:5, II~~], (f) **and (g)**, relating to the alteration, remodeling, renovation, modernization, improvement, relocation, repair, or replacement of a health care facility or health maintenance organization, including expenditures necessary for compliance with life and health safety codes.

10 Committee Established. There is established a committee to study the structure and duties of the health services planning and review board.

11 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.

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

12 Duties. The committee's study shall include, but not be limited to, a review of the structure and duties of the health services planning and review board, a review of RSA 151-C, and methods for expedited review.

13 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.

14 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 1999.

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

1999-1321s

AMENDED ANALYSIS

This bill requires the health services planning and review board to meet on government property owned by the state of New Hampshire. The bill establishes new procedures for developing standards under the certificate of need law for ambulatory surgical facilities. The bill also establishes a committee to study the structure and duties of the health services planning and review board.

Public Institutions, Health and Human Services

May 18, 1999

1999-1313s

04/01

Amendment to SB 220-FN

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

1 Purpose. The general court finds that deaths or serious injury to children due to abuse or neglect, despite the involvement of government agencies charged with responsibility to protect children, is unacceptable. The general court further finds that public accountability in such cases will help prevent fatalities and near fatalities. To foster public accountability the general court authorizes the commissioner of health and human services, upon request, to publicly disclose certain case-specific information in those few cases in which there has been a fatality or near fatality resulting from abuse or neglect of a child. The general court further wishes to clarify that the commissioner may disclose case-specific information to a citizen review panel created in response to the Child Abuse Prevention and Treatment Act, as requested by that panel. The general court finds that the above purpose is consistent with the provisions of the Child Abuse Prevention and Treatment Act as amended in 1996, Public Law 104-235.

2 New Paragraphs; Disclosure of Child Abuse and Neglect Information. Amend RSA 126-A:5 by inserting after paragraph XI the following new paragraphs:

XII.(a) Notwithstanding any other provision of law to the contrary, the commissioner may, upon request, publicly disclose certain case specific information regarding the abuse or neglect of a child as set forth in this paragraph, and the investigation of such abuse or neglect and any services related thereto, if it is determined that such disclosure shall not be contrary to the best interests of the child, the child's siblings or other children in the household and there has been a fatality or near fatality resulting from abuse or neglect of a child. "Near fatality" means an act or event that places a child in serious or critical condition as certified by a physician.

(b) Information may be disclosed as follows:

(1) Information released prior to the completion of the investigation of a report shall be limited to a statement that a report is "under investigation."

(2) When there has been a prior disclosure pursuant to subparagraph (b)(1) of this paragraph, information released in a case in which the report has been unfounded shall be limited to the statement that "the investigation has been completed, and the report has been determined unfounded."

(3) If the report has been founded, then information may be released pursuant to subparagraph (c) of this section.

(c) For the purposes of this paragraph, the following information may be disclosed:

(1) The name of the abused or neglected child.

(2) The fact that the department's investigation resulted in a finding of either abuse or neglect and the basis for the finding.

(3) Identification of services and actions taken, if any, by the department regarding the child named in the report and his or her family as a result of any such report or reports.

(4) Any extraordinary or pertinent information concerning the circumstances of the abuse or maltreatment of the child and the investigation of such abuse or maltreatment, where the commissioner, or designee, determines such disclosure is consistent with the public interest.

(d) Any disclosure of information pursuant to this paragraph shall be consistent with the provisions of subparagraph (c). Such disclosure shall not identify or provide an identifying description of the source of the report, and shall not identify the name of the abused or neglected child's siblings, the parent or other persons legally responsible for the child or any other members of the child's household, other than the subject of the report.

(e) In determining pursuant to subparagraph (a) whether disclosure will be contrary to the best interests of the child, the child's siblings or other children in the household, the commissioner, or designee, shall consider the privacy interests of the child and the child's family and the effects which disclosure may have on efforts to reunite and provide services for the family.

XIII. Notwithstanding any other provision of law to the contrary, the commissioner may, upon request, disclose information relative to a report of abuse or neglect of a child to a citizen review panel established as required by Public Law 104-235, to evaluate the extent to which the department is effectively discharging its child protection responsibilities. The members of a citizen review panel shall not disclose abuse or neglect case records or information identifying the subject of such case records to any other persons.

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

Senate Transportation

May 18, 1999

1999-1323s

01/10

Amendment to SB 156

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

AN ACT granting the commissioner of transportation authority to layout and approve the construction of a restricted use driveway onto a public highway in Canterbury and creating a legislative study committee to consider options for addressing the development of major projects which have statewide or significant regional impacts, such as the New Hampshire International Speedway.

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

1 Findings. The general court finds it in the interest of the state to grant authority to the commissioner of the commissioner of transportation to approve the layout and construction of the north access road to Route 106, so-called, for the New Hampshire International Speedway in Canterbury. The general court further finds that the development of major projects, such as the New Hampshire International Speedway, have statewide impacts. These impacts may not be effectively addressed by current municipal land use regulations.

2 Restricted Use Driveway Approval Process for Canterbury North Access Road to New Hampshire International Speedway.

I. For the purpose of this section, a "restricted use driveway" means a driveway laid out and constructed with the approval of the commissioner of transportation and which is especially designed for restricted access to the class II Route 106 in Canterbury.

II. Notwithstanding any other provision of law, the commissioner of transportation shall have exclusive authority to layout and approve the construction of a restricted use driveway onto Route 106 in Canterbury, so-called the north access road to the New Hampshire International Speedway, upon application by the property owner to construct such a driveway.

III. All expenses relating to the layout, construction and maintenance of a restricted use driveway approved in accordance with this section shall be borne entirely by the property owner.

IV. Use of the approved restricted use driveway shall be permitted subject to terms and conditions as set forth in an agreement between the property owner and the commissioner of transportation.

3 Study Committee Established. There is hereby established a legislative study committee to review regulatory options for addressing the development of major projects, such as the New Hampshire International Speedway, which have statewide or significant regional impacts.

4 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.

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

5 Duties. The committee shall review the regulatory options for addressing the development of major projects, such as the New Hampshire International Speedway, which have statewide or significant regional impacts. The committee shall determine if current regulatory processes included in RSA 36:54 adequately address the development of major projects of statewide or significant regional impact. Further, the committee shall recommend regulatory options for addressing the impacts of major development projects, such as the New Hampshire International Speedway.

6 Chairperson. 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.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 1999.

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

1999-1323s

AMENDED ANALYSIS

This bill authorizes the commissioner of transportation to layout and approve the construction of a restricted use driveway onto a public highway. This bill also establishes a committee to study options for addressing the development of major projects which have statewide or significant regional impacts, such as the New Hampshire International Speedway.

COMMITTEE OF CONFERENCE

HB 67, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses.

Senate Conferees: Senators Pignatelli, Fernald, Squires

House Conferees: Representatives R. Lyman, I. Pratt, D. Bickford, E. Moran

HEARINGS

WEDNESDAY, MAY 19, 1999

EDUCATION, Room 105-A, SH

8:30 a.m. **HB 488**, relative to the definition of a developmentally delayed child in the provision of special education services.

9:00 a.m. **HB 532**, establishing a commission to study early childhood education.

9:30 a.m. **HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees.

JUDICIARY, Room 102, LOB

10:15 a.m. **HB 205**, relative to the requirement for posting of bond by an applicant for a writ of replevin.

10:30 a.m. **HB 278**, relative to scheduling of district court sessions.

10:50 a.m. **HB 345-FN**, relative to harassment via the computer.

11:10 a.m. **HB 714-FN**, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison.

PUBLIC AFFAIRS, Room 104, LOB

1:00 p.m. **HB 422**, relative to advertising by rent-to-own businesses.

EXECUTIVE SESSION TO FOLLOW ON PENDING LEGISLATION.

THURSDAY, MAY 20, 1999

ENVIRONMENT, Room 104, LOB

1:00 p.m. **HJR 9**, urging the United States Congress and federal Environmental Protection Agency to eliminate federal requirements for oxygenate additives for gasoline.

1:20 p.m. **HJR 2**, urging that federal air pollution programs not punish early adopters of air pollution control technology.

1:40 p.m. **HB 727-FN**, establishing a committee to study the problems and possible regulation of outdoor lighting.

2:00 p.m. **HB 561-FN**, reducing lab analysis fees of chemical analyses of water.

FINANCE, Room 103, SH

1:00 p.m. **WORK SESSION**: Category VI-Health and Social Services

FRIDAY, MAY 21, 1999

● **PLEASE NOTE THE ADDITION OF SB 223-FN & HB 55-FN-A TO THE FOLLOWING HEARING:**

FINANCE, Room 103, SH

10:30 a.m. **SB 223-FN**, establishing a wellness and primary prevention council and making an appropriation therefor.

11:00 a.m. **HB 492-FN-A-L**, reducing the state bond guarantee limit for wastewater projects.

11:30a.m. **HB 494-FN-A**, making an appropriation to the department of cultural resources for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife.

11:45 a.m. **HB 55-FN-A**, an act setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2001.

EXECUTIVE SESSION ON PENDING LEGISLATION TO FOLLOW.

WAYS AND MEANS, Room 103, SH

9:00 a.m. **HB 572-FN-A**, relative to the apportionment provisions of the business profits tax.

MONDAY, MAY 24, 1999

CAPITAL BUDGET, Room 103, SH

Agency Presentations On HB 25-FN-A

8:30 a.m. Christa McCauliffe Planetarium

9:00 a.m. Office of Emergency Management

9:30 a.m. NH Technical College System

10:00 a.m. Health & Human Services

1:00 p.m. Youth Development Center

1:30 p.m. University System

2:30 p.m. Fish & Game

3:00 p.m. Department of Environmental Services

3:30 p.m. Adjutant General

4:00 p.m. Administrative Services & Court Facilities

4:30 p.m. Department of Agriculture

TUESDAY, MAY 25, 1999

CAPITAL BUDGET, Room 103, SH

Agency Budget Presentations on HB 25-A

8:30 a.m. Liquor Commission

9:00 a.m. Department of Education

9:30 a.m. NH Veterans Home

10:00 a.m. Department of Corrections

10:30 a.m. Department of Safety

11:00 a.m. Department of Resources & Economic Development

11:30 a.m. Department of Transportation

12:00 p.m. Port Authority

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

1:00 p.m. **HB 527**, relative to the duties of the public utilities commission.

1:45 p.m. **HB 318**, relative to recovery of costs in utility proceedings and relative to the appointment of public utilities commissioners.

2:30 p.m. **HB 397**, establishing a 4-year term for the commissioner of the department of corrections, and clarifying the process of appointing personnel under the commissioner.

● **PLEASE NOTE THE ADDITION OF HB 369 & HB 408 TO THE FOLLOWING HEARING:**

PUBLIC INSTITUTIONS, HEALTH AND HUMAN SERVICES, Room 102, LOB

1:00 p.m. **HB 438**, relative to certain changes to the membership of the advisory committee on childcare.

1:20 p.m. **HB 650-FN-A**, establishing a committee to study the structure of alcohol and drug abuse prevention services.

1:40 p.m. **HB 369**, establishing a committee on educational programs on tobacco use for minors.

2:00 p.m. **HB 408**, relative to drug formularies under managed care entities.

TRANSPORTATION, Room 104, LOB

3:00 p.m. **HB 639-FN**, relative to motor vehicle registration fees for antique motor vehicles and motorcycles.

3:15 p.m. **HB 559-FN-A**, authorizing vanity plates or decals for OHRV registrations.

WEDNESDAY, MAY 26, 1999

EDUCATION, Room 105-A, SH

8:30 a.m. **HB 341**, relative to the process for nonrenewal of teacher contracts.

JUDICIARY

10:15 a.m. **HB 570**, restricting a presiding judge's authority to interrupt jury deliberations.

10:45 p.m. **HB 687-FN**, establishing the criminal offense of identity fraud.

11:00 a.m. **HB 667**, relative to the quorum required for sessions of the supreme court.

11:15 a.m. **HB 113**, affirming sovereign immunity as it relates to the Claremont ruling.

MEETINGS

THURSDAY, MAY 20, 1999

THE DEPARTMENT OF TRANSPORTATION Gorham Middle/High School, 120 Main Street, Gorham

7:00 p.m. Public Informational Meeting (NH Route 16 Rock Removal)

FRIDAY, MAY 21, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

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

1:00 p.m. Complaint Hearing

MONDAY, MAY 24, 1999

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

9:30 a.m. Regular Meeting

NATURAL, CULTURAL & HISTORICAL RESOURCE CONSERVATION COMMISSION (SB 493, Chapter 161:2, 1998) Room 308, LOB

1:00-4:00 p.m. Meeting

THE DEPARTMENT OF TRANSPORTATION Rye Town Hall, 10 Central Road, Rye

6:30 p.m. Public Informational Meeting (Foyes Corner Intersection)

THE DEPARTMENT OF TRANSPORTATION Ossipee Town Hall

6:30 p.m. Land Use Regulation Workshop (Visitor Center Workshop)

TUESDAY, MAY 25, 1999

THE DEPARTMENT OF TRANSPORTATION Vic Geary Center, 18 Greenough Road, Plaistow

7:00 p.m. Public Informational Meeting (Replacement of the NH 121 Bridge Over B&M Railroad)

WEDNESDAY, MAY 26, 1999

THE DEPARTMENT OF TRANSPORTATION Northwood Town Hall

6:00 p.m. Combined Selectman's Meeting Northwood & Nottingham (Intersection US 4/NH 152)

THURSDAY, MAY 27, 1999

THE DEPARTMENT OF TRANSPORTATION Sheraton Wafayer Inn, Bedford

8:00 a.m. Statewide Bike/Ped Meeting

THE DEPARTMENT OF TRANSPORTATION Auburn Town Hall, 47 Chester Road, Auburn

7:00 p.m. Public Informational Meeting (Auburn, Replacement Of NH Bypass Bridge Over Lake Massabesic)

TUESDAY, JUNE 1, 1999

NEW Hampshire COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, 1996) New Hampshire Historical Society, 30 Park Street, Concord

3:00 p.m. Regular Meeting

WEDNESDAY, JUNE 2, 1999

FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a,I) Room 210-211, LOB

9:00 a.m. Regular Business

9:30 a.m. Audit: State Of New Hampshire, Liquor Commission, Audit Report For The Year Ended June 30, 1998

THE DEPARTMENT OF TRANSPORTATION Vic Geary Center, 18 Greenough Road, Plaistow

7:00 p.m. Public Informational Meeting (Replacement of the Kingston Bridge Over B&M Railroad)

THURSDAY, JUNE 3, 1999

THE DEPARTMENT OF TRANSPORTATION Green Acres School, Gymnasium, 10 Aurora Avenue, Off Mammoth Road, Manchester

7:00 p.m. Combined Public Officials Meeting/Public Informational Meeting (Rehabilitation of I-293 Including New Bridges Over Brown Avenue)

FRIDAY, JUNE 4, 1999

WORKER'S COMPENSATION ADVISORY COUNCIL (RSA 281-A:62) Room 306, LOB

9:00 a.m. Regular Meeting

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

9:00-12:00 Meeting

MONDAY, JUNE 7, 1999

NEW Hampshire COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2) Room 103, SH

9:30-12:00 Regular Meeting

TUESDAY, JUNE 8, 1999

NUCLEAR DECOMMISSIONING FINANCE COMMITTEE (RSA 162-F:15) Selectman's Meeting Room ,Town Office Building, Route 1, Seabrook

7:00-9:00 Hearing

THE DEPARTMENT OF TRANSPORTATION James R. Morrill Municipal Building (Gym), NH Route 10, Haverhill

7:30 p.m. Combined Public Officials Meeting (Haverhill, Improvements To NH Route 16)

WEDNESDAY, JUNE 9, 1999

THE DEPARTMENT OF TRANSPORTATION Exeter Town Hall, Nowak Room, Exeter

7:00 p.m. Combined Public Officials Meeting (Exeter, Rail Platform/Parking)

THE DEPARTMENT OF TRANSPORTATION Nottingham West Elementary School Cafeteria,
Hudson

7:30 p.m. Public Hearing (Hudson, NH Route 3A)

FRIDAY, JUNE 11, 1999

BOARD OF CLAIMS (RSA 541-B:3) Room 202, LOB

8:30-5:00 Regular Meeting

SATURDAY, JUNE 12, 1999

THE DEPARTMENT OF TRANSPORTATION Tamworth Elementary School, Tamworth

9:00 a.m. Tamworth Pilot Study

MONDAY, JUNE 14, 1999

NATURAL, CULTURAL & HISTORICAL RESOURCE CONSERVATION COMMISSION (SB
493, Chapter 161:2, 1998) Room 308, LOB

1:00-4:00 p.m. Meeting

FRIDAY, JUNE 18, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room
306-308, LOB

9:00 a.m. Meeting

MONDAY, JUNE 21, 1999

THE JOINT HEALTH COUNCIL NH Board of Nursing, Room 17, 78 Regional Drive, Building 2,
Concord

4:00 p.m. Special Meeting

MONDAY, JUNE 28, 1999

DEVELOPMENTAL DISABILITY WAITLIST (RSA 171-A:1-b) Room 205, LOB

10:00 a.m. Regular Meeting

FRIDAY, JULY 2, 1999

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

9:00-12:00 Meeting

FRIDAY, JULY 16, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, AUGUST 6, 1999

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

9:00-12:00 Meeting

FRIDAY, AUGUST 20, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, SEPTEMBER 3, 1999

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

9:00-12:00 Meeting

FRIDAY, SEPTEMBER 10, 1999

BOARD OF CLAIMS (RSA 541-B:3) Room 202, LOB

8:30-5:00 Regular Meeting

FRIDAY, SEPTEMBER 17, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, OCTOBER 1, 1999

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

9:00-12:00 Meeting

FRIDAY, OCTOBER 15, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, NOVEMBER 5, 1999

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

9:00-12:00 Meeting

FRIDAY, NOVEMBER 19, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FRIDAY, DECEMBER 3, 1999

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

9:00-12:00 Meeting

FRIDAY, DECEMBER 17, 1999

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2) Room 306-308, LOB

9:00 a.m. Meeting

FISCAL NOTES NOW AVAILABLE IN THE SENATE CLERK'S OFFICE:

HB 108, HB 109, HB 116, HB 118, HB 119, HB 120, HB 124, HB 200, HB 224, HB 237, HB 245, HB 274, HB 395, HB 412, HB 453, HB 477, HB 479, HB 494, HB 495, HB 522, HB 537, HB 546, HB 549, HB 565, HB 574, HB 579, HB 616, HB 624, HB 625, HB 639, HB 641, HB 650, HB 652, HB 655, HB 672, HB 676, HB 685, HB 692, HB 693, HB 694, HB 695, HB 696, HB 715, HB 719, HB 722, HB 733, HB 734, HB 735, HB 738, HB 740, SB 15, SB 45, SB 46, SB 47, SB 48, SB 49, SB 50, SB 70, SB 71, SB 113, SB 114, SB 122, SB 167, SB 170, SB 176, SB 178, SB 187, SB 207, SB 212, SB 213, SB 217, SB 226, SB 227, SB 228, SB 409

NOTICES

The Office Of Legislative Services Has A Number Of Extra Copies Of Softbound Volumes Of 1997 Session Laws. They Will Be Available To House And Senate Members On A First Come, First Serve Basis, In Room 109 Of The State House.

Senator Clesson Blaisdell

WEDNESDAY, MAY 19, 1999

All Legislators, Staff And Friends Are Invited To The NH Women's Lobby's "Spring Celebs '99 Awards Celebration" On Wednesday, May 19th From 4:30 To 6:30 p.m. At The Holiday Inn, Concord. The NH Women's Lobby Will Be Honoring Representative Sandra Balomenos Keans, Recipient Of The Meritorious Service Award; Mary Ann Manoogin, Recipient Of The Volunteer Award; New Hampshire Public Radio, Recipient Of The Media Award For Its Work On The "NH Tax Challenge", And Kathy Bogle Shields For Her Work On The Providian Child Care Initiative And The Governor's Commission On Child Care And Early Education. Tickets Are Available From Representative Marjorie Smith, Senator Katie Wheeler, Or Other Lobby Members. Also For Additional Information Call The Lobby Office At 224-9105.

Senator Katie Wheeler

THURSDAY, MAY 20, 1999

The Arthritis Foundation, Northern New England Chapter, In Conjunction With National Arthritis Awareness Week, Will Hold An Arthritis Information Day For Legislators On Thursday, May 20th From 8:30 a.m.-1:30 p.m. In The Basement Of The Legislative Office Building. Become Aware Of The Resources And Programs Available For People With Arthritis. Light Refreshments. Please Stop By.

Senator Lou D'Allesandro

WEDNESDAY, JUNE 2, 1999

All Legislators And Legislative Staff Are Invited To Attend Governor Shaheen's Annual Legislative Barbecue On Wednesday, June 2, 1999, At 4:00 p.m. At The Bridge House. Please RSVP By May 28th To Jen Kuzma At 271-2121.

Senator Clesson Blaisdell

WEDNESDAY, JUNE 16, 1999

Perinatal Alcohol, Tobacco And Other Drug Use Task Force Invites All Legislators To Attend A Special Informational Forum And Treatment Of Substance Use During Pregnancy. Presentations Will Include An Overview Of The Scope And Effects OF Alcohol, Tobacco And Other Drug (ATOD) Problems During Pregnancy And Approaches Necessary TO Assist Women Avoid, Reduce And Recover From Substance Dependence. Members Of The Task Force Will Lead A Discussion With Policy Makers Around New Hampshire's Current Perinatal Substance Use Problem. The Forum Will Take Place On Monday, June 21 At The Odyssey Family Center In Canterbury (a residential substance abuse treatment program for pregnant and parenting women and their children) From 10:00 a.m. To Noon. Refreshments Will Be Served, Followed By Tours Of The Odyssey Family Center. Come Learn About This Important Issue. For Further Information, Reservations And

Directions, Please Call 1-800-852-3345, Extension 6108 Or 783-9104. Reservations Requested By Wednesday, June 16th.

Senator Mary Brown

MONDAY, JUNE 21, 1999

The Bill White Memorial 26th Annual Legislative Golf Tournament Is Scheduled For Monday, June 21, 1999, At The White Mountain Country Club In Ashland, NH. The Entry Fee For This Annual Tourney Is \$60.00 Per Person And Includes Greens Fee, Cart, Dinner And Prizes. A Shotgun Start Is Scheduled For 9:00 a.m. The Format Is "Captain And Crew." Sign-ups As A Foursome Or Sign-up By Yourself And Be Placed In A Foursome. A Maximum Of 120 Players Will Be Allowed. Please Return Your Entry And Payment No Later Than June 8th To Sandy Wheeler At The LOB Lobby Desk. Please Make Checks Payable To Legislative Golf Tournament c/o David S. Saltmarsh.

Senator Clesson Blaisdell