

HOUSE REPUBLICAN ALLIANCE RECOMMENDATION SHEET



freedom

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 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.

“TRUST BUT VERIFY”

Bill Number	Committee	Committee Vote	HRA recommends
HB 114	Municipal & County	OTP/A 14-1	No Recommendation
HB 120	Commerce	ITL 11-9	Oppose ITL
HB 151	Election Law	Interim Study 15-2	No Recommendation
HB 169	Labor	ITL 18-1	Support ITL
HB 217	Criminal Justice	ITL 12-6	Support ITL
HB 227	Commerce	OTP/A 20-0	No Recommendation
HB 263	Transportation	OTP/A 15-3	Oppose OTP/A
HB 284	Science & Energy	ITL 17-1	Support ITL
HB 286	Science & Energy	OTP/A 13-5	Oppose OTP/A
HB 292	Resources	OTP/A 13-5	Oppose OTP/A
HB 336	Criminal Justice	ITL 16-0	Support ITL
HB 341	Finance	ITL 17-4	Oppose ITL
HB 343	Commerce	OTP/A 14-4	No Recommendation
HB 366	Election	OTP/A 15-0	Oppose OTP/A
HB 421	ED&A	OTP/A 11-7	Oppose OTP/A
HB 427	Ways & Means	OTP/A 10-9	Oppose OTP/A
HB 430	Commerce	OTP/A 11-9	Oppose OTP/A
HB 456	Commerce	Interim Study 20-0	No Recommendation
HB 485	Ways & Means	OTP/A 14-5	No Recommendation
HB 493	State Federal Relations	ITL 10-1	No Recommendation
HB 495	Transportation	OTP/A 13-5	No Recommendation
HB 496	Criminal Justice	OTP/A 16-1	Support OTP/A
HB 523	Resources	ITL 15-2	No Recommendation
HB 532	Municipal & County	OTP/A 9-6	Oppose OTP/A
HB 533	Education	OTP/A 15-3	Oppose OTP/A
HB 566	Commerce	ITL 19-1	No Recommendation
HB 580	Science & Energy	ITL 13-6	No Recommendation
HB 586	Science & Energy	ITL 15-4	No Recommendation
HB 600	Election Law	Interim Study 10-7	Support ITL
HB 645	Criminal Justice	Interim Study 16-2	No Recommendation
HB 650	Transportation	OTP/A 13-5	Oppose OTP/A

HB 654	Ways & Means	OTP/A 19-0	Support OTP/A
HB 657	Finance	OTP/A 21-0	Support OTP/A
HB 658	ED&A	OTP/A 13-5	Oppose OTP/A
HB 663	Resources	Interim Study 10-8	No Recommendation
HB 685	Judiciary	OTP/A 14-2	No Recommendation
SB 3	Public Works	ITL 15-0	No Recommendation
SB 29	Public Works	Interim Study 13-2	No Recommendation
SB 116	ED&A	OTP/A 17-2	No Recommendation
SB 169	Commerce	ITL 12-8	No Recommendation

WEDNESDAY, JANUARY 29 REGULAR CALENDAR- PART TWO

SCIENCE, TECHNOLOGY AND ENERGY

HB 580, establishing moratoriums on wind turbine plants and electric transmission line projects. **MAJ: ITL. MIN: OTP. Vote 13-6.**
HRA Analysis: This bill prohibits the Site Evaluation Committee from approving any wind turbine plants or transmission lines until the comprehensive state energy plan is complete. On one hand, it diminishes the property rights of landowners to put up turbines or transmission lines; on the other, it asserts local control (typically neglected by the current process) and legislative oversight by creating incentives for the energy plan to be completed.

HRA Recommendation: No Recommendation.

WAY AND MEANS

HB 427, relative to tobacco tax laws. **MAJ: OTP/A . MIN: ITL. Vote 10-9.**

HRA Analysis: This bill, as amended, clarifies tobacco tax laws. One “clarification” is to define premium cigars (which are exempt from taxes) such that some will be taxed, violating the constitutional requirement for proportional taxes. (Part 2, Art 5)

HRA Recommendation: Oppose OTP/A.

HB 485-FN-A, establishing keno. **MAJ: OTP/A . MIN: ITL. Vote 14-5.**

HRA Analysis: This bill, as amended, allows any licensed establishment to offer keno, an electronic lottery. On the one hand, the Platform warns against gambling; on the other, this will help our businesses flourish.

HRA Recommendation: No Recommendation.

HB 654-FN, relative to licensure and renewal fees. **OTP/A . Vote 19-0.**

HRA Analysis: This bill, as amended, sets license fees for a group of small boards in statute so that they will equal the estimated cost of running the boards. These fees have previously been set in rules and the new levels are nearly all decreases, some significant (from \$450 to \$110) or small increases (from \$50 to \$55). Eliminating the rulemaking to set fees and physically consolidating the staff is expected to decrease costs without affecting performance. The Platform, Part I, urges us to “keep state government lean.”

HRA Recommendation: Support OTP/A.

REGULAR CALENDAR- PART THREE

COMMERCE AND CONSUMER AFFAIRS

HB 120, relative to hours of sales by off-premises liquor licensees. **MAJ: ITL. MIN: OTP/A. Vote 11-9.**

HRA Analysis: This bill would allow towns to vote to extend hours for retail sales of wine and beer. In a small way, it decreases business regulations, as urged by the Platform, Part I.

HRA Recommendation: Oppose ITL.

HB 343, relative to laws regarding pawnbrokers. **OTP/A. Vote 14-4.**

HRA Analysis: This bill, as amended, would create a study commission. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 430, requiring insurance companies sending out solicitations to include a license number. **MAJ: OTP/A. MIN: ITL. Vote 11-9.**
HRA Analysis: This bill, as amended, would add a tiny requirement to insurance solicitations, that would have the effect of varying from the national standards of most insurance regulations and therefore make New Hampshire a less desirable place to sell insurance. In addition, it maintains an incredibly patronizing attitude towards New Hampshire's seniors, that they are incapable of recognizing a marketing piece when they get one. The Platform, Part I, reminds us to “minimize business regulations.”

HRA Recommendation: Oppose OTP/A, support ITL.

SB 169, relative to non-covered services under dental insurance plans. **MAJ:ITL. MIN: OTP/A. Vote 12-8.**

HRA Analysis: This bill would allow dental insurance companies to mandate prices, at contracting dentists' offices only, for some procedures that are not covered by the insurance. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 217, imposing an extended term of imprisonment for assault against a health care provider. **ITL. Vote 12-6.**

HRA Analysis: The Constitution, Part 1, Art. 18. “All penalties ought to be proportioned to the nature of the offense.” and this bill makes some cases of assault eligible for more severe penalties than other assaults.

HRA Recommendation: Support ITL

HB 336-FN, prohibiting the retail sale of certain fireworks devices. **ITL. Vote 16-0.**

HRA Analysis: This bill would ban certain fireworks and criminalize not providing the official fireworks safety brochure. The Platform reiterates that “We believe in free people, free markets and free enterprise.” Let's trust our free people to enjoy fireworks and not hamper our businesses.

HRA Recommendation: Support ITL

HB 496-FN, relative to driving privileges for certain first-time DWI offenders. **OTP/A. Vote 16-1.**

HRA Analysis: This bill would allow some DWI offenders to have a limited driver's license allowing them to go to work, and a few other approved locations, with an ignition interlock device. For many people, losing their license means losing their job, so making the punishment proportional to the offense should allow them to petition the court for this option. The “enhanced technology” ignition interlock devices required by the bill have serious privacy issues, particularly for other, innocent people who may well drive the car; please support the Warden floor amendment which deletes the words “advanced technology.”

HRA Recommendation: Support OTP/A.

HB 645-FN, relative to an extended term of imprisonment for persons with 2 prior convictions. **INTERIM STUDY. Vote 16-2.**

HRA Analysis: This bill would clarify the requirements to receive an extended sentence, and studying this issue while an appeal works its way through the Supreme Court makes sense. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

EDUCATION

HB 533, relative to the mathematics requirement for high school graduation. **MAJ: OTP/A. MIN: ITL. Vote 15-3.**

HRA Analysis: This bill, as amended, changes the math requirement from three years to four, one of which may be “embedded.” Some local schools may not have qualified teachers or these courses available, so it's a violation of Part 1, 28-a of the Constitution.

HRA Recommendation: Oppose OTP/A, support ITL.

ELECTION LAW

HB 151, relative to duties of inspectors of election. **INTERIM STUDY. Vote 15-2.**

HRA Analysis: This bill would coordinate the statutory references to these duties. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 600-FN, relative to voter registration. **INTERIM STUDY. Vote 10-7.**

HRA Analysis: This bill would clarify statutory references to domicile and residency, and modify the affidavit forms. The Platform, part VI, requires we “ensure voting is done by New Hampshire resident citizens only”, and this bill, as written, would water down some safeguards currently in place.

HRA Recommendation: Support Interim Study or ITL, oppose OTP.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 421, regulation of real estate brokerage and sales by the real estate commission. **MAJ: OTP/A. MIN: ITL. Vote 11-7.**

HRA Analysis: This bill, as amended, increases the authority of the commission over unlicensed real estate sellers, and also increases the continuing education requirement by 25%. The Platform, Part I, urges us to “minimize business regulations, permits, licenses, and paperwork.” The Warden floor amendment addresses the CEU issue, and should be supported.

HRA Recommendation: Oppose OTP/A.

HB 658-FN, relative to registration for medical technicians. **MAJ: OTP/A. MIN: ITL. Vote 13-5.**

HRA Analysis: This bill, as amended, requires registration for all unlicensed/unregistered workers in health care settings “with access to drugs and to patients.” This is a very broad brush approach to preventing drug diversion in hospitals, and has little likelihood of success. The Platform, Part I, urges us to “minimize business regulations, permits, licenses, and paperwork.”

HRA Recommendation: Oppose OTP/A.

FINANCE

HB 341-FN, relative to costs of fiscal analysis of legislation affecting the retirement system. **MAJ: ITL. MIN: OTP/A. Vote 17-4.**

HRA Analysis: When financial legislation is proposed, affected departments provide analysis and data to the Legislative Budget Assistant so that fiscal notes can be prepared. These costs are absorbed into the departments' budgets. This bill excepts the retirement system, since Part I, article 36-A of the NH Constitution: “All of the assets ... of the New Hampshire retirement system ... shall be held, invested or disbursed as in trust for the exclusive purpose of providing for such benefits and shall not be encumbered for, or diverted to, any other purposes.” On the other hand, the retirement system has a fiduciary duty to perform these analyses, as part of their cost projections to set contribution rates, and protecting the system assets from well intentioned but actuarially unsound legislation is a valid purpose of the fund.

HRA Recommendation: Vote your conscience.

HB 657-FN, requiring state agencies to submit efficiency expenditure requests as part of the budget process. **OTP/A. Vote 21-0.**

HRA Analysis: This bill reforms the executive branch's phase of the budget process. Currently departments spend a considerable effort to create several budgets with different targets. This bill allows the Governor to set budget targets for each department, and then the departments create one budget to meet those targets. The platform says that we must “justify expenditures against measurable benefits.” As most of the current budget work product is not used by the legislature to create the final budget, the process needs to be streamlined, and HB 657 is a step in the right direction.

HRA Recommendation: Support OTP/A.

JUDICIARY

HB 685, relative to state agency communications under the right-to-know law. **MAJ: OTP/A. MIN:ITL. Vote 14-2.**

HRA Analysis: This bill, as amended, would clarify the authority of the Legislative Budget Assistant to review confidential and privileged information as part of its audit duties, and create a commission to study the right to know law. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 169, establishing an employers' private right of action to enforce workers' comp. **MAJ: ITL. MIN:OTP. Vote 18-1.**

HRA Analysis:This bill allows a third party to file suit against an employer who allegedly has not paid their workers' compensation premiums. This is the job of the Department of Labor. The Platform, Part I, calls for initiatives to “foster an attitude of assistance and cooperation with business.” Giving to third party entities the power of the state and allowing them to sue other businesses is very much contrary to our platform.

HRA Recommendation: Support ITL.

MUNICIPAL AND COUNTY GOVERNMENT

HB 114, relative to abutter access over subdivided land. **OTP/A. Vote 14-1.**

HRA Analysis: This bill, as amended, would require deeded access across a new subdivision for parcels that have no legal access except through the subdivision, if the planning board requires it. The Platform, Part VIII, requires us to “recognize that private property owners ... have a fundamental right to freely use and enjoy their property,” and this act balances the rights of the developer and the landlocked parcel owner. If it is the **right** balance is a matter of conscience.

HRA Recommendation: Vote your conscience.

HB 532, relative to energy efficiency and clean energy districts. **MAJ:OTP/A. MIN: ITL. Vote 9-6.**

HRA Analysis: This bill, as amended, would allow towns or village districts to create special districts and borrow money to fund energy efficiency improvements in private property – primarily commercial property - in these areas. The Constitution, Part 2, Article 5, states “the general court shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation.”

HRA Recommendation: Oppose OTP/A.

PUBLIC WORKS AND HIGHWAYS

SB 29, relative to the motorist service signing program. **INTERIM STUDY. Vote 13-2.**

HRA Analysis: No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

RESOURCES, RECREATION AND DEVELOPMENT

HB 292-FN-A, requiring milfoil decals on private vessels on the inland waters of NH. **MAJ: OTP/A. MIN: ITL. Vote 13-5.**

HRA Analysis: The bill as submitted would have required non-New Hampshire registered boats that use our lakes and waterways to contribute, as New Hampshire registered boats do, to the efforts at eradicating milfoil and other invasive species. The committee amendment completely changed the bill into a 27% fee increase, on NH boaters only, in the portion of the registration fee allocated for weed control. The Platform, Part II, speaks of reducing the cost of government. This increase runs counter to that tenet.

Recommendation: Oppose OTP/A and Support ITL

HB 523-FN, relative to voluntary certification for road salt applicators. **ITL. Vote 15-2.**

HRA Analysis: The content of this bill was incorporated into HB2 and passed last year.

HRA Recommendation: No Recommendation.

HB 663-FN, relative to appeals within the department of environmental services. **INTERIM STUDY. Vote 10-8.**

HRA Analysis: No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

SCIENCE, TECHNOLOGY AND ENERGY

HB 284-FN, providing for collection of the E-911 surcharge from certain prepaid cellular telephones. **ITL. Vote 17-1.**

HRA Analysis: This bill would collect this tax on prepaid cell phones, somehow. The Platform always reminds us to oppose new taxes and fees, especially ones that are difficult or expensive to collect.

HRA Recommendation: Support ITL.

HB 286, relative to broadband infrastructure. **OTP/A . Vote 13-5.**

HRA Analysis: This bill, as amended, allows towns to issue bonds to build broadband infrastructure. The Platform, Part II, urges us to “privatize programs and functions that can be handled more effectively by the private sector.”

HRA Recommendation: Oppose OTP/A and Support ITL

HB 586, establishing a one-year moratorium on applications for certificates for electric transmission facilities. **ITL. Vote 15-4.**

HRA Analysis: No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 493-FN, relative to emergency compacts. **MAJ: ITL. MIN: OTP. Vote 10-1.**

HRA Analysis: This bill would withdraw New Hampshire from the Northeastern American/Canadian Emergency Management Assistance Compact. It is worthy of note that this international/interstate/interprovincial agreement has actually been ratified by the Federal Senate, as required by the constitution, and all actions are voluntary. How that balances the constitutional arguments raised by the minority of the committee is for each member to decide.

HRA Recommendation: Vote your conscience.

TRANSPORTATION

HB 263, establishing a committee to study examination of elderly drivers. **MAJ: OTP/A . MIN: ITL. Vote 15-3.**

HRA Analysis: The original bill simply set up a committee to study licensing renewal criteria for elderly drivers. The majority amendment completely replaces the bill with a radically different concept, granting criminal and civil immunity to doctors or other health workers who report their patients to the Department of Safety as being unsafe to drive. It does *not* mention what the Department of Safety is to do with this information. A review of the law suggests that they can revoke a license without retesting. This bill is a complete violation of RSA 329:26 which ensures us that: “The confidential relations and communications between a physician ... and the patient ... are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such physician ... shall be required to disclose such privileged communications. ...” Beyond our fourth-amendment and federal HIPAA privacy rights, the platform says that we will “Protect the privacy of individuals from government snooping.”

HRA Recommendation: Oppose the amendment and OTPA. No recommendation on OTP or ITL.

HB 495-FN, relative to titles for motor vehicles. **OTP/A . Vote 13-5.**

HRA Analysis: Cars less than 15 years old must have titles. HB 495 changes that to cars made after 1999. This seems to be a very subtle difference, with no platform implications.

HRA Recommendation: No Recommendation.

HB 650, making an appropriation to start a bus service between Claremont and Lebanon. **OTP/A. Vote 13-5.**

HRA Analysis: This bill authorizes Community Alliance Transportation Services (CATS) in Newport to seek federal grants to start up bus service between Claremont and Lebanon. CATS currently offers bus service within Claremont and two other communities. If the federal grant is received, then the Fiscal Committee and the Governor & Council are authorized to expend up to \$250,000 in necessary matching funds. The platform says that we should privatize programs where possible, so we cannot support this. However, we applaud the sponsors and the transportation committee for giving the legislature the opportunity to vote directly on a federal grant *before* the application is made.

HRA Recommendation: Oppose OTP/A.

BILLS REMOVED FROM CONSENT (1/8/14)

COMMERCE AND CONSUMER AFFAIRS

HB 227, relative to property and casualty insurance. **OTP/A. Vote 20-0.**

HRA Analysis: This bill makes a number of what look like minor technical corrections to the insurance statutes. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 456-FN, relative to liquor manufacturers. **INTERIM STUDY. Vote 20-0.**

HRA Analysis: As written, this bill allows liquor manufacturers to distribute samples, sell at farmers' markets, and wholesale to licensed retailers. Since they are restricted to their own products, they have no significant advantage over other wholesalers, as the wineries did in HB331. The Hunt floor amendment allows limited wholesaling and sampling, so it reduces regulation on manufacturers. The Platform, Part I, urges us to "minimize business regulations."

HRA Recommendation: No Recommendation on Interim Study, support Hunt amendment, support OTP/A.

HB 566, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or LPG. **ITL. Vote 19-1**

HRA Analysis: This bill would replace the option of futures contracts to limit prices for prepaid oil contracts with escrow accounts, which are difficult to manage and enforce. The recent problems with fuel delivery brought this issue to the attention of some members, so expect speeches on this bill. There are no Platform issues; either way, it's micromanaging regulation of businesses.

HRA Recommendation: No Recommendation.

ELECTION LAW

HB 366-FN, relative to showing a ballot. **OTP/A. Vote 17-0.**

HRA Analysis: This bill adds to the current prohibition on showing a marked ballot to another person a new ban on photographing and posting it via email or social media. This would probably be considered "showing" the ballot. In addition, the bill requires a new poster explaining this to be provided by the Secretary of State and posted by local election officials, which violates the Platform goal of "keeping government lean."

HRA Recommendation: Oppose OTP/A.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 116-FN, relative to the licensure of liquefied propane installation and service technicians. **OTP/A. Vote 17-2.**

HRA Analysis: This bill, as amended, corrects an oversight in the mechanical licensing board statute passed last year, which was being interpreted to allow water company employees to do plumbing and gas fitting without needing to have a license, or meet building and safety codes. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

PUBLIC WORKS AND HIGHWAYS

SB 3-FN, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack. **ITL. Vote 15-0.**

HRA Analysis: This bill eliminates the tolls at exit 12. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.