

# 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.

## WEDNESDAY, APRIL 25 REGULAR CALENDAR

### EDUCATION

**SB 404-FN**, relative to funding for pupils enrolled in vocational education programs. **OTPA Vote 16-0**

**HRA Analysis:** This bill makes a number of detailed changes to RSA 188-E, regarding Career and Technical Education (CTE). The amendment makes slightly different choices. Nothing in the platform reaches this level of detail.

**HRA Recommendation: No recommendation**

### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**SB 314-FN**, relative to state-owned vehicle fleet management. **OTPA Vote 10-0**

**HRA Analysis:** This bill, as amended, limits the benefit some state employees get by making personal use of state-owned vehicles, at minimal expense, and requires them to justify this usage and, if actually personal rather than business, pay for it at full price. The complexity is because the IRS definition of “non-business” use has been applied, rather than a more sensible and specific definition. The Platform, Section VII, states “Public employee benefits should be similar to those of the private sector.”

**HRA Recommendation: Support OTPA**

**SB 343-FN**, establishing an independent board of psychologists. **MAJ: OTP MIN: ITL Vote 7-3**

**HRA Analysis:** SB 343 would move psychologists from the Board of Mental Health Practices (BMHP) to a new board. It is virtually identical to HB 476, which we voted to interim study just a few months ago. There used to be problems with the BHMP (such as absence of rules and renegade attorneys) but those problems have been fixed. The other four professions in the BMHP are unanimously opposed to splitting the psychologists off to their own board. Passing SB 343 would harm all the other mental health practitioners. The platform states that we will keep “state government lean to minimize its burden on taxpayers and businesses.” That can be read in two ways, either than a single board is more efficient than two, or that a mixed board is less friendly to the business of psychology than a homogeneous board. The question is, which least harms the public?

**HRA Recommendation: No recommendation**

**SB 407-FN**, relative to the purchasing policy of the department of information technology and relative to the transfer of federal grant funds. **OTPA Vote 10-0**

**HRA Analysis:** This bill, as amended, improves the efficiency of state agencies by streamlining purchasing procedures while still maintaining appropriate levels of control; it also allows federal grants to be budgeted once, for the entire grant period, rather than repeatedly. The Platform, Section VII, states “The state government needs to be effective and efficient.”

**HRA Recommendation: Support OTPA**

### FINANCE

**SB 362-FN**, relative to benefits related to service of certain part-time judges of probate retiring because of permanent disability. **ITL Vote 17-6**

**HRA Analysis:** This bill would pay spousal death benefits to part-time probate judges. Since the position is being phased out, there are only three judges, one of whom has already died. His widow would receive this benefit. This is contrary to part 1, article 10 of the NH Constitution which state that government is not “for the private interest or emolument of any one man, family, or class of men.”

**HRA Recommendation: Support ITL**

### HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**SB 287**, relative to confidential prescription data. **MAJ: OTP MIN: ITL Vote 15-3**

**HRA Analysis:** Currently pharmacists are not allowed to sell prescription data if it identifies patients or physicians. This bill would allow physician-identifiable data to be sold. The ostensible reason for the bill is that the Supreme Court recently ruled

that a similar practice by Vermont was an unconstitutional violation of free speech. We are unconvinced that our law is similar enough to Vermont's to come under this narrow ruling. There are two possibly conflicting interests here. First, the bill removes a little bit of regulation from the market for medicine. As the platform states, we are "working to prevent over-regulation of business, particularly with respect to small businesses." Pharmacies and physicians are often small businesses. Second, physicians might have an expectation of privacy in the way they conduct their prescription-writing.

**HRA Recommendation: No recommendation**

**SB 357**, establishing a commission to study how the Patient Protection and Affordable Care Act of 2009, as amended, will affect emergency and ambulance providers. **MAJ: ITL MIN: OTP Vote 12-6**

**HRA Analysis:** This bill creates a small commission to study Obamacare's effect on emergency medical services. The commission would report in Nov, 2013. This study, if necessary, would be better done by a national hospital or ambulance organization, rather than individually by the states. The platform requires effective and efficient state government.

**HRA Recommendation: Support ITL**

**SB 409-FN**, relative to the use of marijuana for medicinal purposes. **OTPA Vote 12-4**

**HRA Analysis:** Rather than use the existing system of pharmacies and prescriptions, this bill, as amended, sets up a licensing system with registration cards and fees to authorize the limited use of marijuana for medical purposes. The Platform, Part VI, supports "keeping state government lean to minimize its burden", while Part V states that the government "must, above all else, preserve and protect individual liberty." Representatives should decide which is the greater priority.

**HRA Recommendation: No recommendation**

## **MUNICIPAL AND COUNTY GOVERNMENT**

**SB 225-FN-L**, relative to fees for vital records. **ITL Vote 11-5**

**HRA Analysis:** This bill would divert roughly \$300,000 in annual general fund revenue from vital records fees to town clerks. While we might favor a fee reduction if it went to the public, this bill is just about how the spoils are divvied.

**HRA Recommendation: No recommendation**

**SB 272-FN**, relative to truancy. **OTP Vote 12-4**

**HRA Analysis:** When CHINS money was cut from the budget by the governor, there was an unintended consequence of the inability to work with truant students. This bill allows municipalities to adopt ordinances to deal with truancy. The floor amendment destroys truancy records when the child becomes 18. As the platform says "Local control of education policy and education funding creates the best-managed school systems."

**HRA Recommendation: No recommendation on the floor amendment, then Support OTP or OTPA**

**SB 378**, allowing municipalities to remove snow from private roads and driveways and class VI highways. **OTPA Vote 13-3**

**HRA Analysis:** This is enabling legislation which allows a municipality's voters to authorize the town to provide snow removal service for class VI roads, private roads and/or driveways, and for which fees may be charged (with consent of the owners). There seems to be two conflicting principles at work here. One the one hand, we believe in limited government and privatization where possible. Government ought not compete with private businesses. On the other hand, fairness and equal treatment would say that if the town plows for some residents, it ought to plow for all, since all pay for those services.

**HRA Recommendation: No recommendation**

## **PUBLIC WORKS AND HIGHWAYS**

**SB 291**, relative to the use of currently allowed impact fees by municipalities. **OTPA Vote 12-0**

**HRA Analysis:** This bill allows funds collected from municipal impact fees to be spent on state highways that are impacted by the development. As amended, it also creates a fire training facility in Coos County. No platform issues identified.

**HRA Recommendation: No recommendation**

**SB 374**, naming marine patrol headquarters in honor of David Barrett. **OTP Vote 10-0**

**HRA Recommendation: No recommendation**

## **SCIENCE, TECHNOLOGY AND ENERGY**

**SB 256**, relative to public utilities commission contracts with consultants. **OTP Vote 11-2**

**HRA Analysis:** This bill requires Governor & Council approval of PUC consultants. The Platform, Section VII, states "low taxes are the result of low spending" and proper oversight of such items as consultant contracts leads to lower spending.

**HRA Recommendation: Support OTP**

## **SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM**

**SB 244-FN**, relative to the administration of the New Hampshire retirement system. **OTPA Vote 9-2**

**HRA Analysis:** This bill is mostly housekeeping to ensure the language of the statutes matches our intentions in reforming the public pension system last session, with small changes to clarify what was intended. The Platform says "Public employee benefits should be similar to those of the private sector.", and this ensures that our reforms will do so, fairly for all.

**Recommendation: Support OTPA**

## WAYS AND MEANS

**SB 155-FN-A**, relative to section 179 expense deductions under the business profits tax. **MAJ: OTPA MIN: ITL Vote 18-3**  
**HRA Analysis:** This bill updates the NH accelerated depreciation deduction to current Federal definitions. While the original bill tracks the federal limit (now \$139,000), the committee amendment limits the deduction to \$25,000 (to lower the impact on state revenue), but has the bill take effect immediately, rather than in 2014. The platform states we "Support cutting or eliminating taxes which inhibit enterprise, earnings and savings and investment, such as the Interest and Dividends Tax and the Business Enterprise/Business Profits Tax". This increased deduction has the effect of reducing the BPT for smaller businesses.  
**HRA Recommendation: Support OTPA**

**SB 295-FN-A**, increasing the research and development tax credit against the business profits tax. **MAJ: OTP MIN: OTPA Vote 15-6**

**HRA Analysis:** This bill makes the the existing R&D tax credit permanent and increases it from \$1 million to \$2 million. The platform states we: "Support cutting or eliminating taxes which inhibit enterprise, earnings and savings and investment, such as the Interest and Dividends Tax and the Business Enterprise/Business Profits Tax." The R&D tax credit is designed to cut taxes for high-tech companies, and as such may attract further investment from those companies in New Hampshire. However, Part 1, Article 10 of the NH constitution states that government is "not for the private interest or emolument of any one man, family, or class of men." Under that context, the R&D tax credit can be construed as benefiting one business over another. This kind of credit is commonplace in other states and at the federal level. OTP increases the credit to \$2M and makes it permanent, OTPA leaves the credit at \$1M, but makes it permanent, and ITL lets the credit sunset in 2013.

**HRA Recommendation: No recommendation**

## REMOVED FROM CONSENT

### COMMERCE AND CONSUMER AFFAIRS

**SB 203-FN-A**, relative to limited liability companies. **OTPA Vote 15-0**

**HRA Analysis:** This bill rewrites the law for limited liability companies (LLCs). Current LLC law has 85 sections. SB 203 expands it to 204 sections. The current law has about 26,000 words. This is expanded to 34,000. Unfortunately, we do not have the manpower to evaluate such a bill.

**HRA Recommendation: No recommendation**

### ENVIRONMENT AND AGRICULTURE

**SB 311-FN-A**, establishing a director of the division of weights and measures and relative to the setting of weights and measures fees. **OTPA Vote 13-0**

**HRA Analysis:** The division of weights and measures is primarily responsible for ensuring the accuracy of gas pumps, fuel gauges, grocery scales, etc. Their inspectors are police officers, i.e. they have guns, arrest powers, and group 2 retirement after 20 years. While they are part of the department of agriculture, the bulk of their work is not with farms. There have been numerous complaints about their heavy-handed tactics from businesses, but not farmers. This bill attempts to correct some of the problem areas. It changes their director from a basic classified state employee to a governor and council appointee, specifies the responsibilities of the position, and creates an advisory council on weights and measures, including many non-agricultural clients of the division. It also deletes the existing broad police powers of the inspectors (which include warrantless arrests and warrantless search and seizure), requires specific approval of the commissioner to reinstate arrest powers of an individual inspector, and authorizes the department to lease cars if it is more cost effective than paying for their mileage. Finally, the bill allows the commissioner to set fees in rules for licenses, testing, and certification, with the approval of the fiscal committee. The committee amendment (1) deletes the term and professional qualifications for the director's position (2) adds a requirement that the director track complaints and report them to the advisory committee (3) retains the broad police powers of the weights & measures inspectors, and requires the commissioner to "designate a sufficient number" of inspectors (4) changes the makeup of the advisory council slightly, including adding a legislator and another farmer but deleting some of the non-agricultural W&M clients; and (5) deletes the need for fiscal committee approval of weights & measures fees. The bill has some good points (repealing the broad police powers of W&M inspectors, actually specifying the duties of the director of W&M, and creating an advisory council to help the commissioner of agriculture deal more effectively with the non-agricultural users of the W&M efforts); some bad ones (the new fees); and some strange ones (granting the police powers to some individual inspectors, but presumably not all). The committee amendment only adds one good section, the required reports on complaints, but restores the unconstitutional search and seizure. The platform tells us to "create a supportive business climate" and the constitution requires that searches be reasonable and supported by probable cause.

**HRA Recommendation: Oppose the committee amendment, Support OTP**

### HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**SB 286**, relative to a controlled drug prescription health and safety program. **OTPA Vote 18-0**

**HRA Analysis:** This bill creates a new program to monitor controlled drug dispensing. There are three major problems with it. First, this sort of program, in place in 48 states, has never been shown to reduce prescription drug abuse. Second, there is no funding for the program except promised federal grants, with all the attached strings and limited duration. Third, there is no

requirement that any doctor actually use this data to prevent overprescribing abused drugs. A very similar bill, HB 332, was sent to interim study in January to evaluate these issues. As we said about this concept in 2008: "The collection of sensitive personal information on law abiding citizens in a government data base should have a compelling security nexus. Prescription drug abuse does not meet this test."

**HRA Recommendation: Oppose OTP, Support ITL or Interim Study**

## **RESOURCES, RECREATION AND DEVELOPMENT**

**SB 142-FN**, relative to reorganizing the permitting process within the department of environmental services. **OTPA Vote 15-0**

**HRA Analysis:** This bill allows developers to combine multiple permit applications into a single process, thereby saving effort. This bill enhances business by giving them a choice of permit application procedures.

**HRA Recommendation: Support OTPA**

## **TRANSPORTATION**

**SB 315**, requiring motorists to give wide berth to highway maintenance vehicles. **OTP Vote 12-0**

**HRA Analysis:** This bill requires motorists to stay away from maintenance vehicles displaying amber lights. No platform issue identified.

**HRA Recommendation: No recommendation**

**SB 333**, relative to a surviving spouse's right to retain a Purple Heart plate. **OTP Vote 11-1**

**HRA Analysis:** This bill lets a widow(er) of a vet with a purple heart plate keep it until remarriage. The platform is silent on this detail.

**HRA Recommendation: No recommendation**