

HOUSE REPUBLICAN ALLIANCE RECOMMENDATION SHEET

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.



RECONSIDERATION

SB 270, relative to civil commitment of persons found incompetent to stand trial. **OTP Vote 12-1**

HRA Analysis: Reconsideration, with the Hoell floor amendment fixes many problems in the original bill: it assumes the defendant is guilty although there has never been a conviction; it creates a paper trail for the accused that can never be undone; it lists "violent crimes" that are not violent in nature; it may violate HIPAA laws; it preys on those with the least capability of fighting the state if they are innocent. The platform says we want "impartial justice" that "ensures fairness."

HRA Recommendation: Support reconsideration, Support the floor amendment, Support OTPA

**TUESDAY, MAY 15
REGULAR CALENDAR**

COMMERCE AND CONSUMER AFFAIRS

SB 175, regulating the commercial use of a person's identity. **OTPA Vote 17-1**

HRA Analysis: In keeping with the preamble of the United States Constitution to "secure the Blessings of Liberty to ourselves and our Posterity" and the New Hampshire state Constitution article 2 which recognizes the natural and inherent right of property, this bill as amended ensures that New Hampshire residents have the right to control their own identity by maintaining the property rights already recognized under common law and allowing for that right to be passed to our decedents. Currently it is the only property right we cannot leave to our children yet the only property right we truly own. The bill as amended also ensures that free speech is not limited by noting Constitutional protections.

HRA Recommendation: Support OTPA

SB 219-FN, relative to guaranteed issue for health insurance. **MAJ: OTPA MIN: OTPA Vote 14-3**

HRA Analysis: The bill as amended allows New Hampshire to retain its role as the primary regulator of health insurance with respect to two requirements (guaranteed issue and no preexisting condition exclusions) that have already taken effect under federal law with respect to health insurance policies covering children under 19 years of age. The bill would allow New Hampshire consumers to bring their concerns to the New Hampshire Insurance Department, rather than having to go to federal regulators. It also prohibits the implementation of a state health insurance exchange. The bill stands against the unconstitutional act of imposing new unfunded mandates onto the State of New Hampshire and its citizens.

HRA recommendation: Support OTPA

SB 334, relative to Medicare unfair trade practices. **MAJ: ITL MIN: OTP Vote 12-6**

HRA Analysis: This bill clarifies the law making it legal again for an insurance broker to sell life insurance or annuity products when a potential client has come in to discuss Medicare products without having to make a separate appointment for that purpose. The bill in keeping with the Republican platform creates a supportive business climate by removing obstacles to some businesses and reduces regulations on such businesses.

HRA recommendation: Oppose ITL, Support OTP

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

SB 356, limiting the authority of delegates to Article V amendment conventions. **MAJ: OTPA MIN: ITL Vote 7-3**

HRA Analysis: Article V of the Constitution for the United States of America provides for the States to petition Congress for a Convention to propose amendments to the Constitution. However, it is not clear that the States have any power to limit the scope of that Convention. The only potential for the States to limit the scope of the Convention is to control the behavior of their own delegates. Since New Hampshire can not control the actions of other States in calling for a Convention it is in our self interest to limit the actions of our delegate to such a Convention to those acceptable to the people of the State of New Hampshire as expressed by their General Court, and to hope that a sufficient number of our sister States will follow suit. This may cause Congress's fear of a Convention that might limit their compensation to instead offer amendments that limit their profligate practices.

HRA recommendation: Support OTPA

SB 378, allowing municipalities to remove snow from private roads and driveways and class VI highways. **MAJ: OTP MIN: ITL Vote 8-3**

HRA Analysis: The underlying bill enables the towns to annually approve the use of money collected from the towns people to be used for the benefit of the towns people by snow removal from private roads and driveways. This is an issue of local control which requires legislative authorization, and that with such authorization the practice is constitutional. The House of Representatives amended this bill on the floor (which makes the amendment germane) to include the power of local bodies to call for authorization of bargaining units whose membership has fallen below the statutory membership for creation and whose subscription is less than 50%. Without a substantial constitutional issue, the Committee chose not to second guess the policy recommendation of the Committee on Labor and two policy decisions of the House of Representatives as a whole.

HRA recommendation: Support OTP

EDUCATION

SB 268, relative to the appointment of the treasurer of the Concord school district. **MAJ: ITL MIN: OTP Vote 9-8**

HRA Analysis: RSA 671:6 provides that voters elect a school clerk, moderator, treasurer and any other officers. SB 268 suspends that election requirement for Concord (and perhaps some other districts) and allows those officers to be appointed by the school board. The platform advocates for government that is "... open, responsive and fully accountable to its citizens." Elections are a great way to promote accountability.

HRA Recommendation: Support ITL

SB 328, relative to the procedure for filling a vacancy on a cooperative school board. **OTPA Vote 17-0**

HRA Analysis: Currently vacancies on a cooperative school district board are filled by a vote of the whole board. This bill has the vacancy filled by officials from the same town as the departing member. This is a good idea because each town deserves their share of representation on the cooperative board. The platform supports "local control of education policy."

HRA Recommendation: Support OTPA

SB 373-L, authorizing the retention of funds by a school district. **OTPA Vote 16-0**

HRA Analysis: This bill allows the legislative body (voters in towns, aldermen in cities) to adopt policy that lets school districts retain up to 2.5% of their unspent budget for contingencies. The amendment adds specific language for Manchester that doesn't have the 2.5% cap. No platform issues identified.

HRA Recommendation: No recommendation

SB 402-FN, relative to the adoption of policies for the management of concussion and head injury in youth sports. **OTPA Vote 17-0**

HRA Analysis: The amendment replaces the whole bill. This requires kids to be pulled from play when any head injury or concussion is suspected. It also gives protection from liability to school employees and others if they follow the district's policy. While this may protect student health and prevent lawsuits, it is possible that the liability protection can encourage risky behavior. School boards and the state High School Athletic Assoc. already have a policy on this.

HRA Recommendation: No recommendation

ELECTION LAW

SB 236, relative to nomination of candidates. **OTPA Vote 15-0**

HRA Analysis: This bill was requested by the Secretary of State to make technical changes to the election process. The platform does not speak directly to these changes.

HRA Recommendation: No Recommendation

SB 289-FN, relative to presenting photo identification to vote in person. **MAJ: OTPA MIN: ITL Vote 13-7**

HRA Analysis: SB 289 requires each voter to present a photo ID beginning November, 2012. Those who cannot provide an ID may sign an affidavit, which is subject to investigation afterward. The platform states: "voting in NH must be done by NH resident citizens only. To prevent voter fraud, we support the requirement to produce positive identification upon both registration and voting."

HRA Recommendation: Support OTPA

SB 318-FN, relative to voter registration. **MAJ: OTPA MIN: ITL Vote 9-8**

HRA Analysis: SB 318 restores language that was removed in 2007 regarding a registrant's domicile. The statute and the form now clearly state that a domicile for voting purposes is also a domicile for other purposes such as registering a vehicle or getting a new driver's license. The platform states: "voting in NH must be done by NH resident citizens only. To prevent voter fraud, we support the requirement to produce positive identification upon both registration and voting."

HRA Recommendation: Support OTPA

ENVIRONMENT AND AGRICULTURE

SB 370-FN, relative to the powers of law enforcement and animal control officers. **OTPA Vote 12-0**

HRA Analysis: This bill deletes the wording defining the work conditions of the state veterinarian which was legislated in 1921. At that time, the state vet job became full time and the legislature wanted to be sure that the appointed individual devoted his/her full time to the job. The committee felt that today, this requirement is unnecessary.

HRA Recommendation: No Recommendation

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 239-FN, relative to the membership and duties of the installation standards board. **OTPA Vote 12-0.**

HRA Analysis: This bill updates the installation standards board. It reduces the board size from 12 to 9 by eliminating the positions of those who never attend meetings. It provides for the appointment of board members by governor and council, rather than by the commissioner of safety. It provides a minor stipend and actual travel expenses consistent with other boards.

HRA Recommendation: No recommendation

SB 259, relative to the appointment of the director of ports and harbors and relative to transfer of land within the Pease development authority. **OTPA Vote 12-2**

HRA Analysis: This bill strengthens the position of the Pease Development Authority by having the director of Ports & Harbors (who reports to the Authority board) appointed by the board rather than governor & council and extending their exemption from local zoning regulations. The amendment will save the state about \$500K/year in dredging costs by better coordination with the Army Corps of Engineers. No platform or constitutional issues identified.

HRA Recommendation: No recommendation

SB 308, proclaiming January 24, 2013 as Granny D. Day. **OTP Vote 8-6**

HRA Analysis: This bill supports a one time only observance of Granny D Day. It's recommended that the sponsors and supporters of these proclamations annually petition the governor to proclaim the celebration of a day, rather than filing legislation at a cost of \$1,000.00 or more.

HRA Recommendation: No recommendation

SB 310, relative to the commemoration of Purple Day in recognition of epilepsy awareness and relative to the observance of Cancer Prevention Day. **ITL Vote 7-5**

HRA Analysis: This bill would require the governor to issue proclamations to promote awareness of epilepsy and of cancer. The governor has the authority on his own to issue proclamations and no additional legislative authority is needed.

HRA Recommendation: No recommendation

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 9-3**

HRA Analysis: This bill defines the duties of the director of Weights & Measures, sets up an advisory committee for the Department of Agriculture, allows the department to collect previously approved fees, and limits the special police powers of the inspectors. Collecting the fees is appropriate since the Department is still obliged to provide these services, and having users pay is fiscally prudent. The statute on police powers deleted by SB311 ("In the performance of his official duties, the commissioner is authorized to enter and go into or upon, without formal warrant, any structure or premises, and to stop any person whatsoever and to require him to proceed, with or without any vehicle of which he may be in charge, to some place which the commissioner may specify.") violates the Constitution, part 1, Article 19.

HRA Recommendation: Support OTPA

SB 339, establishing Loon Appreciation Day. **OTP Vote 9-3**

HRA Analysis: The loon is an extraordinary bird and important to New Hampshire's lakes and the efforts for its preservation and protection is admirable. It is recommended that the organizers of the Loon Preservation Committee's Loon Festival annually petition the Governor to proclaim the celebration of Loon Appreciation Day.

HRA Recommendation: No recommendation

FINANCE

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax. **MAJ: OTPA MIN: OTP 17-6**

HRA Analysis: This bill increases the NH accelerated depreciation deduction from \$20,000 to \$25,000. 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. The committee's amendment makes the effective date July 1, 2013 to coincide with the next budget, but there is no need to wait for the positive business boost. The bill also contains the refugee moratorium language.

HRA Recommendation: Oppose the committee amendment, Support OTP or OTPA

SB 295-FN-A, increasing the research and development tax credit against the business profits tax. **MAJ: OTPA MIN: OTP Vote 17-9**

HRA Analysis: While we had no recommendation on the tax credit, we strongly supported the "Women's Right to Know Act", which added a 24-hour waiting period before abortions. This is a key part of the NHGOP Platform: "Believing the unborn child has a fundamental right to life which cannot be infringed upon." The committee's amendment strips that out, and lowers the tax credit to \$1M from \$2M. There is a leadership floor amendment, 2224h, which restores the 24-hour waiting period.

HRA Recommendation: Oppose committee amendment, Support floor amendment 2224h, Support OTPA

SB 332, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire. **MAJ: OTPA MIN: ITL Vote 20-6**

HRA Analysis: The original bill passed on the consent calendar and had some minor pieces improving government efficiency and reducing state regulation. The proposed amendment was originally HB 628, which we enthusiastically

supported on 4th and 10th amendment grounds. It requires law enforcement officers to record citizen complaints about TSA agent searches upon complaint by the citizen, for inclusion into a state-wide database. It also permits audio and video recording of the TSA search.

HRA Recommendation: Support OTPA

SB 348-FN, relative to the pulse oximetry test for newborns. **MAJ: OTP MIN: ITL Vote 17-9**

HRA Analysis: This bill requires doctors or midwives to perform a pulse oximetry test on newborns unless parents object. Such a test is performed between one and two days after birth and it non-invasively checks for oxygenation of the blood. Abnormal results require further testing which can discover a serious heart condition that needs immediate surgery. While by all reports this is a low-cost, valuable test, we feel unqualified to practice medicine and doubt that the best way to determine medical practice is via legislation. As the platform says, “We support increased use of market forces to provide and improve health care and reduce costs.”

HRA Recommendation: Oppose OTP and Support ITL

SB 366-FN, relative to use of certain OHRVs on snowmobile trails, and relative to authorization for snowmobiles and OHRVs registered in Vermont and Maine to operate in this state. **OTPA Vote 26-0**

HRA Analysis: This bill allows OHRVs that are modified to be operated on the state’s snowmobile trails as long as they meet the requirements. The platform supports “Creating a supportive business climate and increasing tourism.”

HRA Recommendation: Support OTPA

SB 375-FN, relative to a prepaid health plan for Medicaid services and relative to the Medicaid management information system. **OTP Vote 26-0**

HRA Analysis: This makes some minor efficiency improvements in the operation of HHS. Watch for a possible anti-market floor amendment to restrict construction of nursing home beds.

HRA Recommendation: Oppose floor amendment if necessary, Support OTP

SB 376, extending the committee to develop a plan for privatizing the department of corrections. **MAJ: OTPA MIN: ITL Vote 14-7**

HRA Analysis: This bill, as amended, extends the term of the prison privatization study committee created by HB2. The platform recommends that “Programs and functions should be reviewed to identify those that can be implemented more effectively in the private sector.”

HRA Recommendation: Support OTPA

SB 401-FN, relative to reporting the average daily membership of pupils in the public schools and relative to adjustments to adequate education grants. **OTPA Vote 20-3**

HRA Analysis: Adequate education payments to school districts are currently based on three-year-old attendance figures. This bill shortens the process so that one-year-old data is used. State aid is thus more accurately allocated to where it is needed. The platform says “our goal is to meet the cost of education as efficiently as possible.”

HRA Recommendation: Support OTPA

SB 409-FN, relative to the use of marijuana for medicinal purposes. **OTPA Vote 18-8**

HRA Analysis: This bill establishes a procedure for the medicinal use of marijuana. All fees were removed and the program will be self-sustained through gifts and donations. The amendment also makes technical clarifications and corrections that are supported by the sponsors and policy committee. The platform takes no stand on this issue.

HRA Recommendation: No recommendation

JUDICIARY

SB 17, relative to evidence of admissions in medical injury actions. **MAJ: OTPA MIN: ITL Vote 10-4**

HRA Analysis: The amendment completely replaces the bill. It clarifies the statute that lets medical personnel express sympathy for a bad outcome without admitting guilt. It also contains HB 1181, a tort reform bill that passed the House 247 to 85. The platform states “We will work to maintain a legal system that provides every citizen prompt and impartial justice by ... Recognizing that frivolous lawsuits are burdensome to our legal system, a detriment to the New Hampshire economy, and an abuse of the judicial process.”

HRA Recommendation: Support OTPA

SB 273, relative to vexatious litigants. **OTPA Vote 12-3**

HRA Analysis: This bill addresses litigants who use the judicial process as a tool of harassment. The committee amendment changes the definition of “vexatious litigant” from one who has filed two frivolous lawsuits to three. The bill makes the possibly unwarranted assumption that attorneys are “persons of good character.”

HRA Recommendation: No recommendation

SB 354, relative to the escrow fund for court facility improvements. **MAJ: OTPA MIN: ITL Vote 13-2**

HRA Analysis: The original bill was a simple housekeeping change. The amendment increases capital spending (bonding) on court improvements by \$1.7M, and makes certain specifications as to circuit court districts and locations. The platform supports “expediting justice” but we are unsure if these changes will have that result.

HRA Recommendation: No recommendation

SB 359, relative to civil actions involving accessibility standards for public buildings. **MAJ: OTPA MIN: ITL Vote 8-1**

HRA Analysis: Current law requires public buildings to be accessible to those with disabilities. If not, notice is given with time to bring the building into compliance. If a lawsuit is filed, and the advocate for the disabled prevails, then attorney's fees can be collected. This bill allows the building owner to collect their attorney's fees if they prevail in court. This is one way to discourage frivolous lawsuits which the platform recognizes as "burdensome to our legal system, a detriment to the New Hampshire economy, and an abuse of the judicial process."

HRA Recommendation: Support OTPA

SB 406, establishing an early offer alternative in medical injury claims. **MAJ: OTPA MIN: ITL Vote 9-4**

HRA Analysis: This bill as amended establishes a voluntary evenhanded process for parties involved in a medical injury claim to quickly and efficiently settle the claim. The process provides an incentive for injured claimants as it reduces uncertainty and allows them to receive economic damages without having to hire an attorney and without having to wade through years of litigation. By adding more choice to how someone can pursue restitution this bill favors individual liberty. However, some object to the one-sided nature of the mechanism. The amendment also includes two previous House bills.

HRA Recommendation: No recommendation

MUNICIPAL AND COUNTY GOVERNMENT

SB 231, relative to municipal liens. **OTPA Vote 16-0**

HRA analysis: This bill limits the amount of money that a municipal utility can bill for mutually agreed upon work performed on a customer's property to \$250 without a written contract. The bill arises out of a situation where a customer agreed to have a utility work on a water service for about \$2,000 and subsequently was billed approximately \$20,000. The language is similar to provisions imposed by the Public Utilities Commission on investor owned utilities for these situations.

HRA Recommendation: No recommendation

SB 243, relative to the management of trust funds and capital reserve funds. **OTPA Vote 15-2.**

HRA analysis: This bill was submitted with language that would add investment advisors to the list of institutions that may be hired by the trustees of the trust funds to assist in the management of funds under their control and direction; the manner in which the advisors are remunerated for their services is unchanged from existing statute. This bill also adds a new section to RSA 34 that would put capital reserve funds under the same management rules as trust funds. No platform issue.

HRA Recommendation: No recommendation

PUBLIC WORKS AND HIGHWAYS

SB 324-FN, relative to the use of funds generated by the Hampton Beach parking facilities. **OTPA Vote 15-0.**

HRA analysis: Deals with Hampton Beach meter funds. No platform issue identified.

HRA Recommendation: No recommendation

SCIENCE, TECHNOLOGY AND ENERGY

SB 48, relative to state regulation of telephone service providers and clarifying the authority of the public utilities commission to regulate pole attachments. **OTP Vote 17-0**

HRA analysis: This bill modernizes and reduces regulation of telecommunications services in several ways. Modernization of monopoly era regulations will further encourage investment and innovation in New Hampshire's communications infrastructure. As the platform says, we are "Working to provide an environment favorable to increasing the creation of private sector jobs including state-of-the-art technology."

HRA Recommendation: Support OTP

SB 215, establishing a study committee on updating and improving the procedures and criteria for review of projects by the site evaluation committee. **ITL Vote 16-1**

HRA analysis: No platform issue identified.

HRA Recommendation: No recommendation

SB 218-FN, relative to electric renewable portfolio standards. **OTPA Vote 14-3.**

HRA analysis: This is a complex bill dealing with generation of renewable energy. It generally seems to expand choices and lower costs, so we support it. The platform says we will "Work to reduce New Hampshire's energy costs."

HRA Recommendation: Support OTPA

SB 258-FN, authorizing group net metering for limited electrical energy producers. **ITL Vote 13-4**

HRA analysis: The bill allows some electric producers and users to game the system and avoid paying transmission costs.

HRA Recommendation: Support ITL

SB 266-FN, prohibiting electric utilities from installing and maintaining smart meter gateway devices without the residential or business property owner's consent. **MAJ: OTP MIN: ITL Vote 11-4**

HRA analysis: This bill addresses a potential future privacy concern of customers whose electric utility installs so-called "smart meters." It supports our 4th amendment concerns that individuals' privacy be maintained.

HRA Recommendation: Support OTP

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

SB 228-FN-L, repealing the assessments for excess benefits paid by employers in the retirement system. **OTPA Vote 13-0**

HRA analysis: In 2008, we passed an unusable formula that has never been in effect, always amended to 'next year we'll start', to try and fairly charge public employers who offered sweetheart end of career bonuses, which spike retirement values, without paying for the cost to the system of that spike, and thus cost other employers to make up the difference. NHGOP Platform: Supporting local control of spending and taxes designed to support local services - The effect of past spiking is that your local spending went up because some other town gamed the system of retirement costs onto all other towns. While we have ended much spiking in previous reforms, this addresses spiking issues that remain by replacing that flawed formula with a reasonable and very easy to understand formula, and begins in mid 2013. Kurk will offer a floor amendment, to begin using the formula earlier, this July, but to postpone any payments due till the next budget cycle in 2013 (to avoid disrupting current budgets), We shouldn't continue pushing off this fix for tomorrow - Support the floor amendment. This bill also adds previously House passed language allowing poker wagers to rise from \$4 to \$6, and private home poker games among friends to finally be legal.

HRA Recommendation: Support the committee and Kurk amendments, Support OTPA

SB 229-FN, establishing a commission to make recommendations on whether the New Hampshire retirement system should be replaced with a defined contribution plan for all new hires and to study the impact such change would have on the retirement system. **MAJ: OTPA MIN: ITL Vote 9-4**

HRA analysis: NH Constitution Art 36: Pensions: Economy being a most essential virtue in all states, especially in a young one, no pension shall be granted, but in consideration of actual services; and such pensions ought to be granted with great caution, by the legislature, and never for more than one year at a time The Senate's refusal so far to move ahead with a Defined Contribution plan, and instead only wish study it further and do nothing, has led to this amendment's approach: Enable a study committee to collect bids via RFPs with vendors, research any remaining needed answers, and start the clock ticking on for this change. The bare bone plan that only affect new state hires (no town, city, school district, etc, unless they explicitly wish to switch themselves) ends the fear of any \$1.2 billion additional cost. (The State is only roughly 25% of the total employer pool in the current system, so the old system will remain mostly intact and not be closed as with the original plan, which was the cause of a \$1.2 billion price tag). This amendment puts that basic plan into law now, but enacted next Nov. only if the study results in a positive report this Nov, and lets us ensure that, even with legislative gridlock possible next year, pension reform will take place regardless, fulfilling one of the major promises we made to the voters in the NHGOP platform. **This may be the most important bill we pass this year for the long term financial well-being of the state.**

HRA Recommendation: Support OTPA

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 217-FN, relative to management of Cannon mountain by the department of resources and economic development. **OTPA Vote 14-2**

HRA Analysis: The protection of veteran's memorials merits support, but the portion of the bill inhibiting ICLEI is very important both from the platform view of reduced government - in this case, international government - and because of the violations of our Federal Constitution, most markedly in ICLEI's proposed abrogation of private property rights. The Platform states: "The government of New Hampshire exists to preserve and protect inalienable rights endowed by our Creator for the benefit, protection and security of its citizens. Republicans reaffirm that New Hampshire is a sovereign state in a nation of states and oppose centralization of power. To maintain this doctrine, the Republican Party: Rejects the imposition on the citizens of New Hampshire of law contrary to our founding principles and documents and our system of government. "

HRA Recommendation: Support OTPA

SB 333, relative to a surviving spouse's right to retain a Purple Heart plate. **INTERIM STUDY. Vote 14-3.**

HRA Analysis: Although some may argue that this bill honors veterans through their spouses, this bill would actually be divisive and is opposed by those veteran's groups represented at the state level. Our platform states: " Respects New Hampshire's honored veterans by ensuring that they receive the benefits that they have rightfully earned and deserve" and showing favoritism to one group of veterans' spouses does not mesh with this sentiment.

HRA Recommendation: Support Interim Study

WAYS AND MEANS

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services. **OTPA 21-0**

HRA Analysis: This bill is a pro-business bill which streamlines the process for multiple permits and applications through DES on large projects. The bill allows all parties to the project to give input early in the process, at one time, saving developers' time and money by moving the project through the process much quicker by consolidating multiple applications and permits into one. There will be no overall increase in fees. NHGOP platform promotes streamlining processes.

HRA Recommendation: Support OTPA

SB 212-FN, relative to pooled risk management programs. **OTPA Vote 21-0**

HRA Analysis: This bill gives the governance, oversight and accountability over the risk pools that has been lacking since their inception. It establishes clear guidelines over reserve and surplus levels and stipulates how surplus will be returned to the municipalities. Finally, it establishes for the end user, the taxpayer, transparency to their tax dollars. NHGOP promotes transparency.

HRA Recommendation: Support OTPA

SB 286, relative to a controlled drug prescription health and safety program. **OTP Vote 19-2**

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 over-prescribing 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

SB 372-FN-L, establishing an education tax credit. **MAJ: OTPA MIN: ITL Vote 14-6.**

HRA Analysis: This bill, with the amendment recommended by the committee, promotes school choices for those that might not otherwise be able to afford it. The bill implements a scholarship program for New Hampshire similar to those that are successful in 8 other states, and was created here by melding the best practices of all the other programs. This legislation is similar to HB1607, establishing an education tax credit, which passed the House 173-127, and it remains revenue neutral. The school choice scholarships, managed by non-profit scholarship organizations, are funded by donations from businesses who receive tax credits when they donate. The program is designed to ramp up more slowly during the first fifteen years and is structured to mitigate local fiscal impacts. To address the concerns that local school districts may be unfairly hit by a sudden reduction in state aid, the committee amendment provides for a "Scholarship Stabilization Grant" that holds the districts harmless above a certain threshold, yet is revenue neutral for the state for the next biennium, and most likely the distant future. The bill as amended will be revenue neutral or positive over the next biennium.

HRA Recommendation: Support OTPA

SB 399-FN, relative to the maximum permit application fee for certain municipal or state agency dredging projects. **MAJ: OTPA MIN: ITL Vote 16-5**

HRA Analysis: This bill limits the maximum permit application fee for fresh water municipal and state agency dredging projects as is currently allowed for tidal waters. As amended, the bill brings back language from HB 564, which passed the house with a 271-82 vote, and brings the adoption of business tax forms back to the legislature for improved transparency. As amended, the bill makes it clear that charges for internet access are excluded from the communication services tax, and sends a clear policy statement to New Hampshire residents and employers that New Hampshire is not a state that will tax internet access.

HRA Recommendation: Support OTPA

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 21-0**

HRA Analysis: This bill increases the dollar amount at which the chief information officer needs to approve the procurement of computer hardware, software, related licenses, media, documentation, support and maintenance services and other related services, from more than \$500 to more than \$5,000, as long as what is being purchased is on an approval standards list established by the department of information technology. There are no tax or fee issues surrounding this change. The NHGOP platform says that government should be "effective and efficient".

HRA Recommendation: Support OTPA

PULLED FROM CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

SB 203-FN-A, relative to limited liability companies. **OTPA Vote 21-0**

HRA Analysis: SB203 addresses a problem that does not exist and will have significant unintended consequences for those small businesses for which the limited liability company entity was originally formed. This 76 page entire rewrite of the LLC Act, which also incorporates some language from the model corporations act, imposes more restrictions on LLCs in New Hampshire, and forces existing LLCs to either address the changes in new operating agreements or be forced into the changes. It is believed that most small LLCs in New Hampshire will not even be aware of the significant legal changes that will take place if SB204 passes, and therefore will have new defaults apply to them without their knowledge. Some of the significant changes that could negatively affect many thousands of existing LLCs include changing members' voting representation, voting power and voting rights, allowing an heir to interfere with the operation of an LLC the heir may know nothing about, and dangerously eliminating a disassociating members' liability from future damages. As one example, SB203 limits the voting power of members (presently unlimited) to "the same as those that corporate shareholders may decide by shareholder vote." The proposed changes do not represent the interests of the majority of small LLCs which are formed and operate freely - rather, the proposed changes represent the interests of the large LLCs, so that they may retain their LLC status, instead of properly transferring to another form of entity, as was first envisioned when the limited liability company entity was created. Even the drafter of the bill, who is not an elected official, admits that SB203 "involves tough policy issues". However because the current Act is working well for the NH small businesses it was intended for, these "tough policy choices" are unnecessary and will have negative effects. Because the policy committee was not amenable to a study committee, and because this bill is unnecessary and not ready for prime time, ITL should be supported.

HRA Recommendation: Oppose OTP and support ITL