



New Hampshire legislative update

New Hampshire lawmakers returned to Concord to start the 2012 session, but first they had to finish work left over from 2011. The House and Senate convened on Jan. 31, 2012, to hear an address by the governor, then met to vote on vetoed bills in an attempt to pass them over Gov. John Lynch's objections. Both chambers have moved on to holding hearings on new bills and hope to finish their work for the year by early June. Many business groups predict the general trend of the 2012 session will be less regulation, not more.

But in a press conference before the session, House Speaker William O'Brien, R-Mont Vernon, warned business groups that they shouldn't expect much in the way of tax relief, given the state's looming deficit. Indeed, Rep. Neal Kurk, R-Weare, is sponsoring HB 1641, which would limit the carry-forward of certain net operating loss deductions to \$10,000 for each new job created. In other tax bills, Rep. Dan McGuire, R-Epsom, would enable businesses to apply the business enterprise tax credit on a quarterly basis (HB 1221), while Rep. Frank Sapareto, R-Derry, would increase the business tax filing thresholds (HB 1418). And Sen. Andy Sanborn, R-Henniker, would require that the state provide the same interest for tax overpayments that it charges for underpayments (SB 293). Meanwhile, legislators are still trying to figure ways to cut spending, or at least control it better. For instance, another bill sponsored by Sen. Sanborn (SB 294) would take all of the fines and fees that various state agencies use to fund themselves and put them in the general fund.

Quickly becoming a perennial debate, versions of a right-to-work bill are expected to rear their head again, after a measure was killed last year by the governor's veto. The issue will likely see substantial union opposition. Lawmakers also may consider a proposal to eliminate the requirement for employers to provide a lunch break. Current state law requires that employers give workers a half-hour break after five hours of work. Another bill sponsored by Bradley (SB 341) would eliminate the option of employees to be paid in paper. The choice to pay electronically will be the employer's, not the employee's.

The biggest health-care bills left over from last year are still in play. Both, proposed by Sen. Ray White, R-Bedford, are responses to the Patient Protection and Affordable Care Act. White, an opponent of the act, wanted to come up with a state law to prevent a federal regulatory takeover in case the act survives various legal challenges to its implementation. SB 163, unveiled in the Senate Commerce Committee the first week of the year, would create a "hybrid" health insurance exchange, governed in different aspects by a nonprofit stakeholder board of directors, the Insurance Department and the Department of Human Services. The other, HB 627, would have assured that the state doesn't exceed any federally mandated benefits. On the more extreme end of the spectrum, Rep. Andrew Manuse, R-Derry, is sponsoring HB 1297, which would forbid state agencies from working to "plan, create, participate in or enable a state exchange" and HB 1560, proposed by House Majority Leader D.J. Bettencourt, R-Salem, and Senate Finance Committee Chair Chuck Morse, R-Salem, would allow New Hampshire to enter with other states in seeking to relieve "the federal government of the responsibility for health-care policy and return it to the states," in Bettencourt's words.

All-in-all it appears to be shaping up to be a busy session and PIANH will be there monitoring these and other insurance-related proposals. Stay tuned to future editions of our publications for the latest news.

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