

HOUSE REPUBLICAN ALLIANCE RECOMMENDATION SHEET



“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 BILLS FROM FEBRUARY 15

SPECIAL COMMITTEE ON REDISTRICTING

HB 1718, relative to judicial review of electoral districts. **MAJ: OPA MIN: ITL Vote 11-4**

HRA Analysis: This bill does two things. First, it speeds up the processing of any redistricting lawsuit by directing the court to handle such suits before other business, and by limiting the period for filing appeals to five days. Second, it allows the Speaker and the Senate President to select attorneys to defend suits against their own redistricting plans. While some would argue that this violates the separation of powers (part 1, article 37), it is unclear that the courts should have any authority over redistricting since those are explicitly legislative powers (part 2, articles 9 and 26).

HRA Recommendation: No recommendation

BILLS REMOVED FROM CONSENT CALENDAR FEBRUARY 15

CONSTITUTIONAL REVIEW

HB 1343, prohibiting employees of parties and political committees from running for state office. **ITL Vote 12-0**

HRA Analysis: Part 1, article 11 of the New Hampshire Constitution states that “every inhabitant of the state having the proper qualifications, has an equal right to be elected to office.” while part 2, article 7 says that “No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his seat in the legislature.” There seems to be a conflict between these parts. See also HB 1227.

HRA Recommendation: No recommendation

HB 1344, prohibiting public employees from being candidates for certain offices. **ITL Vote 12-0**

HRA Analysis: The reasoning here is identical to the preceding bill.

HRA Recommendation: No recommendation

CRIMINAL JUSTICE

HB 1452, prohibiting the establishment of sobriety checkpoints. **ITL Vote 12-1**

HRA Analysis: HB 1452 prohibits the use of sobriety checkpoints. Checkpoints are a type of blanket search that detains and harasses many innocent people who are simply going about their business. Current law allows them only when sanctioned by the superior court for constitutionality. Rather than exercising oversight the courts have let the practice grow over the years into a federally funded nightmare. Citizens are treated as if they are guilty until proven innocent, which is a violation of the 4th amendment to the U.S. Constitution and Part I, Article 19 of the NH Constitution. It would be more effective and constitutional for New Hampshire to abandon sobriety checkpoints in favor of supporting good police officers who observe driver behavior and establish probable cause before pulling them over to check sobriety.

HRA Recommendation: Oppose ITL and Support OTP

HB 1667-FN, relative to the application of the juvenile laws to children up to the age of 18. **ITL Vote 12-2**

HRA Analysis: This is the perennial 17 vs. 18 bill. When should adult justice takes over from juvenile justice?

HRA Recommendation: No recommendation

ENVIRONMENT AND AGRICULTURE

HB 1650-FN, relative to commerce in food in New Hampshire. **ITL Vote 13-0**

HRA Analysis: This bill exempts foodstuffs grown or produced in and then sold in New Hampshire from federal regulation so long as it is labeled as “Made in New Hampshire”. It provides penalties for agents attempting to enforce federal regulations. Our platform “opposes the enactment of federal programs that contradict the Tenth Amendment to the U.S. Constitution” which would include regulation of intrastate commerce. However, we are convinced that this particular vehicle has sufficient

practical problems that it is not the place to stick our 10th amendment stake in the ground.

HRA Recommendation: Support ITL

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1708-FN, relative to salaries of state employees. **ITL Vote 13-0**

HRA Analysis: This bill requires the fiscal committee to approve any state employee salary that exceeds that of the governor. More in keeping with the platform guidelines of lean and efficient government and the Constitutional requirement that all laws be approved by the people or their elected representatives, the General Court itself approved the salaries of many of these positions; most of the rest were approved by the joint legislative committee on employee classification. There's no need for fiscal to review the actions of this committee. The Governor's salary is not the right yardstick to evaluate the pay of these usually technical jobs; more appropriate is to compare to chief medical examiners, for example, in other jurisdictions.

HRA Recommendation: Support ITL

JUDICIARY

HB 1657-FN, relative to petitions for guardianship filed by parents of adult children with disabilities. **ITL Vote 15-2**

HRA Analysis: The bill would waive court fees for certain guardianship applications. No platform issue identified.

HRA Recommendation: No recommendation

LEGISLATIVE ADMINISTRATION

CACR 20, Relating to meetings of the general court. Providing that the general court shall meet biennially. **ITL Vote 12-0**

HRA Analysis: CACR 20 would restore legislative session from its current system to meeting only the year after an election. Prior to 1985 the N.H. legislature was elected in even numbered years--as it is now--but only convened for regular session during the odd numbered year. According to the platform we are the party of "limited government." Cutting the legislative session in half is certainly limiting. Plus, "no man's life, liberty or property is safe while the legislature is in session" (1866)!

HRA Recommendation: No recommendation

SCIENCE, TECHNOLOGY AND ENERGY

HB 1258, relative to late fees charged by utilities. **ITL Vote 15-0**

HRA Analysis: This bill requires a minimum 30-day grace period from the time a utility bill is mailed before a late fee is charged. It seems impractical as there wouldn't be time for the late fee from non-payment of one bill to appear on the next bill, but maybe that is the point? We are against over-regulation, but utilities are already heavily regulated, so this is insignificant.

HRA Recommendation: No recommendation

REGULAR CALENDAR BILLS FROM FEBRUARY 22

SPECIAL COMMITTEE ON REDISTRICTING

SB 201, apportioning state senate districts. **MAJ: OTP MIN: ITL Vote 11-4**

HRA Analysis: The constitution provides that the House and Senate be responsible for determining the qualifications of their respective memberships. The Senate plan has acceptable deviation.

HRA Recommendation: Support OTP

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1277, requiring federal law enforcement agencies to notify New Hampshire law enforcement agencies prior to investigation or enforcement of federal law in New Hampshire, as all lawful police work is local. **MAJ: ITL MIN: OTP Vote 9-2**

HRA Analysis: This bill does attempt to assert state's rights by requesting federal agencies to notify the state in case of law enforcement activities on our soil. It would also insure that a citizen taken in to custody under terrorist laws would have a least one state official aware of his/her taking. Testimony from state law enforcement, however, repeatedly stated that the federal agencies do notify us now and that this bill would have no actual ability to force federal agencies to comply in any case.

HRA Recommendation: No Recommendation

HCR 36, urging Congress to amend or repeal legislation expanding the constitutionally delegated powers of federal government. **ITL Vote 8-2**

HRA Analysis: This bill has sentiments that reflect well on the Republican platform. Being redundant and having bills with similar sentiments but more aptly worded, this bill would not best represent our ideals and is best left to die.

HRA Recommendation: No Recommendation

HR 25, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

MAJ: OTPA MIN: ITL Vote 8-2

HRA Analysis: This resolution is in support of the state's efforts to preserve and enforce the Constitution of the United States of America with specific reference to part 1, article 7 of the Constitution of the State of New Hampshire and the tenth amendment of the Constitution of the United States of America.

HRA Recommendation: Support OTPA

WAYS AND MEANS

HB 1489-FN, repealing the decrease of the fuel oil importation fee. **MAJ: ITL MIN: OTP Vote 14-5**

HRA Analysis: The "fuel oil importation fee" is slated to decrease from .0125 cents per gallon to .01 cents per gallon on July 1, 2012. The department of environmental services requested this bill, which would cancel that reduction. While the committee is confident that the cleanup fund does important work protecting our environment from abandoned or leaking tanks, the fund currently has a healthy surplus, enough to fund operations for at least two years under the department's most pessimistic projections. Further, testimony was heard that outlays from the fund have been declining over time. Thus, the majority of the committee sees no need to cancel the planned reduction. We are cognizant of the fact that all 134 fees and taxes on goods are ultimately paid for by consumers, and we are reluctant to force citizens to pay \$590,000 additional taxes per year unless necessary. Efficient government is not dependent upon having excess funds to spend. Efficient government is the result of spending the funds available effectively.

HRA Recommendation: Support ITL

BILLS REMOVED FROM CONSENT CALENDAR FEBRUARY 22

ELECTION LAW

HB 1126, relative to nomination of candidates for United States senator. **ITL Vote 14-1**

HRA Analysis: This bill would have the House and Senate caucuses each choose a US Senate candidate for their party's primary. Our federal system was designed to give the federal government limited powers, reserving the bulk of governmental power to the states. One guarantor of this system was that US Senators were chosen by state legislatures. This was turned on its head by the 17th amendment providing for popular election of senators so that today we are like a minor arm of the federal government. Some think that this bill is unconstitutional. While there is related case law regarding the equal protection clause of the 14th amendment, the constitution is silent on how ballots are made up. The platform strongly supports state sovereignty and the 10th amendment. This might be worth trying as a way to achieve that goal.

HRA Recommendation: No recommendation

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1185-FN-A, relative to the police standards and training council. **OTPA Vote 14-0**

HRA Analysis: This bill, as amended, replaces the Council's broad rule-making authority with specific areas of rule-making authority, and adds a provision that all donations and grants require approval of the Governor and Executive Council. The Constitution, Part 1, Article 12, states "Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent." Since rules have the effect of law, rule-making is a legislative function and we need to be very specific and limited in delegating it.

HRA Recommendation: Support OTPA

JUDICIARY

HB 1656-FN, relative to compensation of jurors. **ITL Vote 16-1**

HRA Analysis: This bill increases the amount jurors are paid and their mileage expense. Currently, jurors are paid only a token amount. Part 1 article 21 of the NH Constitution says that jurors "ought to be fully compensated for their travel, time and attendance." Passing the bill would send it on to the finance committee to look for the necessary funds or compromise on the amounts.

HRA Recommendation: Oppose ITL and Support OTP

MUNICIPAL AND COUNTY GOVERNMENT

HB 1355, relative to county budget adoption by the county convention. **ITL Vote 14-0**

HRA Analysis: This bill is a response to a situation exposed in Merrimack county last year. It creates a default budget that is the same as the previous budget, plus contractual increases, in the event that a convention is deadlocked. The current default in that case is the commissioners' budget. Why not have the presumption go in favor of the tax payers instead of the tax spenders? "We believe that controlling spending and minimizing taxes are the best ways to protect the economic and civic well being of New Hampshire residents."

HRA Recommendation: Oppose ITL and Support OTP

HB 1371, relative to conflicts of interest of county government officials. **OTPA Vote 15-0**

HRA Analysis: This bill promotes openness and transparency in county government by dealing with conflicts of interest. The platform says we will promote "a limited government that is open, responsive and fully accountable to its citizens."

HRA Recommendation: Support OTPA

HB 1466, relative to the investigation by the state attorney general of conflicts of interest of municipal officers and employees. **ITL Vote 13-1**

HRA Analysis: Even if towns adopt conflict of interest ordinances, there needs to be a separate entity far enough and detached enough from the town that, if necessary, can investigate improprieties. Currently, no matter how large a conflict of interest problem, the AG has no authority to investigate and has told this to citizens who have serious complaints. Our Platform affirms the responsibility of State gov't to preserve and protect individual liberty and constrain (especially illegal) actions of government.

HRA Recommendation: Oppose ITL and Support OTP or OTPA

HB 1643, relative to county appropriations. **ITL Vote 15-0**

HRA Analysis: This bill adds a phrase to county budget law that defines each appropriation as a single line item. This might lead to more transparency, but also less efficient government.

HRA Recommendation: No recommendation

**WEDNESDAY, MARCH 7
REGULAR CALENDAR**

CHILDREN AND FAMILY LAW

HB 1365, relative to complaint investigation procedures of the guardian ad litem board. **INTERIM STUDY Vote 13-1**

HRA Analysis: The recent guardian ad litem board performance audit found considerable problems and made recommendations dealing with training, oversight, management and funding of the guardian ad litem program. Interim study was recommended to delve into these problems in conjunction with the ED&A committee. The platform says we "Will work to ensure due process rights of those accused of child abuse or neglect."

HRA Recommendation: Support Interim Study

HB 1530-FN, relative to oversight of guardians ad litem by the guardian ad litem board. **INTERIM STUDY Vote 12-2**

HRA Analysis: Similar issues about the GAL program were raised with this bill as will the previous one. The study will cover both bills.

HRA Recommendation: Support Interim Study

COMMERCE AND CONSUMER AFFAIRS

HB 1182, prohibiting the sale of baby food products containing bisphenol A in New Hampshire. **MAJ: ITL MIN: OTP 14-2**

HRA Analysis: The platform, Part VI, states we are "Working to prevent over-regulation of business." This bill, to ban the sale of a widely used plastic, generally recognized as safe, is over regulation. Parents concerned about this material can readily find alternatives. The minority's claim "We do not feel relying on parents to be knowledgeable about BPA and know to look for it on labels of everything they buy is enough protection." shows a disturbing we-know-best attitude that is the embodiment of the nanny state.

HRA Recommendation: Support ITL

HB 1251-FN, permitting off-premises licensees to sell liquor. **MAJ: OTPA MIN: ITL**

HRA Analysis: This bill would allow sale of liquor in grocery, convenience, and drug stores, all of which could purchase liquor at a discount for resale from the State Liquor Commission distribution monopoly. It would break the state stores' monopoly on retail sales. Although more than 30 other states allow sale of liquor in grocery stores including Massachusetts and Maine, the NH State Liquor Commission, like any entrenched government bureaucracy, strongly opposes the bill, saying that it would cost the state money. The majority amendment turns the bill into a study committee. The prime sponsor will propose a floor amendment to allow sales in other stores, but without those stores receiving a discount from the retail price. Thus, with the amendment there will be no decrease in state revenue, but a probable increase due to expanded sales to non-state stores. The bill increases shopping convenience as well as freedom for both sellers and consumers. The current state liquor retail sales monopoly, like all monopolies, is detrimental to everyone except the state bureaucracy that directly benefits from it. The platform states that we will create a supportive business climate, promote the creation of private sector jobs and privatize government functions, where appropriate. Ending the state retail liquor sales monopoly is one step towards those goals.

HRA Recommendation: Support the Hikel floor amendment; Support OTP or OTPA

HB 1283-FN, relative to insurance payments for domestics. **ITL 14-2**

HRA Analysis: This bill eliminates a federal mandate that homeowner's insurance also provide (optional, at extra cost) worker's comp coverage for "domestics." While sympathetic to the desire to eliminate insurance mandates, the structure of worker's comp coverage is so complex and expensive that many homeowners hiring help would not be able to comply with all the mandates on worker's comp. Considering cost, complexity and unintended consequences, there are many other mandates that ought to be eliminated before this one.

HRA Recommendation: No recommendation

HB 1297, relative to health care exchanges. **MAJ: OTPA MIN: ITL Vote 10-6**

HRA Analysis: This bill, as amended, prohibits the implementation of the “Obamacare” insurance exchanges, and creates a legislative oversight committee to ensure that no steps are taken towards such an exchange. The Platform, Section V, states we “Supports efforts to stop Washington from mandating unfunded federal programs on our state and local governments, and hold the federal government to the same standard against unfunded mandates as we do our state government under the New Hampshire Constitution”.

HRA Recommendation: Support OTPA

HB 1348, relative to playing mind sports for money. **ITL Vote 15-1**

HRA Analysis: This bill creates a new category called “mind sports” and exempts betting on them from the criminal statutes that regulates gambling. Since the result of these games is dependent on the skill of the players, rather than luck, this seems appropriate. The Platform, states we “Oppose casino and video-lottery gambling because of the negative social consequences”. Betting on a chess or bridge game, especially by the participants, has none of the negative consequences of casino gambling. The constitution in part 1, article 2 states that “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: Oppose ITL and Support OTP

HB 1590, requiring the disclosure to patients and prospective patients of the charges for medical procedures. **MAJ: ITL MIN: OTPA Vote 15-2**

HRA Analysis: This bill requires disclosure, to patients and prospective patients, of the “list prices” of prospective treatment. The platform states “We will work to provide citizen access to the information necessary to make informed health care decisions, including information about the quality and cost of services provided by physicians, hospitals and insurers.”

HRA Recommendation: Oppose ITL and Support OTPA

HB 1691-FN, establishing a state bank. **ITL Vote 11-1**

HRA Analysis: This bill would create a state bank of undetermined mission and functions. The platform states government “ programs and functions should be reviewed to identify those that can be implemented more effectively in the private sector.” Creating a state bank to compete with the private sector is in opposition to this part of the platform.

HRA Recommendation: Support ITL

HB 1700-FN, repealing licensing requirements for money transmitters. **MAJ: ITL MIN: OTP Vote 11-6**

HRA Analysis: This bill repeals licensing requirements for money transmitters. The platform, Section VI, states we are “Working to prevent over-regulation of business, particularly with respect to small businesses.” Repealing a licensing requirement, particularly one that duplicates a federal licensing requirement, is a step away from over-regulation.

HRA Recommendation: Oppose ITL and Support OTP

HR 27, urging New Hampshire policymakers to declare “brainpower” a state resource. **MAJ: ITL MIN: OTP Vote 13-3**

HRA Analysis: This bill would declare brainpower a state asset. Since it is a resolution, not a bill, it merely expresses a general statement. The Platform, Section IV, states “We are committed to preserving and protecting the quality of life that has made New Hampshire great “, including the work ethic of the citizens and the quality of its universities – that is , “brainpower”.

HRA Recommendation: Oppose ITL and Support OTP

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms.

MAJ: OTPA MIN: ITL Vote 10-5

HRA Analysis: This bill, as amended, increases accountability of the judicial branch of government by instituting a public performance review every seven years. Currently, there is an imbalance among the branches of government as there is no effective or objective judicial oversight system. The Redress of Grievances Committee has heard multiple instances where judges are not following the law or providing due process. A seven year term is long enough to minimize any concerns about political influence. The platform says we will “support the reasonable and periodic oversight of judicial officers, including reasonable term limitations for judges.”

HRA Recommendation: Support OTPA

HB 1131, establishing a committee to study the revisions to laws which would be necessary if the supreme court and superior court were abolished as constitutional courts. **OTPA Vote 9-4**

HRA Analysis: For the past 40 years the executive and judiciary have been regularly combining to usurp legislative authority compromising the neutrality the courts. This committee would study methods to restore the neutrality provided when the courts were created by the legislature. Part 1 article 37 of the NH constitution states that the three branches of government “ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit.”

HRA Recommendation: Support OTPA

HB 1146, requiring pupils to stand during the pledge of allegiance. **MAJ: OTP MIN: ITL Vote 8-4**

HRA Analysis: While we would oppose mandating that adults stand for the pledge, due to their constitutionally guaranteed

rights of conscience and religion, children need to be taught respect for our civics and culture. The platform says we will “empower teachers to maintain orderly, disciplined classrooms.”

HRA Recommendation: No recommendation

HB 1546, recodifying the laws relative to religious societies. **MAJ: OTPA MIN: ITL Vote 10-6**

HRA Analysis: The original bill recodifies our title on religious societies eliminating inequity between denominations and antiquated powers such as raising a property tax. It has been amended to include a correction to our insurance statutes to protect religious conscience regarding insurance coverage of prescription contraceptives. This is required by Part 1, Article 5 of the constitution: “Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience, and reason; and no subject shall be hurt, molested, or restrained, in his peers on, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; ...”

HRA Recommendation: Support OTPA

HCR 41, urging the United States Congress to find that the Department of Health and Human Services' grant to Planned Parenthood of Northern New England is unconstitutional and void. **MAJ: OTP MIN: ITL Vote 8-4**

HRA Analysis: Planned Parenthood receives federal money under the Title 10 which explicitly grants states the authority to distribute these funds as they see fit within the guidelines. This year our Executive Council declined to grant funds to Planned Parenthood. The US Department of Health and Human Services then directly gave monies to Planned Parenthood by executive fiat, bypassing the law and expanding their own administrative reach. The Title 10 money transfer mechanism is constitutionally reasonable only due to the state's involvement in the procedure, making the direct transfer to planned Parenthood a constitutional overreach.

HRA Recommendation: Support OTP

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1212, relative to resisting arrest. **ITL Vote 12-5**

HRA Analysis: This bill is very short and simple: “642:2 Resisting Arrest or Detention. A person is guilty of a misdemeanor when the person knowingly or purposely physically interferes with a person recognized to be a law enforcement official, including a probation or parole officer, seeking to effect ~~an~~ **a lawful** arrest **based on probable cause** or **lawful** detention **based on reasonable suspicion** of the person or another ~~regardless of whether there is a legal basis for the arrest~~.” “Resisting arrest” is a very common charge used to intimidate people who don't readily acquiesce. If the underlying reason for the arrest is invalid, then all charges should be dropped. This change may also lead to fewer arrests and court cases, creating a net benefit to taxpayers. The platform states, “The Republican Party believes that the New Hampshire Advantage is, in part, secured and promoted by a legal system that upholds the safety, values and freedoms of law-abiding citizens.”

HRA Recommendation: Oppose ITL and Support OTP

HB 1244, relative to firearms possession while trapping. **OTP Vote 12-5**

HRA Analysis: Under Fish and Game statute, trappers are required to visit traps daily, but they are prohibited from carrying a gun larger than .22 caliber when checking traps at nighttime. This bill allows those who are engaged in trapping to carry a firearm larger than a .22 caliber long rifle cartridge, or a shotgun larger than number 4 birdshot while attending traps. Seeing as how both the US constitution and NH constitution clearly guarantee a person's right to self defense without restrictions on caliber, this change is reasonable and long overdue.

HRA Recommendation: Support OTP

HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department. **MAJ: OTP MIN: ITL Vote 9-7**

HRA Analysis: This bill allows concealed carry license applications to go to the state police or county sheriff in addition to the local police. In those rare cases where a citizen has a personal conflict with his local chief, this might avoid a trip to court. The platform strongly supports the right to keep and bear arms. This just creates some flexibility in the system.

HRA Recommendation: Support OTP

HB 1318, relative to carrying firearms. **ITL Vote 10-6**

HRA Analysis: This bill removes the requirement for a concealed carry license, effectively making New Hampshire's gun laws as nonrestrictive as those in Vermont, Alaska, Arizona and Wyoming. The dire consequences asserted in the majority blurb are clearly not seen in these other states. We should not need to ask the government's permission to exercise our fundamental (and constitutional) right to self-defense.

HRA Recommendation: Oppose ITL and Support OTP

HB 1341, repealing the provision relative to the unauthorized use of firearms in the compact part of a city or town. **OTP 11-5**

HRA Analysis: This bill repeals the requirement to get written permission from the police chief or the selectmen to fire a gun in a non-rural neighborhood, i.e. where there is a commercial building or six or more residences within 300 feet of each other. An indoor firing range can be prohibited within this definition. This law was intended to be a noise statute, but has been used to promote gun control. There are other RSAs in chapters 207 and 631 that more effectively prohibit reckless conduct with a firearm and negligent discharge. The bill is consistent for our party's strong support for the 2nd amendment.

HRA Recommendation: Support OTP

HB 1449, requiring a search warrant for searches of privately-owned property. **ITL Vote 8-5**

HRA Analysis: This bill reinforces the constitutionally guaranteed right to be free from unlawful searches and seizures. The bill simply reads, “A search warrant shall be required for any search of privately-owned property.” This may have unintended consequences, such as delaying a search for a lost hunter.

HRA Recommendation: No recommendation

HB 1468, relative to seizure of personal property. **MAJ: ITL MIN: OTP Vote 9-5**

HRA Analysis: Both the US and NH constitutions guarantee our right to be free from unreasonable searches and seizures, unless upon an issued warrant. This bill is one simple sentence: “At no time shall a police officer who does not have a search warrant seize any personal property of a subject who is not under arrest.” This probably has some unintended consequences. For example, officers may impound cars that are not roadworthy, but without arresting the owner.

HRA Recommendation: No recommendation

HB 1511-FN, relative to felons possessing firearms. **MAJ: ITL MIN: OTP Vote 14-2**

HRA Analysis: This bill is the least we can do to rectify a situation that exists for rehabilitated felons. Even holding a steak knife is a felony under current statute. Federal statutes more than cover any situation. Once an offender has served his sentence and been released from incarceration, his rights, including those of self defense, should be restored. The GOP platform clearly and loudly proclaims 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; ... We support the universal right of self defense wherever one has a legal right to be.”

HRA Recommendation: Oppose ITL and Support OTP

HB 1526-FN, decriminalizing possession of less than one ounce of marijuana. **OTPA Vote 9-7**

HRA Analysis: The platform is silent on the topic of marijuana, but certainly Republicans support reducing the size and scope and cost of government. This bill, as amended, reduces the penalties for possession or use of up to a half ounce of marijuana to a fine of up to \$1,000. With a high percentage of court cases, arrests, bookings, police lab work and probation time being spent on the victimless crimes of pot smokers, there is a tremendous amount of resources that could be redirected to treatment, counseling, education or investigating illegal activities where there is a victim. This would have the double advantage of reducing harm done to jobs and families by criminal arrest records as well as saving New Hampshire taxpayers millions of dollars ultimately. The constitution requires that punishments fit the crime.

HRA Recommendation: Support OTP or OTPA

HB 1532-FN, relative to trespass on land which is not posted. **OTPA Vote 14-2**

HRA Analysis: This bill amends the criminal trespass statute in circumstances where the property is not posted, and allows law enforcement to enter or remain on the property when invited by the landowner, this would protect law enforcement while doing 'good will' check ups or suspicious activity investigation. The platform says we will “offer steadfast support for our law enforcement and emergency response personnel.”

HRA Recommendation: Support OTPA

HB 1630, relative to traffic control at public meetings or functions. **ITL Vote 10-4**

HRA Analysis: The purpose of this bill is to reduce the requirement that police officers be used as “detail” assignment for traffic control purposes during public meetings or functions. It puts the onus on the event organizer to hire flaggers, while retaining the option to pay for more expensive uniformed police at the organizer’s expense. With such traffic detail duty pay being included in overall income for purposes of calculating retirement/pension benefits for police, this has the potential to reduce public sector legacy costs on taxpayers. Local police testified that it limits local control. The GOP platform clearly states that we are “united by our belief in ... limited government, limited spending, limited taxes....”

HRA Recommendation: Oppose ITL and Support OTP

HB 1651-FN, requiring the division of state police to equip special weapons and tactics (SWAT) units or teams with tactical cameras. **MAJ: ITL MIN: OTP Vote 13-3**

HRA Analysis: The party platform says we “Offer steadfast support for our law enforcement and emergency response personnel.” It also says the Republican Party “Promotes a limited government that is open, responsive and fully accountable to its citizens without interfering in their personal, daily lives.” The intent of this bill is to increase accountability of law enforcement in order to protect citizens. Unfortunately there is a cost involved with this new requirement that SWAT teams install mini cameras on their equipment, and it is unclear if the benefit outweighs the cost.

HRA Recommendation: No recommendation

HB 1654-FN, relative to earned time credits for inmates participating in rehabilitative programming. **OTPA Vote 14-1**

HRA Analysis: Part 1 Art. 18 of the constitution directs that “The true design of all punishments being to reform, not to exterminate mankind.” This bill would give extra incentives to prison inmates to complete a college degree (paid by them or their families), which could lead to early release. Dept. of Corrections testified that achieving a degree, whether a GED or H.S. diploma or higher credential, almost always increases the prisoner’s chances of being a productive member of society when he is released, and reduces recidivism. Some have argued this bill contradicts truth-in-sentencing mandates, and our platform states, “We propose that those who commit crimes be swiftly and surely punished consistent with due process of law. We

support increased efforts to enforce penalties against those who commit crimes....”

HRA Recommendation: No recommendation

HB 1696-FN, limiting the offense of speeding to cases resulting in property damage or personal injury to another and excluding speeding offenses from the habitual offender statute. **MAJ: ITL MIN: OTP Vote 15-1**

HRA Analysis: The “basic rule” for driving under RSA 265 says, “No person shall drive a vehicle on a way at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the way in compliance with legal requirements and the duty of all persons to use due care.” This bill would allow speeds in excess of the posted speed limit to be considered lawful, as long as there is no resultant property damage or personal injury. Studies have shown that in NH a majority of drivers go faster than the speed limit on highways, arriving safely at their destinations. This bill would simply codify the status quo and reduce penalties on safe drivers. It could free up law enforcement for other priorities. No platform plank is identified on this issue.

HRA Recommendation: No recommendation

HB 1699-FN, relative to driving under the influence of drugs. **MAJ: OPA MIN: ITL Vote 8-5**

HRA Analysis: Current law prohibits a person from driving or attempting to drive a vehicle or boat or OHRV “while such person is under the influence of intoxicating liquor or any controlled drug.” This bill would change “controlled drug” to “chemical substance, natural or synthetic”. Anything you eat, drink or inhale will now lead to a criminal behavior if you are under its influence while driving. Natural chemicals such as caffeine and sugar, as well as OTC or Rx medications like cough syrup, antidepressants, blood pressure medication, Sudafed, shellfish, peanuts, nicotine or any other of a thousand products could now land you time in jail if they are shown to cause impaired driving. The problem is that no common or reliable tests exist to prove such intoxication. The GOP platform states emphatically, “The foremost convictions that distinguish our Party in New Hampshire are... Protecting the fundamental rights of the people and enhancing their freedom.” The state constitution in Art. 2 Part I states “All men have certain natural, essential, and inherent rights--among which are, the enjoying and defending of life and liberty; ... and, in a word, of seeking and obtaining happiness.”

HRA Recommendation: Oppose OPA and Support ITL

HB 1705-FN-A, allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana. **MAJ: ITL MIN: OTP Vote 10-7**

HRA Analysis: This bill can be defended either in support of or in opposition to based on the GOP platform. First, it brings a whole new level of regulation and taxation where there currently is none. On the other side, it would reduce a tremendous amount of law enforcement bureaucracy and reduce the workload on overburdened courts and police. New taxes on cannabis would have the potential to allow us to lower or repeal some business taxes. Since alcohol and tobacco are more dangerous to public health than marijuana, the public safety argument is moot. Legalized marijuana would lead to many new (legal) businesses, and it would reduce the criminal element inherent in black market activity of prohibited substances. Studies show that roughly 60% of high school students have tried marijuana; do we want to continue to criminalize a cultural rite of passage where there is no victim?

HRA Recommendation: No recommendation

HB 1707-FN, relative to penalties for operation after revocation or suspension. **OTP Vote 13-4**

HRA Analysis: State law currently prohibits a NH driver whose license has been suspended (for reckless or intoxicated driving, for example) from operating a vehicle or boat or OHRV while under the suspension. This bill would add the same penalties to out-of-state residents who are in New Hampshire. For example, if somebody from New York has had his driver’s license suspended there, he would now, under this proposed bill, be violating NH law if he operates or attempts to operate an OHRV (recreational vehicle) or snowmobile, even if on private property and totally sober. There is no way out-of-staters are going to know the NH law, especially if they’re just here on vacation. There appear to be conflicting platform issues here. On the one hand, equal treatment under the law, and the other promotion of tourism.

HRA Recommendation: No recommendation

HB 1709-FN, establishing a criminal offense for failure to report a missing or deceased child. **INTERIM STUDY Vote 17-0**

HRA Analysis: This bill grew out of a highly publicized case in Florida, that of Caylee Anthony, where the parent didn’t call police until nearly a month after last seeing her toddler. While tragic, such stories and their headlines shouldn’t necessarily dictate legislation in New Hampshire. The bill as written may have unintended consequences.

HRA Recommendation: No recommendation

EDUCATION

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools. **MAJ: OTP MIN: ITL Vote 12-5**

HRA Analysis: CACR 8 modifies part 1, article 6 of the constitution to clarify that education is the responsibility of local, charter, private and religious schools, that they shall control their own curricula and funding, but that the legislature may supplement them. This is a different and reasonable approach than CACR 12 to restoring local control over schools from the regime set up by the Claremont rulings. It is consistent with several parts of the platform, including “The New Hampshire

Constitution should be amended to empower the people and their elected representatives to set educational funding and policy goals” and “The so-called 'Blaine Amendment' should be repealed so as to end discrimination against religious schools.”

HRA Recommendation: Support OTP

HB 1175, relative to the membership of the cooperative school district budget committees. **OTP Vote 9-6**

HRA Analysis: This bill makes the school board's representative on a cooperative school district budget committee non-voting. Interestingly, when a similar bill dealing with town budget committees was heard in the Municipal and County committee, it was rejected. No platform issues identified.

HRA Recommendation: No recommendation

HB 1377, requiring postsecondary education institutions to compile and submit reports on remedial education courses. **MAJ: OTPA MIN: ITL Vote 11-5**

HRA Analysis: This bill requires more detailed information about remedial courses taught at the university system and community colleges to be made public. Such a report is currently required, but the details are not specified as they are here. This data would be useful to determine the preparedness of incoming college students. The platform states that we will “promote a limited government that is open, responsive and fully accountable to its citizens...”

HRA Recommendation: Support OTP or OTPA

HB 1424-FN, relative to a parent's conscientious objection to a school, school program, or school curriculum. **ITL Vote 16-1**

HRA Analysis: The NHGOP is a proponent of local control and parental focus regarding children's educational needs. Last session's HB 542 allowed parents to withdraw their children from objectionable coursework. This bill is similar but doesn't require parents to work with the school to provide alternative education. Its language is somewhat vague.

HRA Recommendation: No recommendation

HB 1606-FN, adopting the interstate compact on educational support for military children. **INTERIM STUDY Vote 16-0**

HRA Analysis: The interstate compact on educational support for military children is an agreement among member states that establishes practices that will allow for the uniform treatment of military children transferring between school districts and between states. It is long and complex, and not something that can be adopted without understanding the details.

HRA Recommendation: Support Interim Study

HB 1703-FN, requiring a course in business or financial literacy as a prerequisite to high school graduation. **MAJ: OTP MIN: ITL Vote 12-4**

HRA Analysis: The platform says we are “working to develop and teach a curriculum that emphasizes personal responsibility...” Financial literacy is a part of that. The floor amendment fits financial instruction into the curriculum framework, is more consistent with local control and avoids a possible 28A problem with the original bill.

HRA Recommendation: Support floor amendment 1051h, Support OTPA

HB 1713-FN, abolishing the department of education and transferring all functions, duties, and responsibilities to the commissioner of education and the state board of education. **ITL Vote 16-1**

HRA Analysis: The platform states that “Local control of education policy and education funding creates the best-managed school systems.” Unfortunately, our Department of Education is in large part an arm of the federal government as 75% of its employees get their salaries from federal grants. This centralization is the opposite of local control and healthy competition among school districts. While no one expects the department to disappear overnight, keeping the issue alive will help us continue to the fight for education and against bureaucracy.

HRA Recommendation: Oppose ITL and Support Interim Study

ELECTION LAW

CACR 21, Relating to referendums. Providing that voters may veto laws by referendum. **MAJ: INTERIM STUDY MIN: ITL Vote 9-7**

HRA Analysis: The proposed constitutional amendment would give voters the power to repeal an act passed by the legislature. The platform explicitly "Supports the idea of a people's veto."

HRA Recommendation: Support OTP or Interim Study

CACR 29, Relating to the attorney general. Providing that the attorney general be elected for a 2-year term. **ITL Vote 15-4**

HRA Analysis: The proposed amendment would have the Attorney General be elected for a 2-year term rather than be appointed. The platform is silent on the issue.

HRA Recommendation: No recommendation

HB 1569-FN, relative to nomination of political organizations. **MAJ: ITL MIN: OTP Vote 16-3**

HRA Analysis: The bill would allow a political organization to become recognized as a party by filing signatures in the number of 3% of the total votes cast at the previous general election. There appears to be no relevant platform plank.

HRA Recommendation: No recommendation

HB 1595, relative to voting in primary elections. **MAJ: OTPA MIN: ITL Vote 12-7**

HRA Analysis: The bill prohibits a voter from changing party affiliation less than 90 days after a primary. There appears to be

no relevant platform plank.

HRA Recommendation: No recommendation

HB 1664-FN, transferring election law enforcement to the secretary of state. **MAJ: OTPA MIN: ITL Vote 17-1**

HRA Analysis: The original bill would have transferred enforcement of election laws to the secretary of state. The committee majority amended it to create a study committee to study the question. The platform "Calls upon the Secretary of State and the Attorney General to enforce NH election laws" but this plank does not favor one officer over the other.

HRA Recommendation: No recommendation

HB 1676-FN-A, relative to campaign contributions and expenditures. **MAJ: ITL MIN: OTPA Vote 15-4**

HRA Analysis: The bill creates a pilot program for taxpayer funding of candidates. Thomas Jefferson said: "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical." Using taxpayer money to fund abhorrent political speech would stretch Articles 12, 4 and 3 of part 1 of the constitution.

HRA Recommendation: Support ITL

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1218, relative to state authority to accept federal aid. **MAJ: ITL MIN: OTP**

HRA Analysis: This bill would require all federal grant applications be approved by the General Court, or the fiscal committee, prior to submission, instead of the current approval before accepting the money (and any strings attached). The Platform, Section V "Supports efforts to stop Washington from mandating unfunded federal programs on our state and local governments", but Section VII states "The state government needs to be effective and efficient". The current system balances these goals; HB1218, if adopted, would give greater protection from Washington intrusions on the state, at the cost of less government efficiency and effectiveness.

HRA Recommendation: No recommendation

HB 1254, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions **OTP 11-1**

HRA Analysis: This bill creates a committee to determine the effects of illegal immigration. Our platform advocates "strengthening national border security, enforcing immigration laws, and opposing any form of amnesty for illegal aliens."

HRA Recommendation: Support OTP

HB 1338, relative to failure to renew a professional or occupational license. **MAJ: INTERIM STUDY MIN: OTP 10-1**

HRA Analysis: This bill would allow anyone who allowed any professional license to lapse for any reason to have it reinstated at any time, with no requirement that they show current skills. The Platform, Section VI, states we "Continue our emphasis on educating and training our work force" but also that we are "Working to prevent over-regulation of business". Interim Study seems an appropriate way to balance these conflicting goals.

HRA Recommendation: Support Interim Study

HB 1431, relative to requirements to obtain a barber license. **MAJ: OTPA MIN: ITL Vote 8-4**

HRA Analysis: This bill, as amended, substitutes "equivalent training and experience" for the currently mandated hours and months of apprenticeship, eliminates the requirement that a shop owner have worked at least one year for others, and cuts some excessive requirements for in-home barber shops. The Platform, Section VI, states we "Continue our emphasis on educating and training our work force" and that we are "Working to prevent over-regulation of business". This bill does that, while maintaining the integrity of the barber's Board to test applicants and ensure they have the requisite skills to safely barber our citizens.

HRA Recommendation: Support OTPA

HB 1549, prohibiting the adoption of a requirement that employers participate in the E-Verify system and the use of motor vehicle records for the E-Verify system. **OTP Vote 11-1**

HRA Analysis: The Platform, Section V, states "New Hampshire's government and its elected officials must, above all else, preserve and protect individual liberty". Sharing personal data from motor vehicle records with the federal E-Verify database is no way to protect individual liberty. Look for a floor amendment from the committee that will improve the bill.

HRA Recommendation: Support OTP or or OTPA

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1599, relative to mammography. **ITL Vote 13-3**

HRA Analysis: This bill would require that mammography reports include information about breast density. There are no identifiable platform or constitutional issues.

HRA Recommendation: No recommendation

HB 1613, relative to protected health information. **INTERIM STUDY Vote 14-4**

HRA Analysis: This bill requires that if there is a suspected breach of health information (medical privacy covered under HIPAA) involving the records of at least 10 individuals, the covered entity must notify each individual within 5 business days of deciding to investigate the breach. There are no identifiable platform or constitutional issues.

HRA Recommendation: No recommendation

HB 1617-FN, repealing the certificate of need law. **OTPA Vote 16-2**

HRA Analysis: This bill in its original form would repeal the Certificate Of Need law (a 1974 federal mandate that was repealed in 1987). The law is based on a flawed economic premise that hospitals are expensive, so if there are fewer of them, society will save money. In reality normal supply and demand principles work in the hospital industry as elsewhere. When demand increases, prices rise, attracting new suppliers. If there is excess supply, prices fall and marginal suppliers close. Studies done by the FTC and Dept of Justice concluded that, “The agencies believe that CON programs can pose serious competitive concerns that generally outweigh CON programs’ purported economic benefits. Where CON programs are intended to control health care costs, there is considerable evidence that they can actually drive up prices by fostering anticompetitive barriers to entry.” “Evidence does not support the view that CON regulation reduces the costs of providing healthcare services...consumers would most likely be better served if CON regulations were removed.” The platform states: “We support increased use of market forces to provide and improve health care and reduce costs.”

The committee amendment changes the composition of the CON board and instructs that the board not make decisions to protect the interest of NH hospitals, and it sunsets the CON law after 5 years. While this may be an improvement to the CON as it is now, it does not address the dubious legitimacy of the CONs existence. In his Nobel Laureate lecture on “The Pretense of Knowledge”, economist Friedrich Hayek argued that central planners can only pretend to make determinations of “need” because if they are completely impartial they are outside the market process that actually generates this information. Their decisions, unlike the decisions of a market participant, come at no personal cost to them. At worst, planners can become witting or unwitting tools of entrenched interests who wish to keep competition out of the marketplace.

HRA Recommendation: Oppose the committee amendment and Support OTP

JUDICIARY

CACR 22, relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court. **MAJ: OTP MIN: ITL Vote 12-4**

HRA Analysis: Currently the justices of the state supreme court make the rules that govern the administration of all courts in the state. Court rules should have the force and effect of law. Therefore the legislature, the body charged with passing laws, should be involved in this process. This amendment helps strike a balance between the judicial and legislative branches. The platform says we will “restore the traditional role of our General Court as New Hampshire's supreme legislative authority.”

HRA Recommendation: Support OTP

CACR 26, Relating to administration of the supreme court. Providing that the article authorizing the chief justice to make rules governing the administration of all the courts of the state shall be repealed. **MAJ:OTP MIN:ITL Vote 11-5**

HRA Analysis: This CACR would repeal Article 73-a of Part II of the New Hampshire constitution. The authority given to the supreme court by Article 73-a in 1978 to make rules having “the force and effect of law” is by its terms limited to “rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts.” However, acting under color of Article 73-a, the court has repeatedly issued rules unrelated to and going well beyond court administration, practice and procedure, and this justifies withdrawal of its supposed basis by repeal of Article 73-a. The Republican platform states in X. “Adopting a constitutional amendment to Part II, Section 73-a to restore the traditional role of our General Court as NH’s supreme legal authority.”

HRA Recommendation: Support OTP

HB 1178, relative to the losing party's payment of the prevailing party's costs in tort actions. **INTERIM STUDY Vote 9-7**

HRA Analysis: This bill would require that the court order the losing party to pay the prevailing party’s attorney fees and court costs in all tort actions. Only one other state has a “loser-pays” model – Alaska. While the platform acknowledges that “frivolous lawsuits are burdensome to our legal system, a detriment to the New Hampshire economy, and an abuse of the judicial process” it might be prudent to study the unintended consequences, as applied to New Hampshire, prior to enacting to such a significant change to the judicial system.

HRA Recommendation: No recommendation

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment. **MAJ: OTPA MIN: ITL 11-3**

HRA Analysis: This bill restores constitutional protections for the most vulnerable members of our society at their most vulnerable time. Under current law, life-sustaining treatment can be withheld or withdrawn from a legally incapacitated person if: (1) that person has a validly executed advance directive, (2) such action is authorized by an existing guardian or other court order, or (3) such action is taken in accordance with a facility’s standard protocol as applicable to its general patient population. The third option was eliminated. The decision to end a life should not be dependent on what facility the patient is in, and felt that at a minimum, an objective court hearing should be required. According to the platform we “oppose euthanasia and physician assisted suicide, and support increased implementation of appropriate pain management.”

HRA Recommendation: Support OTP

HB 1217, relative to the form for executing advance directives for health care decisions. **MAJ: OTP MIN: ITL Vote 13-4**

HRA Analysis: This bill expands the rights of New Hampshire citizens to be treated in accordance with their wishes at the end of their life. Currently, New Hampshire has a very restrictive New Hampshire Advance Directive form that consists of a Living Will and a Durable Power of Attorney for Healthcare. All other forms are considered invalid, no matter how clear the form or its intentions. This bill allows any form to be used, so long as it still complies with other aspects of current law, such as the

validation procedure of two disassociated witnesses and a notary public. A person's right to have their wishes followed should not depend on what form they happened to use, as long as their intentions on the form of their choice were clear. The Republican platform states in II. "The Republican Party is for protecting the fundamental rights of the people and enhancing their freedom."

HRA Recommendation: Support OTP

HB 1261, relative to recovery of delinquent condominium fees. **INTERIM STUDY Vote 12-4**

HRA Analysis: This bill attempts to close a loophole in foreclosures where condo associations are obligated to pay the carrying costs (insurance, maintenance, repairs, and heat) of vacant property. In foreclosures of single family homes, the mortgage holder pays these costs or risks significant losses due to fire, vandalism, etc. No platform issue identified.

HRA Recommendation: No recommendation

HB 1263, repealing the law requiring landlords of restricted residential property provide service of process information. **MAJ: OTPA MIN: ITL Vote 8-6**

HRA Analysis: The bill as submitted repeals the law enacted two years ago that instituted the burdensome requirement that all landlords provide service of process information to their municipalities. This requirement is unnecessary because municipalities can easily obtain service of process information by obtaining the information from the tax collector. The Republican platform states in VI. "The Republican Party remains committed to working to prevent over-regulation of business, particularly with respect to small business."

HRA Recommendation: Support OTPA

HB 1264, establishing a religious exemption for individuals who do not wish to provide accommodations, goods, or services for marriages. **MAJ: ITL MIN: OTP Vote 9-5**

HRA Analysis: Fundamental to our constitutional rights is the free exercise of religion. For many that worship is not confined to the Sabbath or a place of worship, but extends into their day-to-day life. Compelling people to violate their beliefs in order to conduct business is a violation of their right of conscience.

HRA Recommendation: Oppose ITL and Support OTP

HB 1269, relative to immunity from civil liability for sports officials. **ITL Vote 13-1**

HRA Analysis: This bill seeks to protect volunteers at sporting events. While our platform opposes frivolous lawsuits, we also believe in equal protection under the law. There no reason while sports officials should be treated any differently others.

HRA Recommendation: Support ITL

HB 1300, relative to removing public officials for cause. **MAJ: OTP MIN: ITL Vote 13-4**

HRA Analysis: This bill adds "failure to perform assigned duties" as a reason for seeking removal of an appointed official, and allows any standing committee, by majority vote, to initiate this process. The Constitution, Article 8, states "Government, therefore, should be open, accessible, accountable and responsive". Failure to perform duties of the office is a clearly reasonable case to start removal proceedings, and the legislative committees have the opportunity to see many of these officials in action, or lack thereof. It remains the prerogative of the governor and council to actually investigate the performance of the official and determine if removal is warranted.

HRA Recommendation: Support OTP

HB 1308, relative to the definition of "public body" under the right-to-know law. **MAJ: OTP MIN: ITL Vote 10-3**

HRA Analysis: This bill would make non-profit corporations created and primarily funded by any government unit subject to the Right to Know law. The Constitution, Article 8, states "Government, therefore, should be open, accessible, accountable and responsive". Government agencies should not be able to evade this requirement by creating a non-profit organization to take on some of its duties and funds.

HRA Recommendation: Support OTP

HB 1463, relative to abandonment of the tenancy and relative to property abandoned by a tenant. **MAJ: ITL MIN: OTP 8-6**

HRA Analysis: This bill deals with technical issues of abandonment of property under landlord-tenant law. Although the bill is supportive of small business and will improve the business environment for landlords, it is not well written and will unintentionally harm and infringe upon citizens who were not meant to be included in the remedy. If the bill had been amended to address the obvious problems, we could recommend it, but the unintended consequences are too severe to ignore.

HRA Recommendation: No recommendation

HB 1474, relative to eliminating the requirement that attorneys be members of the state bar association. **OTP Vote 12-5**

HRA Analysis: Freedom of association is a tenet of our constitutions. The same argument that applies to the Right to Work legislation in our platform, also applies to the requirement that all attorneys in New Hampshire be a member of the New Hampshire Bar Association. The Bar Association lobbies and takes positions on legislation that not all its members agree with, however its members cannot withdraw from the organization, no matter how much they oppose the positions that it takes.

HRA Recommendation: Support OTP

HB 1510-FN, relative to taxpayer standing for declaratory judgments. **OTPA Vote 10-2**

HRA Analysis: This bill corrects the New Hampshire Supreme Court decision in which the Supreme Court interpreted RSA

491:22 to say that a taxpaying citizen did not have standing to challenge government action unless that taxpaying citizen demonstrated a (direct) injury or impairment of rights. This bill restores the long established right of local taxpayers to challenge government actions. The platform states, “The New Hampshire Constitution affirms that our government is founded upon the people's consent and is instituted for the general good. The preservation of the rights of our people should always constrain the actions of government because our government has only as much power as the people choose to give it.”

HRA Recommendation: Support OTPA

HB 1605-FN, relative to checking firearms at courthouse entrances. **MAJ: ITL MIN: OTP Vote 9-7**

HRA Analysis: This bill requires courts to accommodate citizens who wish to check their weapons. Because firearms are not allowed in courts, and citizens carrying firearms when arriving at court usually leave them in their cars where they can be stolen, this bill may actually improve safety. Although it may seem like a small gap in the constitutional right to bear arms, citizens should not be required to behave any differently than police officers who currently check their weapons in courts.

HRA Recommendation: Oppose ITL and Support OTP

HB 1659-FN, relative to the women's right to know act regarding abortion information. **MAJ: OTPA MIN: ITL Vote 13-4**

HRA Analysis: This bill requires abortion providers to provide females seeking an abortion with significant information to better inform them so they may make a better decision. Considering the importance of the decision and its long-lasting effects, females seeking an abortion should be provided with as much information as possible. The platform under “Family” states we believe the unborn child has a fundamental right to life which cannot be infringed upon, and supports taking steps to ensure females are well informed to hopefully avert a decision to have an abortion. This bill assists in that mission.

HRA Recommendation: Support OTPA

HB 1679-FN, relative to partial-birth abortions and third trimester abortions. **MAJ: OTPA MIN: ITL Vote 13-4**

HRA Analysis: This bill prohibits the revolting procedure of killing a baby as it is being born. The platform under “Family” states we support “banning the procedure of partial-birth abortion.”

HRA Recommendation: Support OTPA

HB 1682-FN, relative to forfeiture of personal property. **INTERIM STUDY Vote 9-5**

HRA Analysis: This extremely comprehensive bill does away with civil forfeitures when the property owner is not charged or convicted of a crime. It is based on sample legislation from the Institute for Justice, and has good underlying principles but recodifies an entire chapter of forfeiture law, making significant changes to longstanding practice. The Judiciary Committee understandably needs more time to thoroughly vet it. The constitution in part 1, article 2, protects property rights.

HRA Recommendation: Support Interim Study or OTP

HB 1720-FN, relative to jury trials under the consumer protection act. **OTPA Vote 14-2**

HRA Analysis: Currently the Part 1 Article 20 of the New Hampshire Constitution guarantees the right to a jury trial in civil cases of \$1500 or more. Notwithstanding Article 20, the New Hampshire Supreme Court has ruled that because the Consumer Protection Act (“CPA”) is a statutory cause of action that did not exist when the Constitution was written, a right to a trial by jury does not apply to cases under the CPA. This bill adds the right to a trial by jury to a portion of the cases under the CPA and comes closer to complying with what the constitution requires.

HRA Recommendation: Support OTPA

HB 1723, making technical corrections regarding parental notification prior to abortion. **MAJ: OTP MIN: ITL Vote 10-6**

HRA Analysis: This bill makes technical corrections to the parental notification bill by expanding a minor’s access to courts and providing more judicial flexibility without reducing a minor’s access to the process. The Platform under New Hampshire Advantage states that we are committed to preserving the strength of traditional family life. The Platform under Protecting Marriage and Family states we oppose actions that inhibit and/or supplant the role of parents in the care and upbringing of children, and also states we support requiring parental consent for minors seeking abortion. Because the original parental notification bill is strongly supported by the platform, we should strongly support this bill which makes the bill stronger and more workable. There will be a floor amendment brought that tied 8-8 in committee with the majority of Republicans voting for it. The amendment deletes one portion of the technical correction that adds circuit courts to the courts that can hear notification cases. Due to the problems with a portion of the circuit courts not requiring formal rules of evidence and also because circuit courts do not hear the weightier and more complex cases that superior courts hear, the amendment should be supported.

HRA Recommendation: Support floor amendment, then support OTPA. If floor amendment fails, support OTP

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1206, prohibiting the state from withholding union dues from the wages of state employees. **MAJ: OTPA MIN: ITL Vote 12-5**

HRA Analysis: The amendment replaces the entire bill and addresses only the issue of how health insurance increases should be paid for when a public contract is expired. Currently they are borne by the employer. This bill splits them evenly between employer and employee. The platform doesn't address this detail.

HRA Recommendation: No recommendation

HB 1574, relative to an employee's lunch or eating period. **MAJ: OTPA MIN: ITL Vote 11-4**

HRA Analysis: The bill, as amended, changes number of hours before an employer is required to offer lunch from 5 to 6 hours. 31 states do not have laws on the books mandating lunch hour. New Hampshire's current law is more restrictive than all of the surrounding states and arguably within the top five most restrictive in the nation. This minor change would make NH's law consistent with the surrounding states. The GOP platform requires that we work "to prevent over-regulation of business, particularly with respect to small businesses." This change would help reduce one disadvantage in New Hampshire's business climate relative to our New England neighbors.

HRA Recommendation: Support OTPA

HB 1645-FN, prohibiting all public employees from participating in collective bargaining. **MAJ: OTPA MIN: ITL 12-5**

HRA Analysis: The amendment replaces the entire bill and defines a process whereby an employer can initiate a decertification vote. Current law allows for decertification of an existing union organized by the employees. Similarly to organizing a union, an election is held if "cards" are collected from 30% of the employees whose positions are represented by that union. This provides an additional mechanism, initiated by the employer, if it is known that participation in the union is low. It could only be triggered if total participation in the union is both less than the number required to form a union (currently 10) and less than 50% of the number of positions in the bargaining unit. At first glance, the processes for certifying and decertifying a union are balanced. However, while the prospective union will help to organize a workplace and push to get both the required number of signatures as well as the necessary votes to win an election, an employer would be forbidden to try to organize a decertification election. The GOP Platform affirms "the right of all citizens to join labor organizations freely, whether they choose to bargain collectively or individually, without coercion or intimidation." We should also protect the right to leave a union without coercion or intimidation.

HRA Recommendation: Support OTPA

HB 1663-FN-L, relative to payment of union fees by non-members. **INTERIM STUDY Vote 12-5**

HRA Analysis: This is the first of three bills on today's calendar dealing with the "Right to Work" issue. The committee did not recommend passage of this bill because both the intent and language are part of the other two, similar bills (HB 1677 and HB 1685) being considered today. The committee will hold this bill in committee for possible future action on this topic. The NHGOP platform supports Right To Work.

HRA Recommendation: Support interim study

HB 1677-FN, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. **MAJ: OTPA MIN: ITL Vote 11-6**

HRA Analysis: This bill is very similar to the "Right to Work" bill (HB 474) of last session, as amended by the House. It includes the language proposed in HB 474, the amendment passed by the House on the floor, and additional language changing "exclusive" representation to "majority" representation. This bill would prevent a worker from being forced to join or to pay fees to a union as a condition of employment (exercising an allowable option under federal labor law), thus making New Hampshire a "Right to Work" state. The additional language removes, for public unions, the duty of unions to represent non-members as well as the guarantee of exclusivity that a particular union has when a bargaining unit is formed. This is a fundamental issue of freedom of association, a right guaranteed by the first amendment. Right to work is also explicitly endorsed by the New Hampshire GOP platform.

HRA Recommendation: Support OTPA

HB 1685-FN-L, relative to collective bargaining under the public employee labor relations statutes. **MAJ: OTPA MIN: ITL Vote 12-5**

HRA Analysis: The third Right to Work Right bill replaces the original bill with an amendment. This bill attempts to mitigate concerns that are caused by unions being forced to represent non-members. Because private sector unions are covered by Federal law, this bill only addresses public sector unions. It recognizes that an individual who does not wish to join the union may nevertheless benefit from contract negotiations. Therefore a union may choose not to represent non-payers for things such as grievance resolution, but would be able to charge a fee that represents only the direct cost of contract negotiations. Furthermore, if all of the employees within a classification elect to opt-out of union representation then that job classification will fall under the employer personnel policy, rather than the negotiated contract. The result would be similar to the previous Right to Work bill, but would allow for some options for how to deal with those who would opt out. This bill would not take effect if the previous Right to Work bill, 1677, becomes law. Again, Right To Work is endorsed by the platform.

HRA Recommendation: Support OTPA

MUNICIPAL AND COUNTY GOVERNMENT

HB 1282-FN-L, relative to workforce housing and the definition of community. **MAJ: ITL MIN: OTPA Vote 15-2**

HRA Analysis: This bill permits municipalities to decide whether to approve workforce housing and defines "community" for purposes of planning and zoning laws. It is very similar to HB 368 which passed the House last year, but not the Senate. It is an improvement over the current mandate on towns, and would allow for more local control. The right thing to do is open up the free market in housing and repeal the workforce housing statute altogether. The Party platform states, "The preservation of the rights of our people should always constrain the actions of government..." It does not say anything about central planning

or restricting free markets in real estate development. The minority's amendment is completely different as it makes the workforce housing requirements even more onerous, and doesn't allow towns to opt out.

HRA Recommendation: Oppose ITL, Oppose Amendment, Support OTP

HB 1303, amending certain requirements to obtain a local vendor license. **MAJ:ITL MIN: OTP Vote 16-1**

HRA Analysis: This bill removes federal criminal records checks and fingerprinting from the requirements to obtain a local vendor license to be a door to door salesperson. There would still be a state criminal records check requirement. One of the most effective ways to support jobs and the economy is to reduce regulations and barriers to entry for businesses. The platform says we are "Working to prevent over-regulation of business, particularly with respect to small businesses."

HRA Recommendation: Oppose ITL and Support OTP

HB 1329, relative to the default budget in certain towns. **MAJ: ITL MIN: OTP Vote 12-4**

HRA Analysis: This bill changes the way an SB2 town's default budget is calculated. If the proposed operating budget has a decrease in some area, then that decrease is also applied to the default budget. This makes the reasonable assumption that if the selectmen or school board want to spend less in an area, that the town would certainly agree. As the platform says "We believe that controlling spending and minimizing taxes are the best ways to protect the economic and civic well being of New Hampshire residents" and that we support "local control of spending and taxes designed to support local services."

HRA Recommendation: Oppose ITL and Support OTP

HB 1405, relative to refugee resettlement. **MAJ: ITL MIN: OTP Vote 15-1**

HRA Analysis: This bill allows a municipality some say in how they participate in the refugee resettlement program run by the state with federal funds. While we are neutral on legal immigration, this program, if it directs extra burdens on the welfare, school and other departments of particular municipalities, would violate part 1 article 28-a of the constitution: "The state shall not ... necessitate additional local expenditures by the political subdivision unless ... fully funded ... or ... approved ... by ... the local legislative body..." If the bulk of the over 500 refugees who come to New Hampshire every year are relocated to Manchester, which has less than 10% of the state's population, then this is an unfair and unconstitutional situation.

HRA Recommendation: No recommendation, we lack enough facts to determine the proper response

HB 1453, relative to requiring planning boards to require a deeded right-of-way to a public road as a condition for approval of plans for certain developments. **Maj: OTP MIN: ITL Vote 9-8**

HRA Analysis: "The Republican Party recognizes that private ownership of property is fundamental to a free and well ordered society." Therefore, any restriction on real property is a reduction of an inherent right. Mandating planning boards to implement encumbrances on private property not only violates the concept of local control, but also of voluntary contracts and property rights. This bill would direct towns to micro-manage how to deal with zoning and planning issues where parcels become landlocked. While such a result from subdivision has always been a potentiality, this is not the answer to an infrequent situation among property owners.

HRA Recommendation: Oppose OTP and Support ITL

HB 1482, relative to the exemption from property taxation for hospitals. **MAJ: ITL MIN: OTPA Vote 16-1**

HRA Analysis: Currently all property owned by charitable hospitals that is used for a charitable purpose is tax exempt. This bill would limit that tax exemption to only the hospital's main campus. It is illogical to treat different locations of a hospital differently, as long as they both are charitable. The hospital could always split itself into separate entities and get around this law, since each entity would have a different main campus.

HRA Recommendation: Support ITL

HB 1522-FN, reducing the penalty for violating a local vendor ordinance. **MAJ: ITL MIN: OTP Vote 14-3**

HRA Analysis: This bill changes the penalty for violating a local ordinance licensing door-to-door sales from a class B misdemeanor (a crime) to a violation (subject to a fine, but not a crime, such as a speeding ticket). Is the failure to fill out paperwork in order to work a crime, or most likely just an oversight? Note that each day is a separate violation, so the fines could pile up. The constitution clearly states that the punishment should fit the crime. Do we criminalize other cases of faulty paperwork such as failing to renew a motor vehicle registration? If the salesperson is committing fraud or selling faulty merchandise that is a different matter.

HRA Recommendation: Oppose ITL and Support OTP

HB 1588, recodifying the laws relative to sheriffs, constables, and police officers. **MAJ: ITL MIN: OTP Vote 15-1**

HRA Analysis: A technical bill which was the work of the Constitutional Review and Statutory Recodification Committee, to update obsolete laws to reflect modern usage. This is one of the functions of that committee. Obsolete law should be removed and updated whenever possible. Part 2 article 5 of the constitution tells the legislature to make "all manner of wholesome and reasonable" laws. Obsolete statutes are no longer wholesome.

HRA Recommendation: Oppose ITL and Support OTP

HB 1674-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. **MAJ: ITL MIN: OTPA Vote 14-3**

HRA Analysis: This bill would change the penalization of late tax bill payments from an interest rate of 12% to an interest rate of 6%. Then, within 90 days of the due date and 30 days prior to a lien being placed upon the property, the resultant penalty

interest rate of 18% would become 9% under this new bill. The platform, part VII Taxes and Spending, states that we, "Support initiatives that lower property taxes for those in need," and "Support local control of spending and taxes designed to support local services," and "Believe in promoting lower taxes to attract business development and expand economic opportunities." While this bill would lower the interest rate penalty on property taxes, it is not clear that this bill would effectively lower taxes for those in need and it could possibly shift a greater tax burden to those who have not incurred a penalty for late property tax payments. The bill is identical to last year's HB 457 which passed the House but not the Senate.

HRA Recommendation: No recommendation

RESOURCES, RECREATION AND DEVELOPMENT

HB 1416-L, relative to the introduction of substances into the New Hampshire public water supply. **OTPA Vote 13-2**

HRA Analysis: The original bill would have banned fluoridated water. With the committee's amendment it requires those communities that fluoridate their public water supply to post a notice on their residential water system billing statements. The notice is a quote from the Centers for Disease Control and Prevention and warns parents of the danger of giving infants, six months or younger, formula mixed solely with fluoridated water. The NHGOP Platform states, in part, "We will work to provide citizen access to the information necessary to make informed health care decisions..."

HRA Recommendation: Support OPTA

HB 1636, relative to the extension of fill and dredge in wetlands permits. **MAJ: OTP MIN: ITL Vote 10-6**

HRA Analysis: This bill eliminates bureaucratic red tape individuals have to go through to get a permit to repair or shore up property that is regularly affected by storms and ice. This bill provides that certain permits for repair would no longer expire and require renewal after five years. The bill applies to state and not federal permitting. The platform calls for state government that is effective and efficient.

HRA Recommendation: Support OTP

SCIENCE, TECHNOLOGY AND ENERGY

HB 1214, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. **Maj: OTP MIN: ITL Vote 7-6**

HRA Analysis: This bill would ban the use of corn-based ethanol when two other New England states also banned it. While it appears to be a very good idea, there are no obvious platform issues, therefore no recommendation.

HRA Recommendation: No recommendation

HB 1239, requiring the site evaluation committee to consider economic impact prior to issuing a certificate for an energy facility. **ITL Vote 12-1**

HRA Analysis: The bill would add one more item to the many that the Site Evaluation Committee considers before approving a new energy facility. The platform states that we will work to prevent over-regulation of business.

HRA Recommendation: Support ITL

HB 1346, relative to the construction of power line extensions. **OTP Vote 11-2**

HRA Analysis: The bill gives utility customers the ability to eliminate the middle-man when extending a power line. The work and materials would be held to the standards required by the utility. The bill is consistent with the platform's approach to economic development.

HRA Recommendation: Support OTP

HB 1391, relative to transmission and distribution utility line extension construction and relative to pole attachments.

INTERIM STUDY Vote 10-3

HRA Analysis: The bill would establish standards regarding attachments to utility poles, with the apparent goal of facilitating the expansion of high-speed broadband. The committee agrees with that goal but concluded that the issue is complex and warrants more study.

HRA Recommendation: Support Interim Study

HB 1401, relative to site evaluations and certificates for energy facilities. **ITL Vote 9-4**

HRA Analysis: The bill would make much more burdensome the process to gain approval to construct a new energy facility. NH energy costs are already too high. We should be facilitating, not hindering, the production of more energy. The platform says that we will "work to reduce New Hampshire's energy costs" and that we will work to prevent over-regulation of business.

HRA Recommendation: Support ITL

HB 1487, relative to prior legislative approval for the expenditure of funds for low carbon fuel standards programs. **MAJ: OTPA MIN: ITL Vote 8-5**

HRA Analysis: The bill prohibits DES from participating in any low carbon fuel standards (LCFS) program or any similar program that might try to restrict our use of fuels, i.e. to prohibit DES from joining a liquid fuel version of RGGI. This is consistent with the platform's goal of removing NH from RGGI.

HRA Recommendation: Support OTPA

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HB 1649-FN-A-L, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. **MAJ: ITL MIN: OTP Vote 10-1**

HRA Analysis: This legislation would cause dual property tax payment, in many towns twice annually, requiring payment to your municipality and to the state. Delinquent taxpayers and tax bills paid by escrow could generate excessive delays and collection problems with added bureaucracy. The Republican Platform states “We believe in maintaining a locally controlled tax system

HRA Recommendation: Support ITL

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

HB 1483-FN, repealing the retirement system special account. **MAJ: OTPA MIN: ITL Vote 11-3**

HRA Analysis: Last year, the pension reform in HB2 took any remaining money left in the Special Account, which was previously used to divert assets out of the main corpus of the retirement system when investment returns were higher than average, and put those gains into direct special payments to retirees. This caused the overall average (due to lower years, when the market was down) to drop way too low and put the massive fiscal burdens of the system onto the taxpayers. We will not and should not be putting any money back into this account, thus closing the Special Account will avoid repeating the mistakes of the past. The platform says that among the “structural reforms needed to refocus the state’s activities on core functions, efficiently implemented” are that “Public employee benefits should be similar to those of the private sector.”

HRA Recommendation: Support OTPA

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1629-FN, relative to state photographic identification indicating veteran's status. **OTP Vote 13-1**

HRA Analysis: This bill gives veteran’s a state ID verifying their veteran’s status. Our platform states that the GOP: “Respects New Hampshire's honored veterans by ensuring that they receive the benefits that they have rightfully earned and deserve.” This bill supports that goal.

HRA Recommendation: Support OTP

HCR 40, for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification. **OTP Vote 11-3**

HRA Analysis: This bill supports the platform stand of a fiscally responsible government.

HRA Recommendation: Support OTP

HCR 42, supporting the preservation of the electoral college. **OTP Vote 9-3**

HRA Analysis: If the electoral college were to be abolished, small states like New Hampshire would be effectively neutered in presidential elections as our vote count would be negligible compared to states like California. Although logical, this bill does not address a platform issue.

HRA Recommendation: No recommendation

HJR 20, urging Congress to propose an amendment to the United States Constitution to abolish the electoral college. **MAJ: ITL MIN: OTP Vote 10-3**

HRA Analysis: See HCR 42 above. This bill is the opposite.

HRA Recommendation: No recommendation

HR 21, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. **MAJ: OTP MIN: ITL Vote 10-4**

HRA Analysis: This resolution asserts that Presidents have unconstitutionally concluded agreements with foreign governments without Senate approval. The task of verifying all the assertions in the resolution is beyond our expertise.

HRA Recommendation: No recommendation

HR 22, urging recognition of the facts regarding the USS Liberty. **MAJ: ITL MIN: OTPA Vote 9-4**

HRA Analysis: Not a platform issue.

HRA Recommendation: No recommendation

TRANSPORTATION

HB 1440, relative to driver education. **MAJ: OTPA MIN: OTPA Vote 14-2**

HRA Analysis: HB1440 allows an affordable option for driver education by combining an approved online driver education course with parent-provided behind-the-wheel training. The platform emphasizes personal responsibility, the use of market forces to provide and improve education, and parental choice in education. In addition, the platform states: “Will work to reduce drunken driving and substance abuse through a comprehensive program of education...” By allowing this affordable option we would accomplish those goals in this area. There are four amendments in the calendar. The two majority amendments, 0968h and 1021h poison the bill by requiring 10 hours of professional instruction in addition to the online class. The preferred amendment is from the minority (the bill's prime sponsor), 0645h. This allows parents to give 20 hours of

behind-the-wheel training. A similar, but less effective amendment is 1041h, which makes the program only apply to home schooled students, but does allow for parental behind-the-wheel instruction.

HRA Recommendation: Support minority amendment 0645h; if 0645h fails, support amendment 1044h; support OTPA

HB 1478, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements. **MAJ: OTP MIN: ITL Vote 10-5**

HRA Analysis: HB 1478 clarifies the meaning of resident for both voting and motor vehicle law purposes. The platform states that the Republican Party believes voting in NH must be done by NH resident citizens only. By standardizing the meaning of the word "resident" this bill moves NH closer to ensuring that only NH residents vote here.

HRA Recommendation: Support OTP

HB 1635, relative to motor vehicle inspections. **MAJ: OTPA MIN: ITL Vote 13-2**

HRA Analysis: HB 1635 adds language to RSA 266:5 to make clear that inspected vehicles must display a valid inspection sticker if they are to be driven. Not a platform issue.

HRA Recommendation: No recommendation

HB 1695-FN, increasing certain speed limits. **MAJ: ITL MIN: OTP Vote 15-1**

HRA Analysis: HB 1695-FN would raise speed limits on the interstate highways in New Hampshire. Limits would be changed from 65 mph to 70 mph, 55 mph to 60 mph, and the minimum speed would go from 45 mph to 50 mph. The platform states that the NH Constitution affirms that our government is founded upon the people's consent and is instituted for the general good. The current law does not reflect the consent of New Hampshire's citizens as the vast majority of them break the speed limit every day. On the other hand, enforcement of speed limits is not particularly picky, so perhaps everything evens out. The increase in speed is slight but may not be appropriate given specific highway conditions. We would have preferred it if there had been a provision in the bill to allow the appropriate agency to exercise judgment in individual cases.

HRA Recommendation: No recommendation

WAYS AND MEANS

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. **MAJ: OTPA MIN: INTERIM STUDY Vote 17-3**

HRA Analysis: HB 1418 exempts businesses with gross revenues under \$200,000 or BET base value of under \$100,000 from filing BET returns, up from \$150,000 and \$75,000, respectively. The limits had not been increased in decades, and thus have gradually been applied to smaller and smaller businesses. The amendment ties annual increases in those numbers to the rate of inflation. Our platform states, "Our approach to economic development is founded upon... creating a supportive business climate and... working to prevent over-regulation of business, particularly with respect to small businesses."

HRA Recommendation: Support OTP