

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 WEDNESDAY, MAY 5

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 322, allowing the director of the division of state police to place an employee on administrative leave in extraordinary circumstances. **OTP/A. Vote 15-3.**

HRA Analysis: While supporting the use of non-judgmental “administrative leave” rather than “suspension” during investigations and after traumatic on-duty events, we feel that other avenues than a statutory change were preferable. After all, this issue arose after a change in rules, not a problem with the laws. No constitutional or platform issues identified.

HRA Recommendation: No recommendation.

SB 348, establishing a committee to study issues relative to the regulation of opticians in New Hampshire. **ITL. Vote 16-2.**

HRA Analysis: The Platform, Section VI, charges us with “*Working to prevent over-regulation of business, particularly with respect to small businesses*” and “*Continue our emphasis on educating and training our work force.*” Opticians can start with nothing more than an application and \$100, and learn the profession while working, making this a pathway to independence. With no evidence of harm to consumers, requiring additional regulations for opticians will cost the state jobs and over-regulate small businesses.

HRA Recommendation: Support ITL.

FINANCE

SB 465-FN-L, relative to the transition period for implementing the adequacy aid formula. **MAJORITY: OTP/A. MINORITY: OTP/A. Vote 11-8.**

HRA Analysis: Adoption of the original bill, unamended, or the minority amendment would lead to the state spending less money. Republicans understand that low taxes are the result of low spending.

HRA Recommendation: Oppose the Committee Amendment; Support the Minority Amendment; Support OTP (the bill unamended) or OTP/A, if amended by the Minority Amendment; Otherwise Oppose OTP/A, if amended by the Committee Amendment.

LOCAL AND REGULATED REVENUES

SB 367, relative to games of chance. **OTP. Vote 14-0.**

HRA Analysis: This bill provides additional regulations of gambling conducted by charitable organizations and commercial operators of their events. It also adds protection to privacy for game winners. No party platform or constitutional issue was identified.

HRA Recommendation: No recommendation.

SB 371, relative to warning statements concerning drinking alcoholic beverages during pregnancy. **MAJORITY: ITL. MINORITY: OTP. Vote 9-5.**

HRA Analysis: This bill requires larger letters for signs in licensed drinking establishments that say, “*According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.*” Is there any pregnant woman who does not know this? Our party’s commitment to limited government and liberty does not support government treating us as children in this manner.

HRA Recommendation: Support ITL.

SB 391-L, relative to the payment of certain amounts from the water fund to the town general fund by the town of Hanover. **MAJORITY: OTP. MINORITY: ITL. Vote 11-4.**

HRA Analysis: Our party supports local control.

HRA Recommendation: Support OTP.

SCIENCE, TECHNOLOGY AND ENERGY

SB 334, establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses and relative to investments in photovoltaic renewable energy projects. **MAJORITY: ITL. MINORITY: OTP/A. Vote 12-4.**

HRA Analysis: Our party seeks to have the free market define and meet societal needs. This bill assumes the state is the catalyst and source of meeting those needs. It is not, and it is foolish, wasteful and, at times, oppressive to try to place it in that position.

HRA Recommendation: Support ITL.

TRANSPORTATION

SB 464, relative to speed limits on Lake Winnepesaukee and reporting vessel operation violations. **MAJORITY: OTP/A. MINORITY: ITL. Vote 10-3.**

HRA Analysis: Regulation of personal behavior without a demonstration of need or a proven method of objective enforcement invites arbitrary action by the government. It further violates our party's platform calling for limited government.

HRA Recommendation: Oppose OTP/A.

WAYS AND MEANS

SB 383-FN, relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits. **MAJORITY: OTP/A. MINORITY: OTP. Vote 11-5.**

HRA Analysis: The amendment appears to write out the Net Operating Loss carry-forward (not over) of businesses. The bill, sponsored by Senators Lasky and Bradley, would have allowed a 10-year carry-forward of Net Operating Losses to help businesses in these tough times. The DRA suggests a \$200 million loss in revenues if this bill were to pass. The DRA uses only static analysis and does not take into consideration increased BET-BPT that would result from a business staying in operation or growing despite losses in 2009, 2010, 2011 and very likely into 2012

HRA Recommendation: Oppose OTP/A; Support OTP or ITL.

SB 505-FN-A, establishing the commission on health care cost containment and appropriating a special fund. **OTP. Vote 14-3.**

HRA Analysis: Appropriation of funds for a commission of questionable value in the current spending crisis that the state is experiencing is fiscally imprudent

HRA Recommendation: Oppose OTP.

SB 511-FN-A, relative to an exemption from the tax on gambling winnings. **OTP. Vote 12-4.**

HRA Analysis: Republicans support tax reduction.

HRA Recommendation: Support OTP.

SENATE AMENDMENTS

[NOTE: SENATE AMENDMENTS COME UP AT A DATE AND TIME, AS WELL IS IN AN ORDER, CHOSEN BY THE SPEAKER. THEY ARE LISTED HERE SEQUENTIALLY]

Pending Amendments (with Original House Committee)

HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder. (SJ 4/21/10) (Commerce)

HRA Analysis: The changes to this bill intended to promote privacy and an appropriate use of RFI devices appear technical and clarifying. They do not disqualify the bill.

HRA Recommendation: Support Concurrence.

HB 561-FN, relative to insurance coverage for persons having deafness and hearing loss. (SJ 4/21/10) (Commerce)

HRA Analysis: Republicans understand that the crisis over the affordability of health care insurance is principally driven by state-mandated coverages.

HRA Recommendation: Oppose Both Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers. (SJ 1/6/10) (ED&A)

HRA Analysis: [Senate Amendment Not Posted on Senate Website]

HRA Recommendation: Oppose Undisclosed Amendment

HB 629, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

HRA Analysis: The Senate amendment implements the federal Unified Carrier Registration Act in NH state law, thus eliminating any need for the federal government to rely on its own constitutional authority to control truck registration in NH under the law or, in the absence of such authority, NH citizens being free from such regulations. It appears that this federal carrier registration law came out the Patriot Act. NH should consistently refuse to have its sovereignty abandoned whenever the federal government uses its spending ability to offer some revenue if our state government agrees to convert itself into just another federal law enforcement agency.

HRA Recommendation: Oppose Both Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence. [Roll call]

HB 651-FN, relative to regulations of private investigative agencies and security services. (SJ 1/21/10) (ED&A)

HRA Analysis: This bill which modernizes the regulation of PIs, opens the industry to more levels of qualification (i.e. opens the business to more than just former police (allows former insurance people to qualify as a PI for example), clarifies that the “armed” requirement applies armed security agents, prevents obtaining two separate licenses in some instances (1 of PI work and 1 for security Officer work), and clarifies the difference between a Security Officer and a night watchman. The bill clarifies that a PI is an agent of an attorney in many instances and enjoys Attorney-Client privilege when so working.

Senator DeVries made significant changes to the bill especially with regards to firearms because she was told by “the patrolmen” that they wanted to know who was carrying a weapon. But of course, no police officer “knows” who is carrying concealed until the person is searched. Senator DeVries also had a difficult time understanding what attorney-client privilege was and how it operates with regard to reporting crimes. The bill passed the House on a voice vote, passed the Senate with DeVries’ amendment on a voice vote, should be an easy fix if the Committee of Conference is structured correctly.

HRA Recommendation: Oppose Concurrence; Support either non-concurrence or non-concurrence with a committee of conference.

HB 660-FN, relative to the life settlements act. (SJ 4/21/10) (Commerce)

HRA Analysis: While Republicans generally oppose regulation, the business of selling life insurance policies to investors appears to be one where there is unequal access to information. This bill and the Senate amendment strike a balance between regulations that would remedy this flaw and the right to conduct a business that is legal and can be beneficial to consumers.

HRA Recommendation: Support Concurrence.

HB 1168, clarifying the definition of gross misconduct for purposes of unemployment compensation. (SJ 4/21/10) (Labor)

HRA Analysis: Discharge for employment even if the theft is under \$500 should disqualify a person from receiving unemployment compensation.

HRA Recommendation: Oppose Both Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence

HB 1184, relative to the administration of the unused prescription drug program. (SJ 4/21/10) (Health, Human Services & Elderly)

HRA Analysis: This Senate amendment lightens the regulatory and litigation load on pharmacists who participate in good faith in the unused prescription drug program. Republicans support regulatory and tort reform.

HRA Recommendation: Support Concurrence.

HB 1198-L, relative to public hearings on municipal budget preparation. (SJ 4/21/10) (Municipal, County)

HRA Analysis: [Senate Amendment Not Posted on Senate Website]

HRA Recommendation: Oppose Undisclosed Amendment

HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses. (SJ 4/21/10) (Education)

HRA Analysis: This bill that would impose employment penalties on persons charged with, but not convicted of, crimes was not good when it went over to the Senate and it comes back no better.

HRA Recommendation: Oppose Both Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence

HB 1279-FN-A, relative to the licenses of mortgage bankers and mortgage brokers. (SJ 4/21/10) (Commerce)

HRA Analysis: A bill over-regulating the mortgage industry has come back from the Senate with more regulations and a \$1000 increase (to \$5000) the maximum annual fee to be paid for renewal of a license to transmit money. No opportunity to raise fees and taxes appears to be missed by the majority party.

HRA Recommendation: Oppose Both Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence

HB 1448, relative to town audits. (SJ 4/7/10) (Municipal, County)

HRA Analysis: The Senate amendment merely seeks to ensure that auditors are hired by towns and cities. No platform issue is apparent.

HRA Recommendation: No recommendation.

HB 1518, relative to increasing registration fees for certain OHRV and OHRV trails maintenance vehicles, and for transfer of registration of an OHRV or snowmobile.

HRA Analysis: This bill passed the House on the March 3, 2010 Consent Calendar and the Senate on April 7, 2010 by a voice vote. It increases antique and transfer registrations of ATVs and trail bikes, and sends the funds to the department of fish and game. The Senate amendment would one-up the House by also increasing the registration fee for trail maintenance vehicles. Republicans understand that increased fees are increased taxes and we stand in opposition to increasing yet another fee to add to the 80+ new and increased fees of the past three years. We further understand that dedicated funds hide the true cost of government from the people and should be opposed.

HRA Recommendation: Oppose Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence.

HB 1561-FN, relative to off highway recreational vehicle registration. (SJ 4/7/10) (Transportation)

HRA Analysis: increases the length of time a registration is valid to 14 months

HRA Recommendation: Support Concurrence

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system. (SJ 4/21/10) (Health, Human Services & Elderly)

HRA Analysis: Recipients of state aid should be prepared to have their assets disclosed.

HRA Recommendation: Support Concurrence.

HB 1569-FN, relative to the salaries of certain unclassified positions. (SJ 4/14/10) (ED&A)

HRA Analysis: Now is not the time to increase state employee salaries; moreover, the salaries of specific positions should not be increased legislatively.

HRA Recommendation: Oppose Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence.

HB 1574-FN, relative to retention of election records. (SJ 4/21/10) (Election Law)

HRA Analysis: Republicans support efforts to suppress voter fraud and the longer availability of election records will support this effort.

HRA Recommendation: Support Concurrence.

HB 1620-FN-A, establishing state park number plates. (SJ 4/21/10) (Transportation)

HRA Analysis: Voluntary payments to the state for the achievement of core functions should be encouraged.

HRA Recommendation: Support Concurrence.

HB 1625, relative to eligibility for the New Hampshire veterans' home. (SJ 4/21/10) (State-Federal)

HRA Analysis: This Senate amendment will reduce the pay earned by state employees while on active duty with the military. Republicans support, financial and otherwise, those who answer the call to defend our country.

HRA Recommendation: Oppose Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence.

HB 1667-FN, relative to possession of controlled substances obtained by valid prescription. (SJ 4/21/10) (Criminal Justice)

HRA Analysis: The Senate amendment recognizes the reality that sometime family members and caregivers possess prescription drugs for another.

HRA Recommendation: Support Concurrence.

HB 1680-FN, establishing the crime of aggravated harassment by an inmate. (SJ 4/21/10) (Criminal Justice)

HRA Analysis: Law enforcement officials dealing with detained persons in a facility have a right not to have bodily fluids thrown at them by inmates or detained persons. The bill and the Senate amendment clarify and vindicate this right.

HRA Recommendation: Support Concurrence.

HB 1688, relative to the regulation of the installation and operation of boiler and pressure vessels. (SJ 4/21/10) (ED&A)

HRA Analysis: The amendment merely adds the requirement for legislative approval of the rules with 2 years after adoption, as we approve building code updates. The GOP platform opposes over-regulation of business and the amendment could work in that direction.

HRA Recommendation: Support Concurrence.

Pending Committees of Conference (with Original House Committee)

Committee of Conference Reports Can Be Found Here:

http://www.gencourt.state.nh.us/committee_of_conference/cofc.asp

HB 621, relative to establishing procedures for identifying criminal defendants who may have mental illness. (House Nonconcurrent; C of C 4/21/10) (Criminal Justice)

HRA Analysis: [Conference Committee Report Not Posted on Legislative Website as of Tuesday, May 04, 2010]

HRA Recommendation: Oppose Undisclosed Conference Committee Report.

HB 1314, relative to approval of changes to a capital budget project. (House Nonconcurrent; C of C 4/28/10)

HRA Analysis (original Senate Amendment): Reports have it that the Senate amendment to a bill that was intended to control budgetary spending and added to it \$1,379,529 in earmark spending, as been changed to remove \$50,000 for one project and added \$675,000 for another project, putting the total in earmarks to just north of \$2 million. The amendment continues to require the state to borrow the money needed to fund that spending. Republicans stand for fiscal prudence. This bill is not fiscally prudent.

HRA Recommendation: Oppose Committee of Conference Report.

“If you have always believed that everyone should play by the same rules and be judged by the same standards, that would have gotten you labeled a radical 60 years ago, a liberal 30 years ago and a racist today.”

Thomas Sowell