

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, FEBRUARY 10 REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1364, relative to Medicare unfair trade practices. **OUGHT TO PASS. Vote 13-5.**

HRA Analysis: This appears to prevent individuals selling Medicare insurance from using deceptive tactics.

HRA Recommendation: **No Platform or Constitution Issue.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1373, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs. **OUGHT TO PASS. Vote 11-6.**

HRA Analysis: We have enough committees. It wastes taxpayer money to fund a committee that will have a small return in usable information.

HRA Recommendation: **Oppose OTP and Support ITL**

HB 1602-FN, relative to the secure psychiatric unit. **OUGHT TO PASS WITH AMENDMENT Vote 15-3**

HRA Analysis: This bill calls for a forensic psychiatric hospital. It has a 4.5 million dollar fiscal cost and because this is something that the feds are mandating it infringes on our state's sovereignty.

HRA Recommendation: **Oppose OTP/A and Support ITL**

HB 1644-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 14-5.**

HRA Analysis: This recognizes that the loss of an unborn child is also a separate crime. There have been instances that parents hopes and dreams were dashed by a perpetrator only to see them let off with very little punishment because NH law does not cover the unborn. Our platform takes a strong stand against crime and strengthening prosecution.

HRA Recommendation: **Oppose ITL and Support OTP**

ENVIRONMENT AND AGRICULTURE

HB 1624-FN, relative to the care and treatment of dogs by breeders within the state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 12-1**

HRA Analysis: This bill would pose a plethora of restrictions and requirements on responsible breeders in NH. As this is anti-business it violates our platform. Cruelty laws are already in place in making this bill unnecessary. This bill would not prevent those who choose to circumvent or break the law from doing so.

HRA Recommendation: **Support ITL**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1277-FN, relative to eligibility for medical benefits payment by the retirement system for certain vested deferred group I members. **INEXPEDIENT TO LEGISLATE. Vote 13-4**

HRA Analysis: The platform, Section VI, urges us to keep “state government lean to minimize its burden on taxpayers and businesses”, and this bill would impose extra costs on all taxpayers.

HRA Recommendation: Support ITL.

HB 1428-FN, relative to death benefits for surviving spouses of a New Hampshire retirement system member. **OUGHT TO PASS WITH AMENDMENT. Vote 14-4**

HRA Analysis: No constitutional or platform issue identified.

HRA Recommendation: No recommendation.

HB 1530-FN-L, redefining earnable compensation of members of the New Hampshire retirement system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY. Vote 12-5.**

HRA Analysis: The platform, Section VI, urges us to keep “state government lean to minimize its burden on taxpayers and businesses”, and this bill could save a great deal of money; however immediate implementation would violate many employee contracts. Interim study seems appropriate.

HRA Recommendation: No recommendation.

FINANCE

HB 1516-FN-A, making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011. **OUGHT TO PASS WITH AMENDMENT. Vote 23-1.**

HRA Analysis: The platform, Section V, encourages state government be accessible and responsive to the citizens. On the other hand it needs to keep lean and efficient.

HRA Recommendation: Vote your conscience.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1326, relative to the use of long-term antibiotics for the treatment of Lyme disease. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS. Vote 18-1.**

HRA Analysis: This bill enables patients with Lyme disease to be treated with long term antibiotics which has proven to be successful in many cases. Our platform supports higher quality health care and prescription drugs. As this helps alleviate suffering it is common sense to pass this bill and not waste time studying it further.

HRA Recommendation: Oppose Interim Study and vote OTP.

JUDICIARY

HB 1185, relative to retired judges over 70 years of age. **OUGHT TO PASS. Vote 12-6.**

HRA Analysis: The Constitution Part II, Article 78 is clear that judges on reaching the age of 70 years cannot hold office. Each session were are presented a bill in which the Judicial Branch, for the sake of convenience , desires legislation to allow the branch to bring back retired judges over 70 years of age to sit on selected cases. Hopefully this bill, clearly in support of the Constitution, will put nails in the coffin as to this issue and stop further requests.

HRA Recommendation: Support OTP

HB 1213, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 10-8**

HRA Analysis: This bill would require HHS to receive notification from the courts where one spouse desired to allocate income to another when one spouse is applying for medical assistance. Generally the parties seeking assistance are lower income citizens. This bill would allow the state to deprive the receiving spouse from the income. It is an example of over regulating by the state.

HRA Recommendation: Oppose OTP and vote ITL

HB 1347, relative to the right of jury nullification. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 13-7**

HRA Analysis: Since the institution of the jury system, juries have had the authority to determine the outcome of a specific case. Some refer to this as a *right* others as a *power*. This bill describes it as a right and provides a specific and mandatory jury instruction be given to a jury as to their ability to judge both the facts and the law. Since the 13th century juries have had this ability. In section V our Platform stands for the preservation of the rights of our people and that government only has as much power as we give it. By the

Judicial system's current stance on not advising juries of their rights to nullify we have a Judicial branch that has taken more power than it was given.

HRA Recommendation: Oppose ITL and Support OTP

HB 1454-FN, requiring parental consent for medical procedures and medications provided to minors. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT. Vote 11-7**

HRA Analysis: Parents are responsible for their children and their children's acts, but government insist that parents should have no authority over medical procedures being provided to their child. A Parent should be notified and provide consent for any and all medical procedures, including abortion.

HRA Recommendation: Oppose ITL, Support OTP/A

HB1577-FN, relative to court records research fees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 11-5**

HRA Analysis: This past year the legislature passed a bill increasing court research fees from \$5.00 a name to \$20 a name. The public has a right to court information without a prohibitive cost. The increase in research fees represents a money making opportunity for the courts, in essence a tax. The increase has limits the viability of small New Hampshire businesses that provide these information services. The reduction to the former cost will bring back a fair balance of costs.

HRA Recommendation: Oppose ITL, Support OTP

HB 1662-FN, relative to consent for abortions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY. Vote 12-6**

HRA Analysis: Our party stands for *life*. This bill, while flawed, conforms to our state platform. The minority feel that the minor flaws in the bill can and should be corrected and recommend interim study.

HRA Recommendation: Oppose ITL, Support Interim Study

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1645-FN, relative to freedom of choice on whether to join a labor union. **INEXPEDIENT TO LEGISLATE Vote 12-1**

HRA Analysis: The platform, Section VI, supports individual's Right to Work.

HRA Recommendation: Oppose ITL, Support OTP.

LOCAL AND REGULATED REVENUES

HB 1522, relative to local spending caps. **INEXPEDIENT TO LEGISLATE Vote 12-6**

Warning: Minority blurb suppressed!

HRA Analysis: The platform, Section V, encourages government be controlled and minimized by the will of the people. This bill would encourage communities to limit government spending, as their choice, and it would also minimize lawsuits.

HRA Recommendation: Oppose ITL, support OTP.

MUNICIPAL AND COUNTY GOVERNMENT

HB 646-FN-L, relative to county and state obligations for costs for nursing care and services, and for court orders for children services. **OUGHT TO PASS WITH AMENDMENT Vote 15-0**

HRA Analysis: This is seeking to clarify the downshifting of costs from the state to the county. There does not seem to be a Constitution or Platform issue here.

HRA Recommendation: No Recommendation

PUBLIC WORKS AND HIGHWAYS

HB 1481, relative to the use of turnpike tolls. **OUGHT TO PASS WITH AMENDMENT Vote 20-0**

HRA Analysis: This bill with amendment spells out in greater detail that the only use of the tolls will be for the turnpike facilities and bond/interest payments for turnpike projects per our Constitution.

HRA Recommendation: Support OTP/A

RESOURCES, RECREATION AND DEVELOPMENT

HB 558-FN, establishing a procedure for leasing state parks. **OUGHT TO PASS WITH AMENDMENT Vote 14-4**

HRA Analysis: An OTP/A on this bill was defeated at a previous session and was referred back to committee. Several objectionable parts were removed. However, it still adds additional costs and red tape to any effort to lease a state park. It creates a distinct commission for every proposed lease. Part of the GOP Platform is to encourage business. This bill does the opposite. It is not needed.

HRA Recommendation: Oppose OTP/A, then Support ITL

HB 1434, relative to exemptions from sewage disposal systems approval. **INEXPEDIENT TO LEGISLATE** **Vote 16-3**

HRA Analysis: This bill is not necessary and the remedy could be accomplished by rule.

HRA Recommendation: No Recommendation.

HB 1676-FN, requiring certification of road salt applicators. **REFER FOR INTERIM STUDY.**

Vote 19-0

HRA Analysis: This bill would require certification of all commercial applicators of road salt. It would fine a commercial applicator up to \$5000 who applies salt w/o certification. It would provide legal immunity from "slip & fall" lawsuits for a certified applicator who applied salt using "best practices." Because the committee ran out of time, it voted to Refer for Interim Study as there are problems with the definitions of what constitutes a commercial applicator, where the statute applies, plus there has been no review of the legal immunity policy by the Judiciary Committee. There will probably be an attempt by the committee chair to reverse the Refer to Interim Study and to put forth a floor amendment to pass the bill. While the idea of salt reduction may be laudable, the use of an unstudied floor amendment to rush through any bill is ill-advised. Also, no floor amendment can satisfy the lack of a policy review by the Judiciary Committee of the legal immunity provision. Platform issues include, fines (tax) and overregulation of business.

HRA Recommendation: Support Refer to Interim Study and Oppose OTP.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1202, relative to renewable energy credits. **INEXPEDIENT TO LEGISLATE** **Vote 11-4**

HRA Analysis: This would allow water turbine's to hook up to the electric grid.

HRA Recommendation: No Platform or Constitution Issue.

HB 1401-FN, limiting corn-based ethanol as an additive to gasoline sold in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Vote 8-4

HRA Analysis: This bill limits the corn ethanol in gasoline.

HRA Recommendation: No Platform or Constitution Issues.

TRANSPORTATION

HB 1588-FN, changing the effective date of the expiration of the motor vehicle registration surcharge. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS** **Vote 10-9**

HRA Analysis: This bill would have repealed the 3rd increase in the vehicle registration surcharge since 2008. This third increase originally came out of the transportation committee with a recommendation of ITL. The following week the majority filled vacant seats and called for a reconsideration overturning the original recommendation to save taxpayers money. This increase creates a higher burden on New Hampshire families that are now struggling to maintain their homes and basic essentials. In a time when many are unemployed or under employed charging a 3rd surcharge increase in order to feed over spending in our state is wrong.

HRA Recommendation: Vote No on ITL and support a motion of OTP

WAYS AND MEANS

HB 1506-FN-A-L, establishing a state aeronautical fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** **Vote 10-8**

HRA Analysis: No constitutional or platform issue identified.

HRA Recommendation: No recommendation.

CONSENT CALENDAR

All bills have been removed from the Consent Calendar to protest censorship of minority blurbs. As a result, a number of innocuous bills will be separately debated and voted, but except for those identified below, there is no platform or constitutional issue identified and no HRA recommendation.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1442-FN, relative to residency restrictions on offenders against children. **INEXPEDIENT TO LEGISLATE Vote 18-0**
HRA Analysis: Section IX of our platform states: “Establish strict laws to protect our children from sexual predators.” This bill shields the children from the view of predators while at school.
HRA Recommendation: Oppose ITL and Support OTP

HB 1484, relative to residency restrictions for sex offenders. **OUGHT TO PASS Vote 17-2**
HRA Analysis: Section IX of our platform calls for Child Protection and Ensuring Safety. Communities should be allowed to enact residency restrictions as needed to protect their community.
HRA Recommendation: Oppose OTP and Support ITL.

EDUCATION

HB 1286, allowing nonpublic schools to obtain criminal history records checks on employees and volunteers. **OUGHT TO PASS WITH AMENDMENT. Vote 19-1.** **HRA Analysis:** HB1286 now forces nonpublic schools to demand criminal histories rather than enabling. An unnecessary intrusion into private education.
HRA Recommendation: Vote against the Amendment, Vote against OTP/A then vote ITL.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1512, relative to supplemental allowances for beneficiaries of the judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT. Vote 17-0.**
HRA Analysis: The platform, Section VI, urges us to keep “state government lean to minimize its burden on taxpayers and businesses”, and this bill, unamended, would impose extra costs on all taxpayers. The amendment deletes the cost and offers judges the ability to retire before age 70, even though their pension cannot start before 70.
HRA Recommendation: Support the committee amendment; support OTP/A; oppose OTP.

FINANCE

HB 523-FN, requiring DNA testing of all persons convicted of a felony. **OUGHT TO PASS WITH AMENDMENT. Vote 22-1.** **HRA Analysis:** The New Hampshire Constitution Part 2, Article 6-a, requires the highway fund to be used exclusively for the highways. DNA testing, even of felony drunk drivers, is not related to highway “construction, reconstruction, and maintenance”. Unless this bill is amended to forbid use of highway funds, it is unconstitutional.
HRA Recommendation: Oppose OTP/A, support ITL.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1239, relative to department of environmental services field citations and cease and desist orders. **OUGHT TO PASS WITH AMENDMENT Vote 16-1**
HRA Analysis: This bill more than doubles fines for violations of wetland rules. This is a tax increase.
HRA Recommendation: Oppose OTP/A and Support ITL.

Transportation Consent Calendar

HB 1498, relative to obscured figures or letters on number plates attached to motor vehicles. **INEXPEDIENT TO LEGISLATE Vote 15-0**
HRA Analysis: Our platform is against over regulation. We believe that laws should be enforced subject to the legislative intent.
HRA Recommendation: Oppose ITL and Support the floor amendment and Support OTP or OTP/A.

“The only thing more costly than roll calls is that of not having them, which allows those who offend the sensibility of their constituents to hide behind anonymity.”

Representative Dan Itse 2010