

Committee Report

CONSENT CALENDAR

March 29, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Legislative Administration to which
was referred HB 186,**

**AN ACT repealing certain inactive committees and
revising the membership or duties of certain
committees, councils, and boards. Having considered
the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Vanessa Sheehan

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Legislative Administration
Bill Number:	HB 186
Title:	repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards.
Date:	March 29, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0869H

STATEMENT OF INTENT

This is the second bill filed to implement the work completed by a bipartisan study committee over the last two years. The first bill was adopted last year as part of an omnibus bill. A large number of committees have outlasted their usefulness. This bill repeals some committees that appear in statute and also amends related statutory provisions. This bill was further amended in committee. The amendment deletes section 5, revising the description of the members of the Legislative Youth Advisory Committee. It also amends section 8 requiring a majority of the members of the Advisory Committee on Marine Fisheries to be from the seacoast region. Lastly, the amendment deletes references to Joint Health Care Reform Oversight Committee in RSA 420-N and RSA 126-AA that had been inadvertently omitted in the bill as introduced.

Vote 15-0.

Rep. Vanessa Sheehan
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Legislative Administration

HB 186, repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Vanessa Sheehan for Legislative Administration. This is the second bill filed to implement the work completed by a bipartisan study committee over the last two years. The first bill was adopted last year as part of an omnibus bill. A large number of committees have outlasted their usefulness. This bill repeals some committees that appear in statute and also amends related statutory provisions. This bill was further amended in committee. The amendment deletes section 5, revising the description of the members of the Legislative Youth Advisory Committee. It also amends section 8 requiring a majority of the members of the Advisory Committee on Marine Fisheries to be from the seacoast region. Lastly, the amendment deletes references to Joint Health Care Reform Oversight Committee in RSA 420-N and RSA 126-AA that had been inadvertently omitted in the bill as introduced. **Vote 15-0.**

Original: House Clerk

Cc: Committee Bill File

Committee Report

Committee: Legislative Administration

Bill Number: HB186

Bill Title: repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards.

Date: 03-29-2021

Consent Calendar?

Yes

No

Committee Recommendation:

Ought To Pass

Ought To Pass w/Amendment **Amendment Number: 0869h**

Inexpedient To Legislate

Interim Study (available only in 2nd year of biennium)

Statement of Intent:

HB186 is the second version of a bill that was part of an omnibus bill last year. It is the culmination of over two years of work and the result of the bipartisan report of a work group committee. There is a large number of committees that have outlasted their usefulness. This bill reduces the committees that appear in statute and also amends statutory provisions. This bill was further amended in committee. The amendment deletes section 5, revising the description of the members of the Legislative Youth Advisory Committee. It also amends section 8 requiring a majority of the members of the Advisory Committee on Marine Fisheries to be from the seacoast region. Lastly, the amendment deletes references to Joint Health Care Reform Oversight Committee in RSA420-N and RSA126-AA that had been inadvertently omitted in the bill as introduced.

Committee Vote: 15-0

Respectfully submitted: Rep. Vanessa Sheehan

Amendment to HB 186

1 Amend the bill by deleting section 5 and renumbering the original sections 6-22 to read as 5-21,
2 respectively.

3

4 Amend the bill by replacing section 8 with the following:

5

6 8 Advisory Committee on Marine Fisheries; Membership Qualifications. Amend RSA 211:60, I
7 to read as follows:

8 I. There is established an advisory committee on marine fisheries to recommend programs
9 and policies regarding marine fisheries to the fish and game commission. The advisory committee
10 shall consist of 5 members and one alternate member, ~~[all]~~ **the majority** of whom shall be residents
11 of the seacoast region, appointed by the governor and council.

12

13 Amend the bill by replacing all after section 20 with the following:

14

15 21 Federal Health Care Reform 2010; Purpose and Scope. Amend RSA 420-N:1 to read as
16 follows:

17 420-N:1 Purpose and Scope. The intent of this chapter is to preserve the state's status as the
18 primary regulator of the business of insurance within New Hampshire and the constitutional
19 integrity and sovereignty of the state of New Hampshire under the Tenth Amendment to the United
20 States Constitution and part I, article 7 of the New Hampshire constitution and ~~[to create a~~
21 ~~legislative oversight committee to supervise]~~ the insurance commissioner's administration of the
22 insurance reforms required under the Patient Protection and Affordable Care Act of 2009, Public
23 Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law
24 111-152, including any federal regulations, interpretations, standards, or guidance issued
25 thereunder (hereinafter "the Act").

26 22 Authority of the Commissioner. Amend the introductory paragraph of RSA 420-N:5 to read
27 as follows:

28 420-N:5 Authority of the Commissioner. ~~[Only with such prior approvals from the oversight~~
29 ~~committee as are required under RSA 420-N:4.]~~ The commissioner shall have authority to:

30 23 Waiver. Amend RSA 420-N:6-a to read as follows:

31 420-N:6-a Waiver. If such action is supported by the recommendations of actuarial experts
32 retained by the department as being consistent with the purposes of RSA 404-G:1, I, the

Amendment to HB 186

- Page 2 -

1 commissioner shall, at the earliest practicable date, submit an application on behalf of the state to
2 the United States Secretary of the Treasury, and if required, to the United States Secretary of
3 Health and Human Services, to waive certain provisions of the Act, as provided in section 1332 of the
4 Act, or any other applicable waiver provision in order to create a risk sharing or reinsurance
5 mechanism for the individual market under RSA 404-G which is eligible to draw down federal pass-
6 through funding to support such mechanism. The commissioner shall publish and accept public
7 comment on the 1332 waiver application and the plan of operation for the individual market
8 mechanism prior to approving such plans. ~~[Upon approval of the joint health care reform oversight~~
9 ~~committee.]~~ The commissioner shall implement any federally approved waiver, including but not
10 limited to overseeing the implementation of a revised plan of operations under RSA 404-G:12.

11 24 Prohibition on State-Based Health Exchange. Amend RSA 420-N:7, III to read as follows:

12 III. Subject to the requirements of this chapter ~~[with respect to oversight committee~~
13 ~~approval]~~, state agencies or departments may operate specific functions of a federally-facilitated
14 exchange consistent with this subdivision to enable the continuation of traditional areas of state
15 regulation and authority.

16 25 Federally-Facilitated Exchange; Authority of Commissioner. Amend RSA 420-N:8, V to read
17 as follows:

18 V. The commissioner may adopt rules, pursuant to RSA 541-A ~~[and in accordance with RSA~~
19 ~~420-N:4, II]~~, as necessary to perform the duties specified in this section and to protect against
20 adverse selection by creating a level playing field between a federally-facilitated exchange and the
21 commercial health insurance market.

22 26 Federally-Facility Exchange; Authority of Health and Human Services Commissioner.
23 Amend RSA 420-N:9, III to read as follows:

24 III. The commissioner of health and human services may adopt rules, pursuant to RSA 541-
25 A ~~[and subject to oversight committee approval under RSA 161:11]~~, as necessary to fulfill the
26 purposes of this subdivision.

27 27 New Hampshire Granite Advantage Health Care Program. Amend the introductory
28 paragraph of RSA 126-AA:2, III(b) to read as follows:

29 (b) If an individual in a family receiving benefits under this paragraph fails to comply
30 with the work or community engagement activities required in accordance with this paragraph, the
31 assistance shall be suspended. The commissioner shall adopt rules under RSA 541-A to determine
32 good cause and other exceptions to termination. ~~[Following approval by the joint health care reform~~
33 ~~oversight committee, pursuant to RSA 161:11, to initiate rulemaking.]~~ Any rules proposed under this
34 subparagraph shall be submitted to the fiscal committee of the general court, which shall review the
35 rules prior to submission to the joint legislative committee on administrative rules and make
36 recommendations to the commissioner regarding the rules. An individual may apply for good cause
37 exemptions which shall include, at a minimum, the following verified circumstances:

Amendment to HB 186

- Page 3 -

1 28 New Hampshire Granite Advantage Health Care Program. Amend the introductory
2 paragraph of RSA 126-AA:2, III(e) to read as follows:

3 (e) The commissioner shall adopt rules under RSA 541-A pertaining to the community
4 engagement requirement. ~~[Following approval by the joint health care reform oversight committee,~~
5 ~~pursuant to RSA 161:11 to initiate rulemaking,]~~ Any rules proposed under this subparagraph shall
6 be submitted to the fiscal committee of the general court, which shall review the rules prior to
7 submission to the joint legislative committee on administrative rules and make recommendations to
8 the commissioner regarding the rules. The rules shall be consistent with the terms and conditions of
9 any waiver issued by the Centers for Medicare and Medicaid Services for the program, provided that
10 any waiver issued by the Centers for Medicare and Medicaid Services is not unreasonably
11 inconsistent with any provision of this chapter, and shall address, at a minimum, the following:

12 29 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, VIII to
13 read as follows:

14 VIII. Any person receiving benefits from the program shall be responsible for providing
15 information regarding his or her change in status or eligibility, including current contact
16 information. The commissioner shall adopt rules, under RSA 541-A, pertaining to the opportunity to
17 cure and for re-activation following noncompliance. ~~[Following approval by the joint health care~~
18 ~~reform oversight committee, pursuant to RSA 161:11, to initiate rulemaking,]~~ Any rules proposed
19 under this subparagraph shall be submitted to the fiscal committee of the general court, which shall
20 review the rules prior to submission to the joint legislative committee on administrative rules and
21 make recommendations to the commissioner regarding the rules.

22 30 Effective Date.

23 I. Section 2 of this act shall take effect July 1, 2023.

24 II. The remainder of this act shall take effect 60 days after its passage.

Voting Sheets

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 186

BILL TITLE: repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards.

DATE: March 29, 2021

LOB ROOM: 306/308 Hybrid

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Sheehan

Seconded by Rep. Wall

AM Vote: 15-0

Amendment # 2021-0869H

Moved by Rep. Sheehan

Seconded by Rep. Wall

Vote: 15-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Vanessa Sheehan, Clerk

HOUSE COMMITTEE ON Legislative Administration

EXECUTIVE SESSION ON HB 186

BILL TITLE: Repealing certain inactive committees + revising the membership or duties of certain committees, councils + boards.

DATE: 3/25/21

LOB ROOM: 306/308

MOTION: (Please check one box)

- OTP ITL Retain (1st year) Adoption of Amendment # 0069h
- Interim Study (2nd year) (if offered)

Moved by Rep. Steehan Seconded by Rep. Will Vote: 15-0

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR? Yes No

Minority Report? Yes No If yes, author, Rep.: _____ Motion: _____

Respectfully submitted, Rep. Vaughn R. Steehan, Clerk



1/22/2021 10:08:08 AM
Roll Call Committee Registers
Report

2021 SESSION

Legislative Administration

Bill #: HB 186 Motion: OTP AM #: 08 69h Exec Session Date: 3/29/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hill, Gregory G. Chairman	15		
Greene, Bob J. Vice Chairman	1		
McKinney, Betsy	2		
Packard, Sherman A.	3		
Osborne, Jason M.	4		
Rouillard, Claire A.	5		
Sheehan, Vanessa L. Clerk	6		
Simon, Matthew J.	7		
Wall, Janet G.	8		
Ley, Douglas A.	9		
Smith, Timothy J.	10		
Frost, Sherry A.	11		
Nutting-Wong, Allison R.	12		
Richards, Beth S.	13		
Espitia, Manny	14		
TOTAL VOTE:	15	0	



2021 SESSION

Legislative Administration

Bill #: HS186 Motion: OTP/A AM #: 0869h Exec Session Date: 3/29

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hill, Gregory G. Chairman	15		
Greene, Bob J. Vice Chairman	1		
McKinney, Betsy	2		
Packard, Sherman A.	3		
Osborne, Jason M.	4		
Rouillard, Claire A.	5		
Sheehan, Vanessa L. Clerk	6		
Simon, Matthew J.	7		
Wall, Janet G.	8		
Ley, Douglas A.	9		
Smith, Timothy J.	10		
Frost, Sherry A.	11		
Nutting-Wong, Allison R.	12		
Richards, Beth S.	13		
Espitia, Manny	14		
TOTAL VOTE:	15	0	

Hearing Minutes

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 186

BILL TITLE: repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards.

DATE: March 9, 2021

LOB ROOM: Remote **Time Public Hearing Called to Order:** 9:05 a.m.

Time Adjourned: 9:39 a.m.

Committee Members: Reps. Hill, Greene, Sheehan, McKinney, Simon, Ley, Frost, Nutting-Wong, Richards and Espitia

Bill Sponsors:

Rep. Ebel

Rep. Heath

Sen. Rosenwald

Sen. Carson

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. *Rep Karen Ebel (Prime Sponsor)

- Culmination of over two years of work. Worked on a comprehensive study on all the committees.
- The Governor established a Committee on Committees in then HB4 and HB186. This is the product.
- They reviewed and tried not to make major changes to any committee.
- Would like a periodic review of all committees.
- Standing Committees should receive information from statutory committees.

Question: Rep Hill - Process of how you went about the study and repealing?

Answer: Pam Smarling compiled a chart and identified the committee and when they met last. A lot did not meet for a long time.

Question: Rep Ley - Clarify the bill considered last year and what happened?

Answer: Signed into law.

Follow Up: This bill is all new?

Answer: Yes

Question: Rep Hill - When you spoke to agencies did you go into detail. Ex: Fish and Game where membership should come from?

Answer: Tried not to make changes that were dramatic. We wouldn't have made the change without talking to Fish and Game

Follow Up: How often should this study be done?

Answer: The Legislative Administration committee would look at it more often than every 10 years. It should be a routine procedure.

Question: Rep Hill - How many were dropped (Committees)

Answer: 50-60

2. Tyler Branned (Insurance Department)

- Supports this bill. Submitted an Amendment. Line 7-9 page 1

Question: Rep Hill - All references removed when committee is removed?

Answer: Yes, should be many fixes.

3. *Paul Sanderson

- They have communicated their issue with taking out the line "members shall be residents of the seacoast region". Would appreciate no change to this commission.

Question: Rep Ley - What is the definition of Seacoast Region?

Answer: Involves 17 towns in the seacoast.

Follow up: Is it possible to be deeply engaged in the industry and live outside the region?

Answer: Yes

Follow up: Language says resident of the region.

Answer: They want these members to be involved on the commission.

Question: Rep Rouillard - Concerned about someone who has an expertise and moved outside the seacoast area that would be an asset. This wording is limiting. Could the committee include some who were experts but lived outside of the seacoast included?

Answer: Suggestions are good. Any changes along those lines are beneficial.

Question: Rep Hill -Difficulty in getting enough people to fill position?

Answer: Not a concern.

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING on Bill # HB 186
BILL TITLE: Repealing certain inactive committees + revising the membership or duties of certain committees
DATE: 3/9/21

ROOM: _____ Time Public Hearing Called to Order: 9:05 am
Time Adjourned: 9:39 am

(please circle if present)

Committee Members: Reps. Hill, Greene, Sheehan, McKinney, Packard, Osborne, Rouillard, Simon, Wall, Ley, T. Smith, Frost, Nutting-Wong, Richards and Espitia

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

①

Rep. Karen Ebel (Prime Sponsor) *

Culmination of over 2 years of work. Worked on a comprehensive study on all the committees. The Governor established a Committee on Committees in then HB4 + HB186 is the product.

They reviewed + tried not to make major changes to any committee.

Would like a periodic review of all committees.

Standing committees should receive information from statutory committees.

Q Rep Hill = process of how you went about the study + repealing

A = Pam Smallegre compiled a chart + identified the committees - history of when they met last. A lot did not meet for a long time

Q Rep Ley = clarify the bill considered last year + what happened?

A -- Signed into law

FUQ = This bill is all new?

A = Yes

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING on Bill # HB 186

BILL TITLE:
DATE: 3/5/21

ROOM: Time Public Hearing Called to Order: _____

Time Adjourned: _____

(please circle if present)

Committee Members: Reps. Hill, Greene, Sheehan, McKinney, Packard, Osborne, Rouillard, Simon, Wall, Ley, T. Smith, Frost, Nutting-Wong, Richards and Espitia

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Q = Rep. Hill when you spoke to agencies did you go into detail - ex. Fish + Game - where members should come from?

A = Tried not to make changes that were dramatic
We wouldn't have made the change w/out talking to Fish + Game

FUA = How often should this study be done.

A = The Leg. Admin Committee would look at it more often than ^{every} 10 years. Should be a routine procedure

Q = Rep Hill how many were dropped (committee)

A = 50-60

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING on Bill # HB 186

BILL TITLE:

DATE: 3/9/21

ROOM:

Time Public Hearing Called to Order: _____

Time Adjourned: _____

(please circle if present)

Committee Members: Reps. Hill, Greene, Sheehan, McKinney, Packard, Osborne, Rouillard, Simon, Wall, Ley, T. Smith, Frost, Nutting-Wong, Richards and Espitia

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

②

Tyler Branner (alm. Dept)

Supports this bill. Submitted amendment.

line 7-9 pg. 1

Q Rep Hill = all references removed when committee is removed

A = Yes should be every fixer

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING on Bill # HB 186

BILL TITLE:

DATE: 3/9/21

ROOM:

Time Public Hearing Called to Order: _____

Time Adjourned: _____

(please circle if present)

Committee Members: Reps. Hill, Greene, Sheehan, McKinney, Packard, Osborne, Rouillard, Simon, Wall, Ley, T. Smith, Frost, Nutting-Wong, Richards and Espitia

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Paul Sanderson *

They have communicated their issue with taking out the line "members shall be residents of the seacoast region"
Would appreciate no change to this Commission.

Q = Rep Fey = What is the definition of seacoast region?

A = B involves 17 towns in the seacoast

FVQ = can it possible to be deeply engaged in the industry + live outside the region?

A = Yes

Fu Q = Language says residents of the region

A = They want those members to be involved in the Commission

Q = Rep. Rouillard = Concerned about someone who has an expertise + moved outside seacoast area that would be an asset
This wording is limiting. Could the Committee include some who were experts but lived outside of the seacoast included?

A = Suggestions are good. Any changes along those lines are beneficial

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING on Bill # HB 186

BILL TITLE:
DATE: _____

ROOM: 3|9|21 Time Public Hearing Called to Order: _____

Time Adjourned: _____

(please circle if present)

Committee Members: Reps. Hill, Greene, Sheehan, McKinney, Packard, Osborne, Rouillard, Simon, Wall, Ley, T. Smith, Frost, Nutting-Wong, Richards and Espitia

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

A Rep Hill - difficulty in getting enough people to fill
positions?

A = not a concern

House Remote Testify

Legislative Administration Committee Testify List for Bill HB186 on 2021-03-09

Support: 12 Oppose: 9 Neutral: 0 Total to Testify: 4

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Brannen, Tyler	Concord, NH tyler.j.brannen@ins.nh.gov	State Agency Staff	Insurance Department	Support	Yes (3m)	3/5/2021 1:32 PM
Porter, Marjorie	HILLSBOROUGH, NH maporter995@gmail.com	An Elected Official	Hillsborough District 1	Support	Yes (2m)	3/8/2021 2:25 PM
Ebel, Karen	New London, NH karen.ebel@leg.state.nh.us	An Elected Official	Merrimack District #5	Support	Yes (0m)	3/6/2021 5:16 PM
Sanderson, Paul	Concord, NH paul.sanderson@wildlife.nh.gov	State Agency Staff	NH Fish and Game Department	Oppose	Yes (0m)	3/8/2021 10:09 AM
Rosenwald, Cindy	Concord, NH cindy.rosenwald@leg.state.nh.us	An Elected Official	SD 13	Support	No	3/8/2021 12:28 AM
Carson, Sharon	Londonderry, NH deborah.chroniak@leg.state.nh.us	An Elected Official	Senate District 14	Support	No	3/8/2021 6:39 AM
Paul, joy	Hudson, NH jpaul3790@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 1:51 PM
Rabun, Colin	Manchester, NH Colinrabun@gmail.com	A Member of the Public	Myself	Oppose	No	3/5/2021 9:19 AM
Gilbert, Evan	NORTH HAVERHILL, NH emgilbert07@gmail.com	A Member of the Public	Myself	Oppose	No	3/5/2021 5:04 PM
MacDonald, Kiera	Atkinson, NH Kierac2@yahoo.com	A Member of the Public	Myself	Oppose	No	3/6/2021 6:10 AM
McDermot, Kevin	SALEM, NH kemcdermot17@gmail.com	A Member of the Public	Myself	Oppose	No	3/6/2021 10:10 AM
Tessier, Ann	Dunbarton, NH amtas@gsinet.net	A Member of the Public	Myself	Oppose	No	3/8/2021 4:18 PM
Major, Norman	Plaistow, NH Norman.major@comcast.net	An Elected Official	Myself	Support	No	3/8/2021 7:15 PM

Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Support	No	3/8/2021 6:57 PM
Lennon, Donna	Concord, NH DonnaLennonCounseling@gmail.com	A Member of the Public	Myself	Oppose	No	3/8/2021 9:42 PM
Ames, Dick	Jaffrey, NH amesinjaffrey@gmail.com	An Elected Official	Myself	Support	No	3/8/2021 10:07 PM
Most, Andrew	Exeter, NH andrewmost@gmail.com	A Member of the Public	Myself	Oppose	No	3/9/2021 6:43 AM
Jackson, Mary	Gilmanton iw, NH Skjmaj@gmail.com	A Member of the Public	Myself	Support	No	3/9/2021 6:49 AM
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Support	No	3/9/2021 7:35 AM
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Support	No	3/9/2021 7:57 AM
McConnell, Kelly	Hanover, NH kelly.mcconnell@hnsb.org	An Elected Official	Myself	Support	No	3/9/2021 10:53 PM

Testimony

TITLE XXXVII INSURANCE

CHAPTER 420-N FEDERAL HEALTH CARE REFORM 2010

Section 420-N:1

420-N:1 Purpose and Scope. – The intent of this chapter is to preserve the state's status as the primary regulator of the business of insurance within New Hampshire and the constitutional integrity and sovereignty of the state of New Hampshire under the Tenth Amendment to the United States Constitution and part I, article 7 of the New Hampshire constitution and the insurance commissioner's administration of the insurance reforms required under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder (hereinafter "the Act").

Source. 2011, 264:1. 2012, 231:1, eff. June 18, 2012. 2017, 221:5, eff. July 10, 2017; 221:9, eff. July 1, 2020.

Section 420-N:2

420-N:2 Definitions. –

In this chapter:

I. "Act" means the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder.

II. "Commissioner" means the insurance commissioner.

III. ~~"Oversight committee" means the joint health care reform oversight committee established in RSA 420-N:3.~~

Source. 2011, 264:1, eff. July 1, 2011. 2017, 221:6, eff. July 10, 2017; 221:10, eff. July 1, 2020.

Section 420-N:3

~~**420-N:3 Joint Health Care Reform Oversight Committee Established.**~~

~~I. There is established a joint health care reform oversight committee consisting of 6 members as follows:~~

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

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

~~II. The terms of the members shall be for the biennium and shall be coterminous with their membership in the general court. The oversight committee shall elect a chairperson from its~~

membership. The oversight committee shall meet at the call of the chairperson who may call a meeting as often as necessary. The oversight committee shall require 4 members for a quorum.

~~III. The committee shall provide legislative oversight, policy direction, and recommendations for legislation with respect to the Act as it determines appropriate. The committee shall also review existing rules, bulletins, or policies adopted pursuant to 2010, 243 and may require the repeal of such rules, bulletins, or policies.~~

~~IV. The committee shall make a report, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, the chairpersons of the house commerce and consumer affairs and the health, human services and elderly affairs committees and the senate commerce and health and human services committees by December 1, 2011 and annually thereafter.~~

~~Source. 2011, 264:1, eff. July 1, 2011.~~

Section 420-N:4

420-N:4 Implementation of the Act. –

~~I. The oversight committee established under RSA 420-N:3 shall determine all policies within the state of New Hampshire regarding implementation of the Act, as directed by this chapter and by any future law enacted by the general court with respect to implementation of the Act.~~

~~II. Before establishing any standard for enforcing or implementing the Act, and before initiating any rulemaking proceeding relating to the Act, the commissioner shall obtain approval for the standard or rule from the oversight committee.~~

~~III. The commissioner shall make periodic reports as requested by the oversight committee on the provisions of the Act that have taken legal effect in New Hampshire and on the status of the commissioner's implementation and enforcement efforts under the Act.~~

~~IV. The commissioner shall not implement or enforce any provision of the Act that has been ruled unconstitutional or invalid by the United States Supreme Court.~~

~~Source. 2011, 264:1, eff. July 1, 2011.~~

Section 420-N:5

420-N:5 Authority of the Commissioner. –

The commissioner shall have authority to:

- I. Make, adopt, and amend rules and regulations pursuant to RSA 541-A for, or as an aid to, the administration of any provision of the Act relating to insurance;
- II. Apply for any public or private grant funds available under the Act;
- III. Apply for any waiver available under any specific provision of the Act;
- IV. Adopt and apply standards consistent with the Act for form and rate review of insurance products and any other regulatory oversight functions performed by the department; and
- V. Enforce the consumer protections and market reforms set forth in the Act that relate to insurance. This shall not include the medical assistance program under RSA 167.

~~Source. 2011, 264:1, eff. July 1, 2011.~~

Section 420-N:5-a

420-N:5-a Repealed by 2014, 201:2, eff. Jan. 1, 2019. –

Section 420-N:6

420-N:6 Repealed by 2012, 231:3, I, eff. June 18, 2012. –

Section 420-N:6-a

420-N:6-a Waiver. – If such action is supported by the recommendations of actuarial experts retained by the department as being consistent with the purposes of RSA 404-G:1, I, the commissioner shall, at the earliest practicable date, submit an application on behalf of the state to the United States Secretary of the Treasury, and if required, to the United States Secretary of Health and Human Services, to waive certain provisions of the Act, as provided in section 1332 of the Act, or any other applicable waiver provision in order to create a risk sharing or reinsurance mechanism for the individual market under RSA 404-G which is eligible to draw down federal pass-through funding to support such mechanism. The commissioner shall publish and accept public comment on the 1332 waiver application and the plan of operation for the individual market mechanism prior to approving such plans. The commissioner shall implement any federally approved waiver, including but not limited to overseeing the implementation of a revised plan of operations under RSA 404-G:12.

Source. 2017, 221:7, eff. July 10, 2017. 2019, 346:421, eff. July 1, 2019.

Health Exchange

Section 420-N:7

420-N:7 Prohibition on State-Based Health Exchange; Guidelines for Interaction With Federally-Facilitated Health Exchange. –

I. No New Hampshire state agency, department, or political subdivision shall plan, create, participate in or enable a state-based exchange for health insurance under the Act, or contract with any private entity to do so.

II. State agencies or departments may interact with the federal government with respect to the creation of a federally-facilitated exchange for New Hampshire.

III. Subject to the requirements of this chapter, state agencies or departments may operate specific functions of a federally-facilitated exchange consistent with this subdivision to enable the continuation of traditional areas of state regulation and authority.

IV. State agency activities relating to any federally-facilitated exchange for New Hampshire shall be consistent with the following objectives:

(a) Promoting preservation of the private, commercial delivery of health coverage through carriers and producers to the greatest degree possible under the Act and minimizing interference with the operation of commercial markets.

(b) Minimizing overhead and administrative expenses.

(c) Promoting competition and consumer choice, for example by advocating for allowing all health and dental plans that meet the minimum requirements necessary to be certified as qualified plans under the Act to be offered in the exchange.

(d) Preserving to the greatest extent possible the state's insurance regulatory authority and the state's flexibility in determining Medicaid eligibility standards and program design and operation.

Source. 2012, 231:2, eff. June 18, 2012.

Section 420-N:8

[RSA 420-N:8 contingently repealed by 2012, 231:3, II; see contingency note in main volume.]

420-N:8 Federally-Facilitated Exchange; Authority of the Commissioner. –

I. In the event a federally-facilitated exchange is established for New Hampshire, the commissioner shall retain authority with respect to insurance products sold in New Hampshire on the federally-facilitated exchange to the maximum extent possible by law as provided in title XXXVII, including but not limited to producer and insurer licensing, form and rate approval, reinsurance and other risk-sharing mechanisms, network adequacy, industry assessments, internal grievance standards, external review, and unfair trade practices.

II. Any person who sells, solicits, or negotiates insurance within the meaning of RSA 402-J:3 through a federally-facilitated exchange shall be licensed as a producer under RSA 402-J; provided, that nothing in this subdivision shall prohibit the sale of health coverage by an exchange or health carrier directly to the consumer without the use of a producer. This paragraph shall not be interpreted to require that all navigators as defined under the Act be licensed as producers, but rather that any individual who in fact performs a producer function be licensed, whether or not that person is employed by a navigator.

III. The commissioner may establish standards and training requirements for navigators on a federally-facilitated exchange consistent with section 1311(i) of the Act and regulations implemented under the Act, including provisions to ensure that any private or public entity that is selected as a navigator avoids conflicts of interest and is appropriately qualified to engage in navigator activities.

IV. The commissioner shall, consistent with the requirements of the Act, allow producers to enroll individuals, employers, or employees in qualified health plans offered through a federally-facilitated exchange in this state, including enrollment using Internet websites.

V. The commissioner may adopt rules, pursuant to RSA 541-A as necessary to perform the duties specified in this section and to protect against adverse selection by creating a level playing field between a federally-facilitated exchange and the commercial health insurance market.

Source. 2012, 231:2, eff. June 18, 2012.

Section 420-N:9

[RSA 420-N:9 contingently repealed by 2012, 231:3, II; see contingency note in main volume.]

420-N:9 Federally-Facilitated Exchange; Authority of the Health and Human Services Commissioner. –

I. The commissioner of health and human services shall have authority to establish New Hampshire eligibility standards, enrollment procedures, and outreach mechanisms for persons who are enrolled through a federally-facilitated exchange in this state in the Medicaid program under title XIX of the Social Security Act or the Children's Health Insurance Program (CHIP) under title XXI of the Social Security Act.

II. The commissioner of health and human services may establish navigator guidelines for New Hampshire consistent with section 1311(i) of the Act, and regulations implemented under the Act, to ensure that navigators are qualified to reach and assist the Medicaid-eligible and other populations served by a federally-facilitated exchange in New Hampshire.

III. The commissioner of health and human services may adopt rules, pursuant to RSA 541-A and subject to oversight committee approval under RSA 161:11, as necessary to fulfill the purposes of this subdivision.

Source. 2012, 231:2, eff. June 18, 2012.

Section 420-N:10

420-N:10 Repealed by 2020, 37:52, eff. Sept. 27, 2020. –

Archived: Wednesday, April 14, 2021 2:31:50 PM

From: Sanderson, Paul

Sent: Monday, March 8, 2021 10:14:31 AM

To: ~House Legislative Administration

Subject: NH House Remote Testify: 9:00 am - HB186 in House Legislative Administration

Importance: Normal

Attachments:

[Testimony HB186 3-8-21.pdf](#)  [Testimony HB186 3-8-21.docx](#) 

Please find our testimony in Opposition to Section 9 only of the bill. I have signed in to testify and answer any questions of the committee.

Paul G. Sanderson
Legal Coordinator
NH Fish and Game

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NH Fish and Game

Archived: Wednesday, April 14, 2021 2:27:13 PM

From: Karen Ebel

Sent: Monday, March 8, 2021 12:59:04 PM

To: ~House Legislative Administration

Cc: Pam Smarling

Subject: Testimony in Support of HB 186

Importance: Normal

Attachments:

[HB 186 Ebel Testimony Leg Admin.pdf](#) 

Dear Chair Hill and Committee Members,

Please find attached my testimony in support of HB 186 repealing certain inactive committees and revising the membership or duties of certain communities, councils, and boards.

As noted in my testimony, this bill is the culmination of over two years of work by two Committees on Committees, involving the review of 239 committees and commissions and virtually every agency of the Executive Branch. This bill is the bipartisan recommendation of the most recent Committee on Committees created by HB 1245.

For your information, at this link you can access the HB 1245 Committee on Committees report:

http://gencourt.state.nh.us/statstudcomm/committees/1523/reports/final_report_2020_committee_to_study_non-regulatory_entities.pdf

I look forward to presenting this bill to the committee tomorrow.

Best regards,

Karen

Rep. Karen Ebel

Democratic Leader Pro Tempore

NH House of Representatives

Member, NH House Public Works and Highways Committee

Merrimack District #5 (New London/Newbury)

PH: 603 748 3876

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New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

**New Hampshire Fish and Game Department
Testimony in Opposition to HB 186
Repealing certain inactive committees and revising the membership or duties of certain committees,
councils and boards**

We write to express the opposition of the New Hampshire Fish and Game Commission, the NH Fish and Game Department, and the Advisory Committee on Marine Fisheries to Section 9 of HB 186, which proposes to amend RSA 211:60, I by revising the qualifications of the members of the Advisory Committee on Marine Fisheries. The proposal is to strike the requirement that all 5 members and one alternate member shall be residents of the seacoast region. We believe that this proposed change is both unnecessary and unwise. I have attached a memo from the Advisory Committee on Marine Fisheries that details the history of how this body came into being as a reference for the members here.

Perhaps the most telling comment is the language, "... we fought hard to achieve representation on the commission that regulated an industry and not just a resource." The marine industry is centered in the Seacoast, and has few connections with any other area of the state. As noted in the memo, in the past the issue was serious enough to warrant the creation of a special member to the Fish and Game Commission itself, to assure that these industry specific issues were addressed.

The Advisory Committee on Marine Fisheries is particularly important in efforts to regulate species whose fishery management plans are created by the Atlantic States Marine Fisheries Compact (ASMFC) and through NOAA Fisheries for fisheries managed under federal jurisdiction. The specialized knowledge of the members assists in the conduct of required public hearings, the creation of proposed administrative rules, and in communicating information to the working members of this industry.

If the language is removed, it is possible that eventually no member would be a resident of the Seacoast region. For this reason, we respectfully oppose this provision of the bill, and would ask that it be removed as the overall bill moves forward.

Sincerely,
Paul G. Sanderson
Legal Coordinator
NH Fish and Game Department

REGION 1

629B Main Street
Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2

PO Box 417
New Hampton, NH 03256
(603) 744-5470
FAX (603) 744-6302
email: reg2@wildlife.nh.gov

REGION 3

225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

REGION 4

15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8798
email: reg4@wildlife.nh.gov



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

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If the language is removed, it is possible that eventually no member would be a resident of the Seacoast region. For this reason, we respectfully oppose this provision of the bill, and would ask that it be removed as the overall bill moves forward.

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REGION 2

PO Box 417
New Hampton, NH 03256
(603) 744-5470
FAX (603) 744-6302
email: reg2@wildlife.nh.gov

REGION 3

225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

REGION 4

15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8798
email: reg4@wildlife.nh.gov

Bill as
Introduced

HB 186 - AS INTRODUCED

2021 SESSION

21-0194

05/10

HOUSE BILL **186**

AN ACT repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards.

SPONSORS: Rep. Ebel, Merr. 5; Rep. Heath, Hills. 14; Sen. Rosenwald, Dist 13; Sen. Carson, Dist 14

COMMITTEE: Legislative Administration

ANALYSIS

This bill repeals certain inactive committees and revises the membership and duties of others.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Repeals. The following are repealed:

2 I. RSA 5:42, relative to the state historical records advisory board.

3 II. RSA 5:50, relative to the grants review committee.

4 III. RSA 21-R:9, relative to the joint legislative information technology oversight committee.

5 IV. RSA 263:6-b, relative to the medical/vision advisory board.

6 V. RSA 374:22-h, relative to the oversight committee on telecommunications.

7 VI.(a) RSA 420-N:3, relative to the joint health care reform oversight committee.

8 (b) RSA 420-N:2, III, defining the oversight committee.

9 (c) RSA 420-N:4, relative to the role of the committee in implementing the federal act.

10 (d) RSA 161:11, relative to the role of the committee in rulemaking and waiver requests.

11 VII. RSA 621:10, relative to the youth development center population oversight panel.

12 VIII. RSA 621-A:9 - 621-A:11, relative to the juvenile justice advisory board.

13 IX. RSA 652:24, relative to the voter identification advisory board.

14 2 Repeal; Effective July 1, 2023. The following are repealed:

15 I. RSA 9-A:5, relative to the commission on rural affairs.

16 II. RSA 238:20, relative to the scenic and cultural byways council.

17 3 Joint Legislative Information Technology Oversight Committee; Reference Removed. Amend
18 RSA 21-R:14, II to read as follows:

19 II. The information policy developed under paragraph I shall include a mechanism for
20 adoption and review by each state agency. Each agency that adopts the policy shall designate a
21 contact person responsible for oversight and implementation of open government data standards for
22 that agency. The contact shall act as a liaison between the department, the implementing agency,
23 and the public in matters related to open government data standards. [~~The commissioner shall
24 include the status of the development and implementation of the statewide information policy based
25 on open government data standards in the quarterly report to the legislative oversight committee
26 under RSA 21-R:9.~~]

27 4 Population Oversight Panel; Youth Development Center; Reference Removed. Amend RSA
28 169-B:19, I(j) to read as follows:

29 (j) Commit the minor to the custody of the department of health and human services for
30 the remainder of minority. Commitment under this subparagraph may only be made following

HB 186 - AS INTRODUCED
- Page 2 -

1 written findings of fact by the court, supported by clear and convincing evidence, that commitment is
2 necessary to protect the safety of the minor or of the community, and may only be made if the minor
3 has not waived the right to counsel at any stage of the proceedings. If there is a diagnosis or other
4 evidence that a minor committed under this subparagraph may have a serious emotional
5 disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and
6 the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care
7 management entity shall develop and oversee the implementation of a care plan for the minor,
8 intended to reduce the period of commitment. Commitment may not be based on a finding of
9 contempt of court if the minor has waived counsel in the contempt proceeding or at any stage of the
10 proceedings from which the contempt arises. Commitment may include, but is not limited to,
11 placement by the department of health and human services at a facility certified for the commitment
12 of minors pursuant to RSA 169-B:19, VI, **or** administrative release to parole pursuant to RSA
13 621:19, [~~or administrative release consistent with the cap on youth development center population~~
14 ~~under RSA 621:10,~~] provided that the appropriate juvenile probation and parole officer is notified.
15 Commitment under this subparagraph shall not be ordered as a disposition for a violation of RSA
16 262 or 637, possession of a controlled drug without intent to sell under RSA 318-B, or violations of
17 RSA 634, 635, 641, or 644, which would be a misdemeanor if committed by an adult. However,
18 commitment may be ordered under this subparagraph for any offense which would be a felony or
19 class A misdemeanor if committed by an adult if the minor has previously been adjudicated under
20 this chapter for at least 3 offenses which would be felonies or class A misdemeanors if committed by
21 an adult. A court shall only commit a minor based on previous adjudications if it finds by clear and
22 convincing evidence that each of the prior offenses relied upon was not part of a common scheme or
23 factual transaction with any of the other offenses relied upon, that the adjudications of all of the
24 prior offenses occurred before the date of the offense for which the minor is before the court, and that
25 the minor was represented by counsel at each stage of the prior proceedings following arraignment.

26 5 Legislative Youth Advisory Committee Membership. RSA 19-K:2, I-IV are repealed and
27 reenacted to read as follows:

28 I. The president of the senate shall appoint the following 7 members:

- 29 (a) Six secondary students or postsecondary youth.
30 (b) One member of the senate.

31 II. The speaker of the house of representatives shall appoint the following 8 members:

- 32 (a) Seven secondary students or postsecondary youth.
33 (b) One member of the house of representatives.

34 III. The governor shall appoint 3 secondary students or postsecondary youth members.

35 IV. The secretary of state shall appoint 3 secondary students or postsecondary youth
36 members.

37 6 Advisory Committee on State Procurement. Amend RSA 21-I:14-d, I to read as follows:

HB 186 - AS INTRODUCED
- Page 3 -

1 (a) Four members of the house of representatives, [~~3~~ **2**] of whom shall be members of the
2 house executive departments and administration committee, ***one of whom shall be a member of***
3 ***the house committee with jurisdiction over public works***, and one of whom shall be a member
4 of the ***house*** finance committee, appointed by the speaker of the house of representatives.

5 7 New Subparagraph; Information Technology Council; Senator Added. Amend RSA 21-R:6, II
6 by inserting after subparagraph (o) the following new subparagraph:

7 (p) One state senator, appointed by the president of the senate, for the duration of the
8 legislative term.

9 8 Joint Committee on Tax Expenditure Review; Membership. Amend RSA 71-C:3, I to read as
10 follows:

11 I. A joint committee on tax expenditure review is hereby established to review all qualifying
12 tax expenditures on a rotating basis every 5 years and recommend continuance, amendment, or
13 repeal of relevant provisions. The joint committee shall be composed of [~~2~~ **3**] members of the house
14 of representatives appointed by the speaker of the house of representatives and [~~one member~~ **2**
15 ***members***] of the senate appointed by the senate president, provided that such appointments shall
16 include the chair or vice-chair of the ways and means committee of the respective bodies. The first
17 meeting shall be within 60 days after the effective date of this paragraph and called by the first-
18 named house member.

19 9 Advisory Committee on Marine Fisheries; Membership Qualifications. Amend RSA 211:60, I
20 to read as follows:

21 I. There is established an advisory committee on marine fisheries to recommend programs
22 and policies regarding marine fisheries to the fish and game commission. The advisory committee
23 shall consist of 5 members and one alternate member, [~~all of whom shall be residents of the seacoast~~
24 ~~region,~~] appointed by the governor and council.

25 10 Public Water Access Advisory Board; Membership. Amend RSA 233-A:2, I(h) and (i) to read
26 as follows:

27 (h) [~~Two senators,~~] ***One senator from the standing policy committee with***
28 ***jurisdiction over natural resources***, appointed by the president of the senate.

29 (i) Two house members, one from [~~the resources, recreation and development committee~~
30 ~~and one from the wildlife and marine resources committee~~] ***the standing policy committee with***
31 ***jurisdiction over natural resources and one from the standing policy committee with***
32 ***jurisdiction over fish and game***, appointed by the speaker of the house.

33 11 Legislative Oversight Committee on Electric Utility Restructuring; Membership. Amend
34 RSA 374-F:5, I to read as follows:

35 I. There is established a legislative oversight committee to monitor the transformation of
36 delivery of electric services consisting of [~~7~~ **5**] members as follows:

1 (a) ~~[Five]~~ **Three** members of the house, at least ~~[3]~~ **2** of whom shall be members of the
2 committee with jurisdiction over utilities and energy, and at least one of whom shall be a member of
3 a minority party, appointed by the speaker of the house.

4 (b) Two members of the senate, at least one of whom shall be a member of the committee
5 with jurisdiction over utilities and energy, and at least one of whom shall be a member of the
6 minority party, appointed by the president of the senate.

7 12 Legislative Oversight Committee on Electric Utility Restructuring; Quorum. Amend RSA
8 374-F:5, IV to read as follows:

9 IV. The committee shall meet quarterly or as often as is necessary to conduct its business.
10 ~~[Four]~~ **Three** members of the committee shall constitute a quorum.

11 13 Law Enforcement Memorial Oversight Committee. Amend RSA 4:9-b to read as follows:

12 4:9-b Committee Established; Special Account.

13 I. A committee is established to ~~[select the design for a law enforcement memorial, to~~
14 ~~oversee the construction of the memorial, to privately raise all the funds which shall be necessary for~~
15 ~~its construction, and to expend the funds which are raised]~~ **oversee the law enforcement**
16 **memorial. The committee shall approve any changes in the memorial, including the**
17 **addition of names to the memorial. The committee, through the New Hampshire law**
18 **enforcement community, shall privately raise all the money necessary for maintenance of**
19 **the law enforcement memorial. The committee shall have the authority to expend the**
20 **money which is raised without the approval of governor and council.** The governor is
21 authorized to accept for the committee, in the name of the state, the gifts of money which are
22 donated to ~~[construct]~~ **maintain** the memorial.

23 II. The gifts of money which are donated to ~~[construct]~~ **maintain** the memorial shall be
24 placed in a special nonlapsing account in the state treasury, to be expended for the purposes of the
25 law enforcement memorial. Any money remaining in the special account after construction of the
26 memorial is completed shall be used for the care, maintenance, and repair of, and additions to, the
27 memorial, or for any other purpose deemed appropriate by the committee.

28 III. ~~[The committee shall remain in existence upon the completion of the law enforcement~~
29 ~~memorial for the purpose of approving any changes in the memorial, such as the addition of names~~
30 ~~to the memorial.]~~ Any site changes in the memorial shall be made under the supervision of the
31 administrator of the division of plant and property, in the department of administrative services,
32 according to the provisions of RSA 4:9-a, II.

33 14 Repeal; Law Enforcement Memorial Oversight Committee. RSA 4:9-d, relative to duties of
34 the law enforcement memorial oversight committee, is repealed.

35 15 McAuliffe-Shepard Discovery Center; Definitions. Amend RSA 12-L:1 to read as follows:

36 12-L:1 Definitions. In this chapter:

1 I. ~~["Commission" means the McAuliffe-Shepard discovery center commission.]~~
2 ***"Corporation" means the McAuliffe-Shepard discovery center corporation, incorporated in***
3 ***New Hampshire in May 2012 as an independent nonprofit operation responsible for the***
4 ***management and operation of the discovery center beginning January 1, 2013.***

5 II. "Discovery center" means the McAuliffe-Shepard discovery center, which includes the
6 planetarium and related exhibits pertaining to astronomy, aviation, and earth and space sciences.

7 III. ~~["Touch the Future" means the nonprofit corporation organized to promote the welfare of
8 the discovery center and to assist the discovery center director and the commission.~~

9 IV.] "Planetarium" means the discovery center planetarium.

10 V. ~~"Private operator" means the McAuliffe-Shepard discovery center corporation
11 established in RSA 12-L:13 and the corporation's board established in RSA 12-L:14 which is
12 responsible for the management and operation of the discovery center beginning January 1, 2013.]~~

13 16 .McAuliffe-Shepard Discovery Center Corporation; References to Board Removed. RSA 12-
14 L:14 is repealed and reenacted to read as follows:

15 12-L:14 McAuliffe-Shepard Discovery Center Corporation.

16 I. The corporation is a body politic and corporate which has a distinct legal existence
17 separate from the state and does not constitute a department of state government. The corporation
18 was established to carry out the provisions of this chapter.

19 II. The corporation is empowered to manage and operate the McAuliffe-Shepard discovery
20 center beginning January 1, 2013.

21 17 Discovery Center Equipment. Amend RSA 12-L:15, IV to read as follows:

22 IV. The state shall enter into a 10-year, renewable lease with the ~~[private operator]~~
23 ***corporation*** to occupy and operate the discovery center buildings and grounds and utilize the
24 equipment and software beginning on January 1, 2013, at a charge of \$1 per year. Either party may
25 terminate this lease with 90 days notice if the other party fails to make a good faith effort to meet all
26 of its obligations under RSA 12-L.

27 18 Discovery Center Exhibits. Amend RSA 12-L:16 - 12-L:18 to read as follows:

28 12-L:16 Discovery Center Exhibits, Equipment, Software Licenses, and Supplies.

29 I. The ~~[commission]~~ ***discovery center*** shall compile a comprehensive inventory of all
30 equipment, including exhibits and software owned by the discovery center, on June 30, 2012, which
31 shall be updated through December 31, 2012.

32 II. The annual lease to the ~~[private operator]~~ ***corporation*** shall include the use of all
33 exhibits and equipment owned by the discovery center on December 31, 2012. The state shall allow
34 the ~~[private operator]~~ ***corporation***, at its own expense, to make any upgrades to the equipment,
35 software, and exhibits the ~~[private operator]~~ ***corporation*** deems necessary.

36 III. All equipment and exhibits on loan to the discovery center on June 30, 2012, shall be
37 identified and updated in a timely manner through December 31, 2012.

1 IV. The discovery center director shall work with the ~~[private operator]~~ **corporation** to
2 contact the loaners and arrange for transfer of the loans to the ~~[private operator]~~ **corporation**, for
3 those loans that the ~~[private operator]~~ **corporation** wishes to continue.

4 V. The state shall transfer at no cost all supplies belonging to the discovery center on
5 December 31, 2012, to the ~~[private operator]~~ **corporation**.

6 12-L:17 Discovery Center Visitor, Donor, Program Records and Archives. All publicly available
7 donor, visitor, and program records and archival materials owned by the discovery center on
8 December 31, 2012, shall continue to be available to the public and to the ~~[private operator]~~
9 **corporation**.

10 12-L:18 State Funds.

11 I. All funds appropriated to the McAuliffe-Shepard discovery center in 2011, 224:88 shall be
12 transferred to the ~~[private operator]~~ **corporation** on December 31, 2012.

13 II. All funds in the discovery center transition fund established in RSA 12-L:10, II shall be
14 transferred to the ~~[private operator]~~ **corporation** on December 31, 2012.

15 III. The ~~[private operator]~~ **corporation** may apply for state grants for which it is eligible
16 and shall receive due consideration in the state's selection of grant recipients.

17 19 Repeal; McAuliffe-Shepard Discovery Center. The following are repealed:

18 I. RSA 12-L:7, relative to the powers and duties of the commission.

19 II. RSA 12-L:12, relative to the gift store.

20 III. RSA 12-L:13, relative to establishing the corporation.

21 20 Relative to the Communicable Disease Ethics Committee. Amend RSA 141-C:27, IV-VI to
22 read as follows:

23 IV. The commissioner shall appoint a member of the committee to act as chairperson. The
24 committee shall meet initially within 30 days of the effective date of this section and then as
25 regularly as the chairperson shall direct, **but no less than annually**.

26 V. The commissioner may at any time direct questions to the committee or request guidance
27 on ethical issues.

28 VI. The committee shall be solely advisory in nature. ~~[and]~~ Any guidance, guidelines, or
29 protocols issued by the committee **shall be submitted to the commissioner and to the health
30 and human services oversight committee established in RSA 126-A:13 and** shall not be
31 binding on the commissioner.

32 21 Skyhaven Airport Advisory Council. Amend RSA 422:37, III and IV to read as follows:

33 III. The advisory council shall elect one of its members as chairman, one as a vice-chairman,
34 and one as a secretary/treasurer. The members of the advisory council shall receive no
35 compensation for their services, but their reasonable expenses incurred in the performance of their
36 duties shall be paid ~~[from the Skyhaven airport maintenance and operations fund]~~. The advisory
37 council shall have the right to establish bylaws for the management of its affairs within the meaning

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1 of this section and the laws of the state. The Pease development authority shall provide the advisory
2 council with administrative support necessary to carry out its responsibilities under this section.

3 IV. The advisory council shall [~~provide oversight and~~] consult with and advise the Pease
4 development authority and its airport manager with respect to the policy, programs, and goals for
5 Skyhaven airport; all operations of Skyhaven airport, including the preparation of its operating and
6 capital budget; the procurement of services of a fixed based operating firm; and the use of Skyhaven
7 airport property. In order to accomplish said purposes, the advisory council shall meet with the
8 airport manager no less frequently than quarterly, or at the call of the chairman or any 3 council
9 members. The council shall file annually a report of its deliberations and recommendations with the
10 Pease development authority board of directors and executive director. In all instances, the
11 authority shall retain the power to make the final decision regarding the management and
12 operations of Skyhaven airport.

13 22 Effective Date.

14 I. Section 2 of this act shall take effect July 1, 2023.

15 II. The remainder of this act shall take effect 60 days after its passage.