

HOUSE REPUBLICAN ALLIANCE RECOMMENDATION SHEET, PART 1



“TRUST BUT VERIFY”

The purpose of the House Republican Alliance is to preserve and strengthen the traditional principles and values of the Republican Party through the NH House of Representatives and throughout the state of NH, including fiscal restraint, personal freedom and responsibility, small government, free enterprise and strong families. We offer the following recommendations based on those principles, the Republican Party Platform, and the NH and Federal Constitutions.

REGULAR CALENDAR TUESDAY, MARCH 15 TO THURSDAY, MARCH 17

CHILDREN AND FAMILY LAW

CACR 9, relating to parental rights. Providing that the state shall not abridge the responsibility of parents for the health, education, and welfare of their children. **MAJORITY: ITL MINORITY: OTP/A Vote 8-3.**

HRA Analysis: The Platform, Part VIII states, “Oppose actions that inhibit and/or supplant the role of parents in the care and upbringing of children.” Conversely, this CACR would support the role of parents in the care and upbringing of children and, similar to the addition of Article 2a, would explicitly enumerate the natural right already covered by Article 2 of the Constitution, “All men have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness.”

HRA Recommendation: Support OTP/A

HB 52, relative to grounds for modification of parental rights and responsibilities. **OTP/A Vote 10-2.**

HRA Recommendation: No Recommendation

HB 81, relative to public members of the guardian ad litem board. **ITL Vote 9-2.**

HRA Recommendation: No Recommendation

HB 395, establishing a child protection study committee. **ITL Vote 10-2.**

HRA Analysis: The NH Constitution [Art.] 8. [Accountability of Magistrates and Officers; Public's Right to Know.], states, “All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted. In addition, the Platform states a commitment to, “Promoting a limited government that is open, responsive and fully accountable to its citizens...” Both support accountability of government including to itself - government within government.

HRA Recommendation: No Recommendation

HB 416, adding an exemption from immunization for conscientious beliefs. **ITL Vote 8-3.**

HRA Analysis: The Platform, Part VIII. The Family, states opposition to “actions that inhibit and/or supplant the role of parents in the care and upbringing of children.” Part [Art.] 3. [Society, its Organization and Purposes.] of the Constitution states: “When men enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and, without such an equivalent, the surrender is void. HB 416 would add a third exemption of “conscience” to two existing “medical” and “religious” exemptions available to parents. However, [Art.] 4. [Rights of Conscience Unalienable.] states that, “Among the natural rights, some are, in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the Rights of Conscience.” This bill does not inhibit or supplant the role of parents, nor require the surrender of additional rights for the protection of others in society, but it does conflict with the Right of Conscience.

HRA Recommendation: Oppose ITL, Support OTP

HB 563, revising the child support guidelines based on foster care reimbursement rates. **ITL Vote 10-1.**

HRA Analysis: The Platform, Part VIII. The Family, states that we “Advocate a presumption in favor of joint custody and favor equitable treatment of both parents in child custody and child support determinations.”

HRA Recommendation: No Recommendation

HB 575, relative to the calculation of child support in cases of shared parenting. **ITL Vote 9-2.**

HRA Analysis: The Platform, Part VIII. The Family, states that we “Advocate a presumption in favor of joint custody and favor equitable treatment of both parents in child custody and child support determinations.”

HRA Recommendation: No Recommendation

COMMERCE AND CONSUMER AFFAIRS

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. **OTP Vote 13-4.**

HRA Analysis: The platform, Part II, states a commitment to, “Promoting a limited government that is open, responsive and

fully accountable to its citizens without interfering in their personal, daily lives.” This bill would allow a committee to provide more information to the legislative body, without additional investigation.

HRA Recommendation: Support OTP

HB 262-FN, relative to beverage manufacturers. **OTP/A Vote 16-0.**

HRA Analysis: The Platform, Part VI Enterprise, Jobs, Economy, states a commitment to “Creating a supportive business climate and increasing tourism” and “Working to provide an environment favorable to increasing the creation of private sector jobs...”

HRA Recommendation: Support OTP/A

HB 276-FN, relative to wine manufacturers. **OTP Vote 16-0.**

HRA Analysis: The Platform, Part VI Enterprise, Jobs, Economy, states a commitment to “Creating a supportive business climate and increasing tourism” and “Working to provide an environment favorable to increasing the creation of private sector jobs...”

HRA Recommendation: Support OTP

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine. **OTP Vote 8-3.**

HRA Recommendation: No Recommendation

HB 629-FN, relative to the uninsured health care database. **MAJORITY: OTP MINORITY: ITL Vote 11-4.**

HRA Analysis: This removes RSA 126-S, the uninsured health care database, which was created Jan 1, 2010. The platform supports the privacy of the individual and limited government, so this bill is a twofer.

HRA Recommendation: Support OTP

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

MAJORITY: OTP MINORITY: ITL Vote 12-5.

HRA Analysis: The Constitution of the State of New Hampshire Part II, Article 5 states "...and to name and settle biennially, or provide by fixed laws for the naming and settling, all civil officers within this state, ... and to set forth the several duties, powers, and limits, of the several civil and military officers of this state, ..." Clearly we have the power to define the duties of the Attorney General and to set forth their duties both general and specific. This was done 1992 in bill ordering the Attorney General to engage in a lawsuit regarding the boundary between New Hampshire and Maine which was sponsored by Senator Shaheen among others. If any member of the Executive were to have the power to ignore a order which is otherwise lawful under the Constitutions based upon their personal policy, that power would nullify the power of the Legislature set forth in Part II, Article 2, "The Supreme Legislative Power, within this State, shall be vested in the Senate and House of Representatives, each of which shall have a negative on the other."

HRA Recommendation: Support OTP

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 145, permitting the audio and video recording of any public official while in the course of his or her official duties.

OTP/A Vote 13-4.

HRA Analysis: This bill promotes transparency and accountability among public officials by removing criminal penalties for audio recording police officers while in the course of their official duties, provided that notification is given and the person recording doesn't interfere with the officer's ability to perform his duties. This affects audio recording only, since video recording is already allowed. Support for this bill comes directly from the Republican Platform, Section IX, which reads: "Republicans... will work to amend the wiretap statute to allow citizens to make audio/visual recordings of interactions with public officials." Art. 8, Part I of the NH constitution states, "Government, therefore, should be open, accessible, accountable and responsive." The original bill is superior to the amended version in that it would apply to "any public official," not just to police officers. While it has an exception for emergency personnel, it would increase accountability to a vast number of public officials.

HRA Recommendation: Oppose Amendment, then Support OTP

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute. **OTP Vote 14-2.**

HRA Analysis: This bill would expand the death penalty law (capital murder statute) to include murder committed by someone while inside or entering another's home uninvited. Some believe it will achieve justice for victims and provide a deterrence to those who would enter the homes of others to murder them. The Platform, Section IX, states that "We support increased efforts to enforce penalties against those who commit crimes by: Strengthening prosecution and fair enforcement of death penalty laws." On the other hand, the state constitution in Art. 18 reads that "The true design of all punishments being to reform, not to exterminate mankind."

HRA Recommendation: No Recommendation

HB 207-FN, relative to physical force in defense of a person. **ITL Vote 11-6.**

HRA Analysis: This bill allows a person who is in any place where he or she has a right to be to use deadly force to protect oneself. The bill also provides criminal and civil immunity to any person who uses deadly force as authorized under law. The "Castle Doctrine" allows an individual to use deadly force within his home whenever an individual attempts to commit a

felonious act against others. This would extend that right to anywhere the person has “a right to be.” This bill is very similar to HB 210, which was preferred by the committee.

HRA Recommendation: No Recommendation; Support HB 210-FN

HB 210-FN, relative to the use of deadly force to protect oneself. **OTP Vote 9-8.**

HRA Analysis: This bill extends the “Castle Doctrine” concept of your right to protect yourself, your family, and your property in your own home to wherever you have a right to be, e.g. motor home, while camping, in your car, etc. The Platform supports Article 2-a of the state constitution, and specifically states, “We support the universal right of self defense wherever one has a legal right to be.”

HRA Recommendation: Support OTP

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. **OTP/A Vote 11-5.**

HRA Analysis: This bill as amended would require law enforcement agencies to return personal property taken from somebody in a police matter once the person was found not guilty or the case was dismissed. It also provides for civil penalties against the agency or entity for failure to comply with the requirement. Art. 8, Part I of the NH constitution states, “All power ... being derived from, the people, all the magistrates and officers of government are... at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive.”

HRA Recommendation: Support OTP/A

HB 235, relative to the right to possess a firearm in one's personal motor vehicle. **ITL Vote 9-8.**

HRA Analysis: This bill tries to favor Second Amendment rights over property rights in an irreconcilable conflict. This bill would prohibit a business entity from banning an employee, customer, or invitee from possessing a firearm in such person's motor vehicle while on the business entity's premises. While Republicans strongly support Art. 2-a, we also support property rights; this bill would put undue and unenforceable rules onto NH businesses.

HRA Recommendation: Support ITL

HB 330-FN, relative to carrying firearms. **OTP/A Vote 11-6.**

HRA Analysis: This bill permits most people to carry a firearm open or concealed, loaded or unloaded, without the requirement of a license. This bill complies with Art. 2-a, Part I of the N.H. constitution, protecting a person's right to keep and bear arms, while also recognizing law enforcement's requests to prohibit certain persons from obtaining a license. The NHGOP Platform states that Republicans “believe in the rights of law-abiding citizens to own firearms to defend themselves, their families and their property; support Part I, Article 2-a of the New Hampshire Constitution guaranteeing law-abiding citizens the right to keep and bear arms; oppose passage of local, state or federal laws and/or regulations that violate this fundamental right...”

HRA Recommendation: Support corrective committee floor amendment (Swinford amendment), then Support OTP/A

HB 378-FN, inserting an exception to the criminal threatening statute. **OTP/A Vote 13-3.**

HRA Analysis: This bill provides that a person who is on his or her own property and who responds to a trespasser who refuses to leave and displays a firearm or other means of self-defense with the intent to warn away the person making the threat shall not have committed criminal threatening. This appears to be in response to the Ward Bird case. It further amends the sentencing statutes to change “shall” to “may” to eliminate the mandatory 3 year sentence for the commission of a felony an element of which is the use of a firearm. Another part of the amendment defines non-deadly force as the display, producing or pointing a weapon without firing such weapon. Both the Platform and the constitution provide for guaranteeing law-abiding citizens the right to keep and bear arms.

HRA Recommendation: Support OTP/A

HB 478-FN-L, relative to testimony by video teleconference. **OTP Vote 17-0.**

HRA Analysis: This bill authorizes testimony by video teleconference at department of safety administrative hearings and in district and superior court motor vehicle cases. There is the potential for significant savings to cities and towns when officers and others are relieved of the burden of taking time off to travel to hearings in Concord in district and superior court in motor vehicle cases. Video teleconference may provide similar savings for state laboratory personnel and may relieve parties who have left the state from the expense and time required to appear in person. Although the NH constitution provides in Art. 15 Part I to meet the witnesses against him face to face, this bill only applies to technical specialists and keepers of the records, and the defendant can still object to the video testimony. There would be an up-front cost for video equipment, but it's hard to know if there would be offsetting reductions in court costs. Bills with fiscal notes must be vetted carefully.

HRA Recommendation: No Recommendation

HB 524-FN, excluding persons convicted of violent crimes from mandatory early release on probation or parole.

MAJORITY: OTP MINORITY: ITL Vote 12-4.

HRA Analysis: This bill: (1) excludes a prisoner convicted of a violent crime from mandatory early supervised release, and (2) authorizes the parole board to recommit a person who re-offends while on mandatory early supervised release for a minimum of 90 days or up to the remainder of the person's maximum sentence. It seeks to address perceived flaws contained within SB 500, which passed last session. Specifically, it seeks to prevent violent and sex offenders from being released early in the program. These people, it can be argued, benefit the most from the supervised parole programs designed to reduce recidivism.

Dept. of Corrections spokesmen testified in committee that they support the intent of the program in SB 500 and although it's only been in place less than a year, the results are encouraging. The Platform is mute on this issue.

Recommendation: No recommendation

HB 567, relative to physical force in defense of a person. **ITL Vote 11-6.**

HRA Analysis: This bill would expand the "Castle Doctrine," the right to use deadly force within one's home, to anywhere the person is, including inside a vehicle. It also provides for immunity from civil suits where self defense was appropriate. While the bill contains some strong components in support of the right to keep and bear arms and self defense, there were some concerns raised in committee about the possibility of misapplication and misinterpretation of the statute. This bill appears to comply with the Republican Platform's section on Law and Order, in particular that "We support the universal right of self defense wherever one has a legal right to be."

HRA Recommendation: Oppose ITL, then Support OTP

EDUCATION

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. **OTP Vote 11-4.**

HRA Analysis: The Town of Croydon which has been attempting to withdraw from SAU 43 since 2006 to no avail due to excessive red tape. This bill will streamline the process and has the support of the department of education. The flexibility to change with changing needs enhances local control and choice leading to enhanced opportunities and efficiencies as recommended in the Platform and doing so should not be an onerous process.

HRA Recommendation: Support OTP

HB 370, making changes to the pupil safety and violence prevention act. **MAJ: OTP/A MIN: ITL Vote 10-6.**

HRA Analysis: Current law allows the school administration to determine whether to tell parents about their child being bullied or being a bully and requires school boards to be responsible for their students' behavior 24/7/365. This bill as amended solves these problems by requiring parents be notified when their child is involved in a bullying incident and limits the school's liability to only when the school has assumed control of, and a supervisory role over, a child. The bill also requires the school to notify parents if the school becomes aware of a bullying or cyber-bullying situation that occurred when the school did not have a supervisory role over the child. This is a parental rights bill that also limits unnecessary taxpayer liability.

HRA Recommendation: Support OTP/A

HB 422, prohibiting vaccinations in public schools. **MAJORITY: ITL MINORITY: OTP Vote 11-4.**

HRA Analysis: Currently vaccination clinics in schools are strictly on a voluntary basis. This is a local control issue leaving a district to choose whether or not to have a vaccination clinic in its school.

HRA Recommendation: No Recommendation

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission. **WITHOUT RECOMMENDATION.**

HRA Analysis: This bill repeals statute that denied parents their historic role in whether their child at age from 16 to 18 may be permitted to leave High School and is a Platform parental authority position.

HRA Recommendation: OTP

HB 542-FN, amending the school attendance statutes, amending the statute for suspension or expulsion of a pupil for possession of certain weapons, and repealing the rulemaking and reporting provisions of the Parents as Teachers program.

MAJORITY: OTP/A MINORITY: ITL Vote 11-6.

HRA Analysis: Parents have a right to control the education and instruction of their children. This bill as amended clarifies in statute the constitutional right of parents to conscientiously object to materials, or programs, taught in the public school system. The New Hampshire Constitution states in Part First, Article 4 that the right of Conscience is an unalienable right, and this bill specifies that this right applies to parent-directed education of their children.

HRA Recommendation: Support OTP/A

HB 505-FN, making charter schools eligible for grants for leased space. **OTP Vote 13-1.**

HRA Analysis: Leasing is currently the only option for charter schools to gain space for educational purposes. The amount of the annual grant for a lease to a vocational technical education center is calculated in the same manner as a cooperative school district. This bill will allow charter schools access from the state of up to 30% of the annual lease arrangement. The success of charter schools is critical as an alternative to traditional public schools and a part of the Party position relative to school choice and competition for improved education.

HRA Recommendation: Support OTP

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program. **OTP/A Vote 14-0.**

HRA Analysis: There is persuasive evidence that many school districts could avoid expensive outlays by the routine implementation of preventive maintenance and capital improvement programs. This bill would require that when a district applies for future state building aid it must be able to show that – with reasonable exceptions - it has, and has kept up with, a working facility maintenance and capital improvement program. This is a responsible position that should lead to cost savings.

HRA Recommendation: Support OTP/A

ELECTION LAW

HB 176, relative to eligibility to vote. **MAJORITY: ITL MINORITY: OTP Vote 13-5.**

This bill concerns the definition of domicile. Current law allows a domicile for voting purposes to be different from one's domicile for other purposes. Thus out-of-state college students, for example, may vote in New Hampshire without changing their driver's license, car registration, home state scholarships, etc. This bill attempts to correct that situation and follow the platform which says "voting in NH must be done by NH resident citizens only". However, the implementation of the bill is misdirected. It attempts to redefine domicile based on occupation, and it does not address the problem of a person having different domiciles for different purposes. This area of the law must be fixed, but not this way.

HRA Recommendation: No Recommendation

HB 186-FN, relative to restrictions on political communications. **MAJORITY: OTP/A MINORITY: ITL Vote 13-2.**

HRA Analysis: This bill makes a technical correction to the existing definition of "political advertising". It does not make any policy change and is not a platform issue.

HRA Recommendation: No recommendation

HB 264-FN, relative to political contributions by state contractors and other recipients of state grants or appropriations.

MAJORITY: ITL MINORITY: OTP Vote 13-5.

HRA Analysis: This bill would require anyone that receives a grant or appropriation of state funds to file a quarterly statement reporting all political contributions. Our platform advocates that we "reform our campaign finance laws to guarantee full and prompt disclosure". HB264 would provide more full and prompt disclosure of political contributions by those who receive state funds.

HRA Recommendation: Oppose ITL and Support Recommit

HB 411, relative to distributing campaign materials at the polling place. **OTP/A Vote 14-2.**

HRA Analysis: This bill as amended would establish a challenge process for contesting moderators' decisions restricting electioneering zones. Local control and free speech are hereby maintained.

HRA Recommendation: Support OTP/A

HB 423, relative to including workplace harassment in the legislative ethics law. **ITL Vote 11-7.**

HRA Analysis: This bill would add a new basis for bringing complaints to the Legislative Ethics Committee against legislators and legislative employees. "Workplace harassment" would be added to the list of improper conduct that a person could be charged with. The proposed definition for "workplace harassment" is, "treatment or behavior that to a reasonable person creates an intimidating, hostile, or abusive work environment," a definition too general and subjective. Language this vague could lead to people filing unnecessary complaints that could be resolved through other channels. Legislators and legislative employees should not be subjected to ethics complaints just because someone felt intimidated by them. The Speaker has the authority and responsibility to deal with any problems arising among House members and employees.

HRA Recommendation: No Recommendation

HB 466-FN, eliminating the ballot law commission. **MAJORITY: OTP MINORITY: ITL Vote 14-2.**

This eliminates the ballot law commission and transfers its responsibilities to the secretary of state.

HRA Recommendation: No Recommendation

ENVIRONMENT AND AGRICULTURE

HB 495-FN, relative to the prevention of the use of pesticides on the grounds of child day care facilities, schools, and state parks. **MAJORITY: ITL MINORITY: OTP Vote 11-6.**

HRA Analysis: The intent of this bill is to reduce children's exposure to pesticides. It would limit local control concerning the use of EPA and state certified pesticides, or IPM (Integrated Pest Management), PESP (Pesticide Environmental Stewardship Program) or other alternative methods, in protecting our citizens, young and old, from Lyme disease, West Nile Virus, Triple E and insect bites that cause anaphylactic shock. The Republican platform supports promoting a limited government that is open, responsive and fully accountable to its citizens without interfering in their personal daily lives.

HRA Recommendation: Support ITL

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 331-FN, relative to posting agency expenditures on the state transparency website. **OTP/A Vote 11-0.**

HRA ANALYSIS: The Platform, Part VII, states "Place the state's checkbook on line." HB 331 starts this process.

HRA Recommendation: Support OTP/A

HB 343-FN, establishing a permanent state defense force. **MAJORITY: ITL MINORITY: OTP Vote 10-6.**

HRA ANALYSIS: Membership in the National Guard includes a potential obligation to serve in other States and foreign lands. This prevents many citizens who would otherwise desire to serve their neighbors in this type of organization from doing so. The establishment of a State Defense Force, the State Guard would provide a vehicle for this volunteer force. Twenty-three of the States have State Guards including New York, Massachusetts and Vermont. In most States these Force cause no expense to the State. In New Hampshire it would cause only the cost that the Legislature chose for it to cause. On 9/11 the New York State Guard was the first force on the scene and provided all of the traffic control through out the emergency freeing law

enforcement and the National Guard to do their jobs. A State Guard would be a free volunteer force to aid our citizens in natural disasters. Having a State Guard is supported under Part 1, Article 12 "Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary."; and Part 1, Article 24 "A well regulated militia is the proper, natural, and sure defense, of a State."

HRA Recommendation: Oppose ITL, Support OTP or recommit.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

MAJORITY: OTP/A MINORITY: ITL Vote 9-6.

HRA ANALYSIS: The Platform, Part VI, supports "keeping state government lean to minimize its burden". This consolidation of two state agencies eliminates one commission and offers other opportunities for efficiencies. Since the gambling regulators are transferred intact, with personnel, regulations, budgets, and rules, oversight of charitable gaming should not be affected.

HRA Recommendation: Support OTP/A

HB 355, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations. **OTP/A Vote 12-3.**

HRA ANALYSIS: This bill addresses enforcement of appropriately adopted safety codes. The committee amendment clarifies that licensed professionals are subject only to the discipline of their regulating boards. The Platform, Part VI, supports "working to prevent over-regulation of business, particularly with respect to small business".

HRA Recommendation: Support OTP/A

HB 418-FN, requiring state agencies to consider open source software when acquiring new software. **OTP/A Vote 11-2.**

HRA ANALYSIS: The Platform, Part VI, supports "keeping state government lean to minimize its burden". This bill not only decreases state spending, it also encourages greater openness and sustainability in data and software.

HRA Recommendation: Support OTP/A

HB 444-FN, making John Stark Day a New Hampshire state holiday. **OTP/A Vote 12-3.**

HRA Recommendation: No recommendation

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics. **OTP/A Vote 15-1.**

HRA ANALYSIS: This bill decriminalizes barbering without a license, when done without compensation for family and friends. Currently, this is a misdemeanor, but the law is rarely enforced. The Platform, Part IX, challenges us to "enforce penalties against those who commit crimes", but this sort of unevenly enforced, victimless "crime" should not be on the books.

HRA Recommendation: Support OTP/A

HB 452-FN, establishing the independent regulation of dental hygienists. **ITL Vote 12-5.**

HRA Recommendation: No recommendation

HB 565, establishing a dental hygienists committee within the board of dental examiners. **OTP/A Vote 12-3.**

HRA Recommendation: No recommendation

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission. **MAJORITY: ITL MINORITY: OTP Vote 9-6.**

HRA ANALYSIS: The Constitution, Part 1, Article 2, states "Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin." This bill embodies this constitutional mandate.

HRA Recommendation: Oppose ITL, then Support OTP

FINANCE

HB 425-FN-A-L, making an appropriation for the special education catastrophic aid program for the 2011 fiscal year. **ITL Vote 15-5.**

HRA ANALYSIS: This bill would spend over \$7M extra this year (FY11) for catastrophic aid. We are out of money.

HRA Recommendation: Support ITL

HB 482-FN-A-L, relative to county reimbursements for nursing home services. **ITL Vote 22-0.**

HRA Recommendation: No recommendation

FISH AND GAME AND MARINE RESOURCES

HB 206-FN, establishing an apprentice hunting license. **OTP/A Vote 9-0.**

HRA Analysis: This bill allows the fish and game department to issue an apprentice hunting license to persons who have not completed a hunter education program or provided proof of previous hunting or archery license. Persons with the apprentice license must be accompanied by a licensed hunter 18 years of age or older. Children 16 years and younger of licensed hunters are exempt from this requirement. There is no fiscal impact on the state. This bill does not violate the NH Constitution or Republican Party platform.

HRA Recommendation: No recommendation

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department. **OTP/A Vote 9-0.**

HRA Analysis: This bill revises criteria for lobster and crab licenses issued by the fish and game department. The bill also clarifies provisions for lobster tail permits and landing licenses for lobster and crabs. There is no fiscal impact on the state. This bill does not violate the NH Constitution or Republican Party platform.

HRA Recommendation: No recommendation

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 58, relative to inter-facility transfers of critical access hospital patients. **OTP Vote 14-2.**

HRA Recommendation: No recommendation

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. **OTP/A Vote 18-0.**

HRA ANALYSIS: Rep. Platform XIII. We support efforts for higher quality healthcare, including the latest in technological advancements.

HRA Recommendation: OTP/A

HB 442-FN, relative to the use of marijuana for medicinal purposes. **OTP/A Vote 14-3.**

HRA ANALYSIS: This bill sets up a complex bureaucracy to authorize the limited use of marijuana for medical purposes. The Platform, Part VI, supports “keeping state government lean to minimize its burden”, while Part V states that the government “must, above all else, preserve and protect individual liberty.” Representatives should decide which is the greater priority.

HRA Recommendation: No recommendation

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems. **OTP Vote 14-3.**

HRA Recommendation: No recommendation

JUDICIARY

HB 141, relative to the treatment of cable television as a protected utility service. **MAJ: OTP/A MIN: ITL Vote 11-4.**

HRA ANALYSIS: This bill, as amended, states exactly which utility services may not be interrupted or terminated due to eviction by the landlord and to limit that prohibition to utilities services being supplied by the landlord. Due to the severity of the penalties faced for violations of this statute, landlords are entitled to such specificity. The Platform, Part VI Economic Development, commits to "Working to prevent over-regulation of business, particularly with respect to small business."

HRA Recommendation: Support OTP/A

HB 158, relative to the misuse of social security numbers. **MAJORITY: OTP/A MINORITY: ITL Vote 15-2.**

HRA ANALYSIS: This bill creates a civil cause of action for citizens who have had their social security numbers misused. The cause of action applies to (1) persons who misused the number with fraudulent intent; (2) persons who knowingly supplied or aided in obtaining the false documentation; and (3) employers who know or should have known the documentation was false. While not specifically mentioning illegal immigration, this bill should have the effect of encouraging the use of the e-verify system to check the validity of social security numbers as the bill allows that any employer who receives a failed verification from the Social Security Administration, and makes a reasonable effort to resolve the discrepancy, shall have a defense to the cause of action. The NHGOP Platform supports “enforcing immigration laws.” This bill now makes the “wink and a nod” behavior of some unscrupulous employers financially risky.

HRA Recommendation: Support OTP/A

HB 254, relative to offers of judgments. **MAJORITY: OTP/A MINORITY: ITL Vote 13-4.**

HRA ANALYSIS: This bill is designed to compel parties to properly value their case and then bear the risk and responsibility of being stubborn or foolhardy. This bill would effectively promote responsible resolutions between litigants, in a timely manner, and thereby preserve the state’s limited judicial resources. Either a plaintiff or defendant can make a formal offer of judgment and if rejected, and the judgment is not more than the rejected offer, the court will have the discretion to assess cost-shifting on the party that rejected the offer.

HRA Recommendation: No Recommendation

HB 314, relative to judicially appointed officials. **ITL Vote 11-5.**

HRA ANALYSIS: This bill adopts a procedure for courts to follow in appointments of officials by the courts. This bill is unnecessary due to there not being a problem with this in the state of New Hampshire.

HRA Recommendation: No Recommendation

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors. **MAJORITY: OTP/A MINORITY: ITL Vote 12-4.**

HRA Analysis: The Platform states that we support "requiring parental consent for minors seeking abortions." While notification falls short of consent, this is a step in the right direction.

HRA Recommendation: Support OTPA

HB 499-FN, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation. **ITL Vote 14-3.**

HRA Analysis: Applies to a small portion of workers’ comp cases and the effects would cause workers’ comp insurance rates to increase. The platform, Part VI. Economic Development, stresses our commitment to supporting small businesses.

HRA Recommendation: Support ITL

HB 513-FN, relative to end of life aid in dying for certain persons suffering from a terminal disease. **MAJORITY: ITL MINORITY: OTP Vote 15-1.**

HRA Analysis: This bill legalizes state sanctioned suicide for people with a terminal illness. This is an area where government does not belong. It is a recipe for elder abuse. The platform is very clear on this; we “oppose euthanasia and physician assisted suicide, and support increased implementation of appropriate pain management”. Additionally, doctors' predictions can be incorrect. There are numerous cases where people lived far beyond their doctors' prediction, some of whom were even cured from their "terminal" disease.

HRA Recommendation: Support ITL

HB 532-L, relative to municipal liability for dog bites. **OTP Vote 11-5.**

HRA Analysis: This bill repeals seven statues that were enacted in 1863 to hold towns liable for damages caused by dogs to sheep, lambs, fowl or other domestic creatures, if the dog owners could not be found. Due to the move away from an agricultural society, plus with better fencing and protections used in animal control, these statues are seldom enforced and are outdated. The NH Republican platform stresses support for individual responsibility and local control.

HRA Recommendation: Support OTP

HR 7, directing the house judiciary committee to investigate whether grounds exist to impeach marital master Phillip Cross and/or any justice of the New Hampshire superior court. **MAJORITY: OTP MINORITY: ITL Vote 10-5.**

HRA Analysis: The committee's review to this point has been limited in determining if there are grounds for continuing to investigate whether to impeach marital master Cross, but they have decided that the information available gives reasonable suspicion and thereby voted to continue the investigation. Article 17 of the constitution states, “The House of Representatives shall be the Grand Inquest of the State; and all impeachments made by them, shall be heard and tried by the Senate.”

HRA Recommendation: Support OTP

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 133, relative to the minimum wage. **MAJORITY: OTP MINORITY: ITL Vote 8-7.**

HRA Recommendation: No recommendation

HB 273, relative to public or private criticism of employers by employees. **ITL Vote 11-4.**

HRA Analysis: The Platform states that we believe in "personal responsibility"; an employee should accept responsibility for his statements. The Constitution states "All men have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness." The founders believed that all men - and that includes employers - have the natural right to seek happiness and hence to fire someone who creates unhappiness.

HRA Recommendation: Support ITL

HB 275, establishing an employers' private right of action to enforce the payment of workers' compensation coverage.

MAJORITY: ITL MINORITY: OTP Vote 11-4.

HRA Analysis: This bill would allow a business to sue a competitor alleging that the competitor has not paid its worker's compensation premiums. The platform recognizes “that frivolous lawsuits are burdensome to our legal system, a detriment to the New Hampshire economy, and an abuse of the judicial process”. “Frivolous” also sums up this bill.

HRA Recommendation: Support ITL

HB 362, relative to binding arbitration in public labor relations disputes. **MAJORITY: ITL MINORITY: OTP Vote 12-3.**

HRA Analysis: After an impasse in public sector labor negotiations, this bill would force binding arbitration, rather than the current mediation or continued negotiation.

HRA Recommendation: No recommendation

HB 560, increasing the minimum wage. **MAJORITY: ITL MINORITY: OTP Vote 11-4.**

HRA Analysis: Our constitutions guarantee many rights, specifically including the ability to seek happiness and freedom of association. If employers and employees are prevented by government from associating on mutually agreeable terms, these basic rights are lost. Much of labor law, including the minimum wage, are abhorrent to our liberties.

HRA Recommendation: Support ITL

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit. **MAJORITY: OTP MINORITY: ITL Vote 11-4.**

HRA Analysis: This repeals the card check system, implemented in 2007, and goes back to secret ballot to certify unions. We like this bill as much as we disliked that bill then: *“This bill creates a "card check" system that will replace the current "secret ballot election" system in order to certify public unions. Currently, if 30% of employees sign cards to form a union then an election takes place in 45 days. This bill would create a system whereby 50% + 1 employees would sign cards and then a union would be certified without the employer or other employees having the ability to make their point of view known. The right to privacy provided by a secret ballot is violated by the card check system because the unions know exactly who has and -- more importantly to them -- who hasn't signed the cards, creating opportunities for intimidation and abuse. The NH GOP Platform states that we affirm "the right of all citizens to join labor organizations freely, whether they choose to bargain collectively or individually, without coercion and intimidation." This bill is undemocratic and unnecessary.”*

HRA Recommendation: Support OTP