

CHAPTER 20
HB 329 - FINAL VERSION

04/06/2017 1322s
04/06/2017 1332s
20Apr2017... 1486-CofC

2017 SESSION

17-0578
01/06

HOUSE BILL **329**

AN ACT establishing a committee to study balance billing and authorizing municipal ratification of certain meetings and elections.

SPONSORS: Rep. Luneau, Merr. 10; Rep. Myler, Merr. 10; Rep. Wallner, Merr. 10; Rep. Butler, Carr. 7; Rep. Williams, Hills. 4; Rep. Cahill, Rock. 17; Rep. Knirk, Carr. 3; Sen. Feltes, Dist 15

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill establishes a committee to study balance billing by health care providers.

This bill also provides for municipal ratification of postponed meetings and elections scheduled to occur March 14, 2017.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT establishing a committee to study balance billing and authorizing municipal ratification of certain meetings and elections.

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

1 20:1 Committee Established. There is established a committee to study balance billing by
2 health care providers.

3 20:2 Membership and Compensation.

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

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

7 (b) One member of the senate, appointed by the president of the senate.

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

10 20:3 Duties. The committee shall study the practice of balance billing by health care providers
11 for services received by an insured person at an in-network health care facility.

12 20:4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
13 among the members. The first meeting of the committee shall be called by the first-named house
14 member. The first meeting of the committee shall be held within 45 days of the effective date of this
15 section. Three members of the committee shall constitute a quorum.

16 20:5 Report. The committee shall report its findings and any recommendations for proposed
17 legislation to the speaker of the house of representatives, the president of the senate, the house
18 clerk, the senate clerk, the governor, and the state library on or before November 1, 2017.

19 20:6 Authorization for Municipal Ratification of Meetings and Elections.

20 I. Due to the concern about an impending snowstorm, some New Hampshire towns and
21 school districts rescheduled their 2017 elections from Tuesday, March 14, 2017 to various later
22 dates. The towns and school districts assert that this unprecedented action was based on advice of
23 lawyers for the New Hampshire Municipal Association and other counsel. This advice was given
24 despite the absence of any mechanism to accommodate such a rescheduling with regard to other
25 provisions of New Hampshire election law. This advice was also directly contrary to both the
26 political calendar and the election procedure manual, which are required to be prepared
27 cooperatively by the secretary of state and the attorney general and distributed to local election
28 officials. Those who advised local officials that they had the authority to reschedule elections have
29 placed some municipalities in an untenable position. Of particular concern to the general court was

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1 the lack of notification for rescheduled elections and the irregular process of absentee voting and
2 recounts. These municipalities must now choose to accept the ramifications of the decision to
3 reschedule their elections or to seek ratification of that decision. Either option will likely result in
4 the disenfranchisement of voters. Since local voters were the ones most directly affected by the
5 unprecedented act of moving election day this act gives those voters a voice in the solution. This act
6 seeks to implement ratification as the least detrimental of 2 unfortunate options, but not to
7 establish precedent or to authorize these actions in future elections. This act is not intended to
8 absolve any legal counsel of liability for the advice given.

9 II. This act applies to all towns, village districts, and school districts that postponed their
10 meetings or elections that were scheduled to occur March 14, 2017, regardless of whether they have
11 adopted RSA 40:13.

12 III. All elections of individuals to serve as members of a governing body of a political
13 subdivision, school board, or any other elected position are hereby legalized, ratified, and confirmed.

14 IV. All actions, votes, and proceedings, held at any town election, town meeting, school
15 district election, school district meeting, village district election, or village district meeting, that was
16 scheduled to take place March 14, 2017, but was postponed due to weather and was held at a later
17 date, may be legalized, ratified, and confirmed by the governing body of the political subdivision
18 following a properly noticed public hearing. For the purpose of this paragraph "properly noticed"
19 shall mean 72 hours advance notice of the hearing printed in a newspaper of general circulation in
20 the town or district and on the public body's Internet website, if one exists.

21 V. The decision of the governing body to legalize, ratify, and confirm the prior actions shall
22 be in writing and shall be posted in the same manner as the results of the election, town meeting,
23 school district election, school district meeting, village district election, or village district meeting,
24 as the case may be.

25 20:7 Effective Date. This act shall take effect upon its passage.

Approved April 21, 2017
Effective Date: April 21, 2017