

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.

VETO OVERRIDES

The HRA strongly supported four of the five bills that the Governor has vetoed so far: HB 109, HB 218, HB 329 and HB 474. HB 109 prohibits sprinkler requirements for new homes, HB 218 reduces the Rail Transit Authority to a DOT advisory board, HB 329 requires parents to be notified prior to their minor daughter's abortion and HB 474 is the right-to-work bill. Lack of space prevents us from repeating all of the platform arguments in favor of those bills, but they are all worthy of veto overrides. We offered no recommendation on the fifth bill, HB 133, because it is almost purely symbolic (it removes the NH minimum wage from the books, but leaves the identical federal minimum wage). Why not override that one too, just to keep in practice?

COMMITTEE OF CONFERENCE BILLS

SB 12, relative to screening panels for medical injury claims.

HRA Analysis: This extends the final report on the effectiveness of the medical malpractice screening panels, in hopes of obtaining enough data to make a useful report. The Platform, Section VII, states "The state government needs to be effective and efficient."

HRA Recommendation: Support the Committee of Conference

SB 33-FN, relative to retired state employee contributions for medical benefits costs.

HRA Analysis: The Platform Section VII, states "Public employee benefits should be similar to those of the private sector." By enforcing contributions towards their medical benefits, this bill is a step in the right direction. However, this bill has some conflicts with sections in HB2, which have to take precedence. We understand that Rep. Hawkins will be putting in an amendment to fix this problem, so please support his proposal, including suspending the rules if necessary.

HRA Recommendation: Support the Committee of Conference and the necessary fix to coordinate with the budget

SB 45, relative to criteria for designation as a Granite State scholar.

HRA Analysis: No platform issue identified.

HRA Recommendation: No Recommendation

SB 50, making various changes to laws regulating trusts and trust companies.

HRA Analysis: This is our first time commenting on this bill as it previously was on the consent calendar (twice). It is an extremely technical bill that makes various changes to the laws of trusts and wills. It allows non-contest sections of wills (reducing the benefits received by those who contest the will). It also deals with trusts created by will, seemingly to better follow the decedent's wishes. Both the platform and the constitution promote individual liberty, so more options here are good.

HRA Recommendation: Support the Committee of Conference

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

HRA Analysis: This bill aims to correct a perceived oversight in SB500, passed in 2010. The bill would give the parole board more discretion over both violent and non-violent offenders in regards to terms of recommitment. It excludes a prisoner convicted of a violent crime or a sexually violent offense from mandatory early supervised release if the parole board votes to do so. We believe that the constitution's command that "penalties ought to be proportioned to the nature of the offense" (Art. 18 Part I) informs this change to law.

HRA Recommendation: Support the Committee of Conference

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

HRA Analysis: This bill eliminates a dedicated fund used for nursing assistant licensing, and puts those monies into the general fund, similar to the treatment of nurse licensing fees. The Committee of Conference amendment also adds to law a new definition that a nurse is “a person authorized to practice nursing who holds a current license to provide care as an APRN, a RN, or a LPN.” Currently the law just defines those various licensed categories of nurses. The bill supports our platform's goals of efficiency and transparency by eliminating the dedicated fund. The amendment would be over-regulation by limiting “nurses” to only licensed nurses.

HRA Recommendation: No Recommendation

SB 68, relative to records of disciplinary actions taken by the electricians’ board.

HRA Analysis: The bill sets a "statute of limitation" so that previous violations will not be considered after 7 years. This is consistent with the platform: "Working to prevent over-regulation of business, particularly with respect to small businesses" and with the Constitution: "The true design of all punishments being to reform, not to exterminate mankind."

HRA Recommendation: Support the Committee of Conference

SB 70-FN, relative to remedies in landlord-tenant actions.

HRA Analysis: This bill reduces the time period that certain landlords are required to store abandoned property from 28 days to 7 days, reduces the exposure of landlords who violate the statute from triple damages and legal fees to actual damages and legal fees, and eliminates the onerous fine for landlords who fail to provide service of process information to the municipality. The Platform, Section VI, states we are committed to "Working to prevent over regulation of business."

HRA Recommendation: Support the Committee of Conference

SB 75-FN, relative to clarification of part-time service in the state retirement system.

HRA Analysis: The Platform Section VII, states "Public employee benefits should be similar to those of the private sector." This bill limits "double dipping", the practice of retiring from one job and then taking another one while collecting a pension, and clarifies that two part time jobs don't add up to full time, for purposes of pension eligibility. It limits part-time work to 32 hours per week, or 1300 hours over a five month period annually. The change allows towns to hire retirees for true part time or seasonal jobs, while ensuring that full time jobs are not misclassified as part time.

HRA Recommendation: Support the Committee of Conference

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

HRA Analysis: There are three main parts to this bill as revised in the Committee of Conference. The first is to expand the so-called “castle doctrine” of self-defense from the current “within his dwelling or its curtilage” to “anywhere he or she has a right to be” in regards to your duty to retreat when defending yourself against deadly force. The second is informally called the “Ward Bird amendment” in that it aims to fix a flaw in current statute that inappropriately requires a minimum mandatory sentence of not less than 3 years’ imprisonment for possession, use, or attempted use of a firearm in any felony conviction. The third section of the bill provides for immunity from civil liability for anyone who defends himself using force and in that defense injures the perpetrator. All three elements of the bill are directly supported by the Platform in section IX, which states that Republicans “Believe in the rights of law-abiding citizens to own firearms to defend themselves, their families, and their property...” and “We support the universal right of self defense wherever one has a legal right to be.”

HRA Recommendation: Support the Committee of Conference

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies.

HRA Analysis: Makes some small reductions in regulations on employee leasing companies (temporary agencies) and sets up a committee to study how health insurance for such employees should be regulated. The platform opposed over-regulation of business.

HRA Recommendation: Support the Committee of Conference

SB 91, relative to automatic fire suppression sprinklers.

HRA Analysis: The Platform, Part V, states "New Hampshire's government and its elected officials must, above all else, preserve and protect individual liberty.". This bill now prohibits enforcement of existing local ordinances requiring sprinkler systems in manufactured housing, as well as prohibiting new requirements. While violating our Platform position of local control, it supports the position on limiting regulation. Realistically, it also solves an expensive issue for some in that retrofitting manufactured housing for sprinklers often causes more problems than it solves, so on the balance it is better than existing law.

HRA Recommendation: Support the Committee of Conference

SB 92, establishing an economic strategic commission to review the relationship between business and government.

HRA Analysis: The Platform, Part VI, states we are "working to prevent over-regulation of business". Establishing a commission to define exactly how we are over-regulating, and developing a plan to fix those areas, is a small step in that direction.

HRA Recommendation: Support the Committee of Conference

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.
HRA Analysis: The bill passed by the House had two components: the first specified that when somebody accused of murder, manslaughter, or aggravated sexual assault is released or discharged from NH hospital (mental hospital), the victim's family must be notified when the discharge is initially authorized; the second was to "stop the clock" in regards to the statute of limitations on those crimes if the accused had not faced prosecution because he was found incompetent to stand trial and civilly committed. This second part was stripped from the bill by the senators in conference. What's left loosely conforms with the platform statement that Republicans should "Establish strict laws to protect our children from sexual predators...." The bill simply clarifies that "discharge" will now include "the initial authorization by the administrative review committee of New Hampshire hospital to leave the grounds of the hospital unaccompanied by a hospital staff member."

HRA Recommendation: Support the Committee of Conference

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

HRA Analysis: The Republican Party platform says, "We support increased use of market forces to provide and improve health care and reduce costs" and "[We] oppose the enactment of federal programs that contradict the Tenth Amendment to the U.S. Constitution." The individual mandate forced by Congress unconstitutionally on the American people by the so-called Obamacare law is diametrically opposed to this principle. When government forces people to buy a product, the state is intervening in the laws of supply and demand, which artificially increases the prices of the end product by requiring demand. In a true free market, health care will be bought and sold without the intervening laws of government, the cost will decrease and quality increase. SB 148, as amended by the Committee of Conference, takes a step in this direction by prohibiting the state or federal government from enforcing the individual mandate in the State of New Hampshire. The bill also prohibits penalties for refusing health insurance coverage. Our SB 148 House position that returned money to the Federal Government that was given to the state to study and implement the Obamacare exchanges was stripped from this bill and added to HB 601 instead (for political reasons). Following the N.H. Supreme Court's opinion that the House cannot order the AG to join a lawsuit against the Obamacare law, the House Committee of Conference conferees decided that the General Court should not accede to the Senate's position that we "should ask" the AG to join the lawsuit, insisting instead that the Supreme Court is errant in its opinion that we cannot say the AG "shall" join the lawsuit. As a result, we decided to wait for next year to revisit this remaining issue. The bill, as amended, would remove New Hampshire citizens' obligation to purchase health insurance under the unconstitutional federal plan, and it should be passed.

HRA Recommendation: Support the Committee of Conference

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

HRA Analysis: The Committee of Conference adopted the House position on this bill, which the HRA opposed as follows: "Makes numerous small changes to streamline the procedure for administrative rules. While the platform advocates for government efficiency, efficient rule-making is not conducive to our main goal of limited government." We still oppose this.

HRA Recommendation: Oppose the Committee of Conference

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

HRA Analysis: The Platform, Part IX, states we "Offer steadfast support for our law enforcement and emergency response personnel". Keeping the promises past legislatures made to their survivors, while limiting the state's expenses in the future, is a small step in that direction.

HRA Recommendation: No Recommendation

SB 196, relative to renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

HRA Analysis: Gives school boards much more latitude on decisions not to renew a teacher's employment, and provides that layoffs shall not be based on seniority alone. This follows the platform's direction on local control of schools and part 1 article 6 of the constitution: "...the several parishes, bodies, corporate, or religious societies shall at all times have the right of electing their own teachers, and of contracting with them for their support or maintenance, or both."

HRA Recommendation: Support the Committee of Conference

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

HRA Analysis: Is the budget as great as it might have been? No, but it's easy to play the fantasy game of second guessing others who were there wrangling with the Senate. Would we all agree on what to insist on and what to (reluctantly) give up? No. All in all, is this something the HRA can support?

Important platform-related issues included in the budget:

- ⤴ pension reform: SB3 *plus* accelerated board reform and employer rate calculations to minimize downshifting, since the state stopped contributing to town and school employee pensions
- ⤴ established retiree health care contributions as a percentage of the cost, rather than a flat fee
- ⤴ reduced taxes and fees: all fees scheduled to sunset did so, plus reductions in salt water fishing license fees, marriage license fee, pet shop license fees, condominium application fees, and cigarette tax; eliminated rooms & meals tax collector renewal fee, and expanded operating loss carryforwards

- ^ strong language preventing spending on abortions (the Senate agreed with the House language)
- ^ strengthened language forcing consolidation of agencies in mental health programs, without earmarks for particular agencies
- ^ managed care for Medicaid, getting better results with less spending
- ^ require HHS to go out to bid for outpatient services, and pay one low rate for each procedure
- ^ authority to sell the Laconia state school property, without relying on the funds produced
- ^ forced consolidation of state human resources, payroll and other administrative functions
- ^ consolidated more regulatory boards under the Joint Board
- ^ consolidates state telecommunications under the E911 program
- ^ consolidated administration of the assessing standards board and the equalization standards board
- ^ forbid funding NHPTV directly or indirectly with tax dollars
- ^ created committee to pursue privatization in department of corrections and highway department
- ^ eliminated the post-secondary education commission
- ^ eliminated caps on charter school adequate education funding
- ^ makes IT systems in judicial branch more efficient
- ^ eliminates marital masters
- ^ prohibited appointing more judges, unless taking the place of a marital master
- ^ clarified and limited new rule-making authority and required fees to be set in statute
- ^ eliminated the drug free school zone sign fund
- ^ forbids giving welfare to people fleeing prosecution
- ^ tighten repayment and recovery of assistance, especially medical expenses
- ^ shifts college tuition and assistance funds from endowments to scholarships at private colleges
- ^ implements efficiency/cost-saving measures with use of electronic bracelets to monitor parolees
- ^ consolidates human resource functions and business functions in Dept of Revenue Administration
- ^ reduces Dept of Cultural Resources General Fund appropriations by 1.1M over biennium
- ^ reduces Dept of Revenue Administration General Fund appropriations by 2.5M over biennium
- ^ reduces Dept of Corrections General Fund appropriations by 13M over biennium
- ^ reduces Dept of Justice General Fund appropriations by 1.78M over biennium
- ^ reduces Dept of Safety General Fund appropriations by 7.9M over biennium thus savings for Hwy Fund
- ^ reduces Fish and Game Dept fees for fishing licenses by 33% = savings of 375K over biennium
- ^ allows Dept of Transportation motor vehicle surcharge to expire FY2011
- ^ reduces Dept of Transportation appropriations to save 34M over biennium
- ^ reduces Dept of HHS appropriations from Gov's recommended budget by 187M
- ^ reduces DHHS appropriations for Family Planning by 757K for the biennium (and prohibits the remaining funds from being used for evaluation, assessment, consultation, prep or provision of abortions)
- ^ saves 2.15M in General Fund by consolidating DHHS Commissioner District Offices
- ^ provides additional 28.5M in General Fund for Catastrophic Education Aid

Missed opportunities (items in the House position that the Senate did not agree to, or later changes not incorporated):

- ^ deletion of specific positions, not just de-funding them
- ^ deletion of seniority principle for layoffs
- ^ the Kurk amendment (contracts may not have evergreen clauses)
- ^ restructuring government by actually eliminating the Department of Cultural Resources
- ^ limiting state special education rules to Federal minimums
- ^ language completely repealing RGGI
- ^ require HHS to go out to bid for inpatient services, and pay one low rate for each procedure
- ^ require HHS to go out to bid for durable medical equipment (wheelchairs, etc), and pay one low rate for each item
- ^ stronger language prohibiting funding any organization that provides abortions
- ^ layoffs in HHS rather than just cutting services
- ^ tax cuts instead of further spending if revenues come in higher than expected

HRA Recommendation: Support the Committee of Conference

HB 25-FN-A, making appropriations for capital improvements.

HRA Analysis: There is little difference in the the final capital budget and the one approved by voice vote in the house (\$88.3M in general fund bonds which is much less than the amount the treasurer said we could approve). We focused on investments in education, information technology as well as necessary repairs and restoration to the state buildings and parks, safety improvements at the state prison and expansion of the liquor facilities to bring in more income. Much of the program draws on federal and other matching funds. Once again, this legislature delivers on the platform's promise of efficient government.

HRA Recommendation: Support the Committee of Conference

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

HRA Analysis: Back in the good old days, prior to September 6, 2010, "gross misconduct" for the purposes of losing one's accumulated unemployment compensation credits, included "dishonesty". At that time "dishonesty" was changed to be "theft of an amount greater than \$500". Also the phrase "where such conduct is connected to his or her work" was added to the whole section so that being discharged for "arson, sabotage, felony, assault which causes bodily injury, criminal threatening or theft of an amount greater than \$500" would only cause the loss of credits if it was connected with work. The original HB 26 would have rolled back the language. The version before us lowers the \$500 to \$250, and adds a different penalty for thefts of \$100 to \$250, i.e. temporary loss of benefits (four to 26 weeks, at DOL's discretion), the same result as if one is fired for drug abuse.

HRA Recommendation: Support the Committee of Conference, it's better than nothing

HB 131, relative to indemnification of volunteers performing duties in the state park system.

HRA Analysis: Makes park volunteers immune from civil suits as if they were state employees. Also extends the term of the Park System Advisory Council by four years. The platform specifically praises volunteerism and says that we "Recognize 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 the Committee of Conference

HB 248, establishing a commission to study business regulations in New Hampshire.

HRA Analysis: Forms a large commission to study business regulations, particularly labor regulations. The commission must report by the end of October and then it is disbanded. Our most heavily used platform quote is "Working to prevent over-regulation of business, particularly with respect to small businesses." This commission can only aid in that effort.

HRA Recommendation: Support the Committee of Conference

HB 299-FN, relative to the method of financing for the judicial retirement plan.

HRA Analysis: The Constitution, Part 1, Art 36, states "pensions ought to be granted with great caution, by the legislature, and never for more than one year at a time." Insisting the judicial retirement system pay up its unfunded liabilities in 20 years, rather than allowing them to stretch it out to 30 years, better fits the intent of this clause. Note that the exact contents of this bill are also contained in HB2, so opposing this is purely symbolic.

HRA Recommendation: Oppose the Committee of Conference

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.

HRA Analysis: The Committee of Conference essentially accepted the Senate version of this bill with one small change. The bill changes the adequate education funding formula in a variety of ways. The platform advocates low taxes and local control of education funding. Therefore the good parts of HB 337 are that it (1) simplifies, lowers and rationalizes the extra payment for students getting a free or reduced lunch, (2) eliminates donor towns, (3) eliminates fiscal disparity aid and (4) caps aid for the next biennium at FY11 levels and after that caps annual increases at 5.5%. The bad parts are that it (1) adds a payment for third graders who can't read, i.e. pay for failure and (2) sets up certain towns to forever get a payment in excess of the funding formula. Unfortunately, this bill is effectively as important to the budget as HB2, since the numbers in HB1 would be off by about \$70M a year without it. So we really have no choice but to support it.

HRA Recommendation: Support the Committee of Conference

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

HRA Analysis: The Platform, Part VI, states we are dedicated to "Working to prevent over-regulation of business". This bill increases regulation of gaming businesses, while failing to eliminate even a minor government agency. This is a completely different bill than the one that passed the House and had public hearings in the House and Senate. It no longer has anything to do with eliminating the Racing and Charitable Gaming Commission, and instead has the new title of: AN ACT relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.

HRA Recommendation: Oppose the Committee of Conference

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

HRA Analysis: The primary focus of this commission has been to push for "equitable treatment for both parents in child custody and child support" as mandated by the Republican Platform, Section VIII. Since it manages without any state funding, the HRA should support its continuance.

HRA Recommendation: Support the Committee of Conference

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HRA Analysis: The Platform, Part VII, states we are dedicated to "Maintaining a locally controlled tax system." Ensuring that towns that grant excess benefits to some of their employees do not impose the costs of those benefits on taxpayers in other towns strengthens local control.

HRA Recommendation: Support the Committee of Conference

HB 483-FN-L, relative to mosquito control.

HRA Analysis: Allows local mosquito control activities in places where public health threats have been declared within the last three years, not just places that currently have declared threats. While this seems like a good idea for reducing bureaucracy imposed on towns, there seems to be no specific related sections in the platform.

HRA Recommendation: No Recommendation

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

HRA Analysis: This bill requires school districts to adopt a policy letting parents remove their children from instruction that they find objectionable. It also provides for mutually acceptable alternative instruction, paid for by parents if necessary, to cover the missed material. The platform strongly supports parents' rights to educate their children as they see fit. This is broadly written to allow parents to object for any reason.

HRA Recommendation: Support the Committee of Conference

HB 601-FN, relative to implementation of federal health care reform.

HRA Analysis: The Republican Party platform says that we "oppose the enactment of federal programs that contradict the Tenth Amendment to the U.S. Constitution" and that "we support increased use of market forces to provide and improve health care and reduce costs." HB 601, as amended by the Committee of Conference allows the New Hampshire Legislature to exercise its maximum potential 10th Amendment power to stand up against the Obamacare law, which contradicts the 10th Amendment to the U.S. Constitution. It also gives the state the option to implement parts of the Obamacare law, if absolutely necessary after an errant U.S. Supreme Court ruling, to ensure market forces are employed to the best of our ability as a state. At the same time, the bill creates a stop-gap measure; namely, an oversight committee (made up of three House members and three Senate members) that can choose to implement or not implement parts of the Obamacare law as they come up. The effectiveness of the oversight committee in achieving Republican Party goals will rely solely on who the Majority Party is and who the Speaker appoints as House members to the committee. The House conferees fought hard to keep a legal requirement for minority representation off the committee, since this is a political committee that will exercise the will of the people directly when deciding how to implement or not to implement Obamacare. It will be up to the Speaker (and the Senate President) who to appoint to this committee, and thus, what to do with Obamacare. The Oversight Committee can be a very important stop-gap for preventing implementation of Obamacare, and should be created for that reason. However, it will be up to the people of New Hampshire to keep its purpose focused on opting-out of Obamacare during the next election. Finally, as an unnecessary political move, the Committee of Conference decided to attach the provision from the House version of SB 148 to this bill, which sends back \$666,000 to the federal government for paying down the federal deficit that would have been used to fund the study and implementation of anti-free market health care exchanges. Having this strong gesture from the New Hampshire Legislature attached to this bill will go a long way in destroying the Obamacare bill, and the oversight committee will continue to make sure the bill is not implemented, so long as Republicans maintain the majority. All-in-all, this bill is the best chance we have to stop Obamacare from being enforced in New Hampshire.

HRA Recommendation: Support the Committee of Conference

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

HRA Analysis: This bill allows the state business finance authority to guarantee venture capital funds that invest in New Hampshire businesses, and invest in them. The Platform, Section VI, states we are "Working to provide an environment favorable to increasing the creation of private sector jobs including state-of-the-art technology." Whether you think this sort of activity just provides a favorable environment, or involves the state picking winners and losers determines whether or not you can support this bill.

HRA Recommendation: No Recommendation

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

HRA Analysis: This bill allows towns to adjust their quarterly or semi-annual tax bill if needed to accommodate changes in state education aid. The Platform, Section VII, states we are committed to "Maintaining a locally controlled tax system." This sort of commonsense adjustment, when spending levels do not need to change, does that.

HRA Recommendation: Support the Committee of Conference