

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 JUNE 4 Committee of Conference Reports

SB 141-FN, establishing the Granite State farm to plate program.

HRA Analysis: No constitutional or platform issues identified; this is the House version which received no HRA recommendation.

HRA Recommendation: No Recommendation.

SB 220-FN, relative to the regulation of electricians by the electricians' board.

HRA Analysis: The committee of conference removed the new inspection fee, which the HRA opposed; the updated electrical code will increase costs for homeowners and businesses while increasing safety. No constitutional or platform issues identified.

HRA Recommendation: No Recommendation.

SB 222, restructuring the department of administrative services, division of plant and property management and establishing the position of deputy commissioner in the department of information technology.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House twice on the consent calendar.

HRA Recommendation: No Recommendation.

SB 235, relative to the patients' trust fund and relative to a 10-bed psychiatric crisis unit.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House twice on the consent calendar.

HRA Recommendation: No Recommendation.

SB 253, relative to grounds for termination of parental rights.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

SB 261, allowing the commissioner of administrative services to administer the health benefits of certain retirees of the State Employees' Association of New Hampshire.

HRA Analysis: This bill codifies the practice of enrolling employees and current retirees of the SEA in the state employees' health plan, at the SEA's expense. The Platform, Part II, requires us to "privatize programs and functions that can be handled more effectively by the private sector," and providing health care for employees and retirees of a private organization certainly fits.

HRA Recommendation: Oppose Committee of Conference Report.

SB 268, relative to funding for certain energy efficiency programs.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

SB 270, establishing a commission to study mental health implementation in New Hampshire.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

SB 271, relative to retention of voter affidavits and identity verification.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar, as did the other bills added to it in the committee of conference.

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HRA Recommendation: No Recommendation.

SB 321, relative to motorist service signs.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

SB 343, relative to the duties of the statewide education improvement and assessment program legislative oversight committee and repealing the school administrative unit legislative oversight committee.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

SB 345, repealing the prospective repeal of the annual public hearing and report on health insurance costs and trends.

HRA Analysis: This bill continues a report, by the insurance department, on health insurance costs. The Platform, Part II, requires us to “sunset programs and regulations.”

HRA Recommendation: Oppose Committee of Conference Report.

SB 369-FN-A, relative to the Medicaid enhancement tax.

HRA Analysis: This bill, as amended, is a negotiated settlement between the hospitals and the state, where they agreed to drop their lawsuit on the constitutionality of the MET and the state agreed to use all MET revenue for disproportionate share payments, with the “critical access” (small, rural) hospitals reimbursed at a higher rate than the other hospitals. The tax rate is lowered by tiny increments, larger if uncompensated care falls below a set level. Rehabilitation hospitals, which have no Medicaid revenue, are exempted from the MET tax from 2014 on, settling the other lawsuit. This is a short term fix that minimizes revenue losses this biennium but creates a significant problem for the next.

HRA Recommendation: Vote your conscience.

SB 385, relative to examination requirements for chiropractors.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

SB 389, relative to the enforcement of motor vehicle laws by officers of the fish and game department.

HRA Analysis: This bill now allows game wardens to enforce motor vehicle laws, with the same authority as other law enforcement officers, not the broader powers they use to enforce the fish & game laws. There are still issues of funding, but the appropriateness of this authority is a personal decision.

HRA Recommendation: No Recommendation.

SB 391, relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center.

HRA Analysis: This bill now combines the director of juvenile justice and the director of the Sununu Center into one position, which should decrease costs. As the platform reiterates, “low taxes are the result of low spending,” and the Sununu Center is an agency that needs to spend less.

HRA Recommendation: Support Committee of Conference Report.

SB 393, relative to the housing finance authority and surplus lands housing program.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

SB 405-FN, requiring the registration of radon mitigation system installers with the board of home inspectors.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar. The Ways & Means amendment removed the licensing requirement and simply has the home inspectors notify consumers of the professional qualifications of these professionals.

HRA Recommendation: No Recommendation.

HB 256-FN, relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, and relative to the commission on sustainability of the fish and game department.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 312, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions.

HRA Analysis: This bill passed the House on the consent calendar. The Senate version is essentially similar, plus it adds the text of SB264, which the Senate rejected with the drone amendment. SB264 itself requires judges to inform the retirement system of which pension they will claim when they retire, and the HRA supported it to improve the efficiency of the judicial retirement system.

HRA Recommendation: Support Committee of Conference Report.

HB 343-FN, establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers.

HRA Analysis: This bill, as amended, creates *two* study commissions. No constitutional or platform issues identified

HRA Recommendation: No Recommendation.

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission.

HRA Analysis: This bill makes a number of changes to the real estate practice act, increasing the authority of the board over non-licensed individuals and increasing the continuing education requirement by 25%. The Platform, Part I, urges us to “minimize business regulations, permits, licenses, and paperwork.”

HRA Recommendation: Oppose Committee of Conference Report.

HB 422, relative to the adoption, revision, and amendment of municipal charters.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 466-FN, relative to determining qualifications of voters.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 496-FN, relative to driving privileges for certain first-time DWI offenders.

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. However, this bill also creates a new dedicated fund, and charges a new fee for the restricted license program, including program supervision. The Platform, Part I, reiterates our opposition to new fees and dedicated funds.

HRA Recommendation: Vote your conscience.

HB 498, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays.

HRA Analysis: This bill now has three parts. The first, on use of firearms at military events, and the third, continuing a study commission, have no constitutional or platform issues identified. The second part, however, creates a new, more detailed, and *unlimited* preference for veterans in public employment. The Platform, Part III, urges us to “respect New Hampshire's honored veterans;” but the Constitution, Part 1, Article 10 begins: “Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men” prohibits preferences. If you consider veterans a “class of men,” you can't support this bill.

HRA Recommendation: Vote your conscience.

HB 532, relative to energy efficiency and clean energy districts.

HRA Analysis: This bill 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 Committee of Conference Report.

HB 590, relative to the unauthorized practice of law.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 591, relative to an abusive work environment and the health and safety of public employees.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 658-FN, relative to registration for medical technicians.

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 Committee of Conference Report.

HB 685, relative to state agency communications.

HRA Analysis: This bill clarifies the responsibility of the LBA to audit state agencies, including confidential and privileged data, so that the legislature has the information needed for budgeting and oversight. No constitutional or platform issues identified.

HRA Recommendation: No Recommendation.

HB 1128, establishing a committee to study issues related to special education students attending a chartered public school.

HRA Analysis: This bill, as amended, creates a study committee. No constitutional or platform issues identified

HRA Recommendation: No Recommendation.

HB 1129, (New Title) requiring the development of an energy efficiency implementation plan.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 1135-FN, relative to penalties for driving without a license

HRA Analysis: This bill sets limits on the fines for driving without a license and distinguishes driving with a recently expired license from driving with no license or a long-expired one. The Constitution, Part 1, Article 18 : “All penalties ought to be proportioned to the nature of the offense”, but is a misdemeanor appropriate for driving without a license?

HRA Recommendation: Vote your conscience.

HB 1167, an act relative to exemptions from boiler inspection requirements.

HRA Analysis: This bill changes the inspection exemption from “private residences” to “buildings used exclusively as private residences.” This would seem to require *more* boiler inspections, as home offices or shops would now not qualify for the exemption. The Platform, Part I, calls for us to “minimize business regulations.”

HRA Recommendation: Oppose Committee of Conference Report.

HB 1182, relative to membership of the state transparency website oversight committee.

HRA Analysis: This bill, as amended, modifies the membership of this committee. No constitutional or platform issues identified.

HRA Recommendation: No Recommendation.

HB 1188, relative to paycheck equity.

HRA Analysis: This bill is unnecessary because wage discrimination based on gender is already statutorily prohibited under the federal Equal Pay Act of 1963, as well as in RSA 275:37. Additionally, the bill prohibits the employers from making rules, signing agreements or disciplining employees for disclosing their salary, wages or benefits. Our Platform, Part I, requires us to “minimize business regulations.” This bill adds more regulation, causing further government intrusion into business management practices.

HRA Recommendation: Oppose Committee of Conference Report.

HB 1210, correcting certain references to divisions of the department of revenue administration.

HRA Analysis: This bill now consists of four parts. The underlying bill simply updated references after a reorganization at the DRA; it passed the House on consent and has no platform or constitutional issues. The second ratifies a bond warrant article of the Hanover school district which had technical defects in the hearing notice; it also has no issues. The third incorporates a version of SB228, which requires better notification of zoning changes, since a legal notice in the newspaper is not really “notice” for most people these days. The platform supports private property rights, and notice of zoning changes that might affect the value of your property is the least that landowners deserve. The fourth section is the basic text of SB202, technical corrections to the burglary laws, which was killed in the Senate since repeal of the death penalty was added on to it. No constitutional or platform issues identified with it.

HRA Recommendation: Support Committee of Conference Report.

HB 1227, making changes to parole and parole board procedures.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog.

HRA Analysis: This bill raises the allowable cost recovery for serving the notice of an unlicensed dog from \$5 to \$7. The Platform, Part II, reiterates our opposition to fee increases.

HRA Recommendation: Oppose Committee of Conference Report.

HB 1281-FN, relative to copayments for certain specialists.

HRA Analysis: This bill adds a new mandate to individual health insurance plans. The Platform, Part III, rejects such mandates.

HRA Recommendation: Oppose Committee of Conference Report.

HB 1282-FN, relative to prepaid contracts for home heating fuel.

HRA Analysis: This bill, as amended, changes the regulations on natural gas and oil suppliers who accept prepaid contracts. There's a new option for ensuring that they will have the financial resources to meet their contracts, and new reporting requirements. At least the new fee was eliminated. The Platform reiterates our opposition to increased business regulations. The flood control compact funding has no platform or constitutional issues.

HRA Recommendation: Oppose Committee of Conference Report.

HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council and establishing a committee to study state procurement.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar. The Senate amendment simply adds a study committee.

HRA Recommendation: No Recommendation.

HB 1343, relative to guardian ad litem fees.

HRA Analysis: This bill requires guardian ad litem fees to comply with the maximum fee previously agreed to by all parties. Having a court enforce payments beyond this maximum violates the Constitution, Part I, Article 12, "But no part of a man's property shall be taken from him ...without his own consent or that of the representative body of the people."

HRA Recommendation: Support Committee of Conference Report.

HB 1350, relative to prior public hearings for acceptance of unanticipated funds.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar. The Senate amendment updates state funding of Career/Technical school renovations, due to various towns not funding their share of the effort.

HRA Recommendation: No Recommendation.

HB 1368, relative to consideration of criminal records for occupational and professional licensing.

HRA Analysis: This bill forbids a licensing board from denying a license simply because of a criminal record. With the increase in required criminal background checks, this has become necessary to prevent a long ago offense from jeopardizing one's livelihood. The Constitution, Part 1, Article 18: "All penalties ought to be proportioned to the nature of the offense" and having a youthful indiscretion or one-time offense permanently bar one from working is not proportioned.

HRA Recommendation: Support Committee of Conference Report.

HB 1376, establishing a committee to study pipeline safety and development in the state of New Hampshire.

HRA Analysis: This bill establishes a study committee, and also requires oil pipelines to submit a spill response plan. The requirement that the plan be reviewed is costly (experts needed) and unnecessary because the federal DOT's Pipeline and Hazardous Materials Safety Administration already requires and reviews the same spill plan. We have better ways to spend the taxpayer's money. The Platform, Part I, confirms that "low taxes are the result of low spending."

HRA Recommendation: Oppose Committee of Conference Report.

HB 1383, relative to municipal monitoring of large groundwater withdrawals.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 1400, establishing New Hampshire's presidential primary centennial anniversary commission and adding Millsfield to a certain election law.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 1407, relative to privacy in the workplace.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 1410, including household and domesticated animals under the domestic violence protection statute

HRA Analysis: This bill expands the definition of “domestic violence” to include cruelty to animals. Since charges of domestic violence bar one from buying guns, one's constitutional rights to self protection could be jeopardized by this change. The constitution, Part 1, Article 18, “all punishments ought to be proportioned to the nature of the offense,” and this isn't.

HRA Recommendation: Oppose Committee of Conference Report.

HB 1415-FN, establishing a robotics education fund in the department of education.

HRA Analysis: This bill now has three sections: the robotics education fund, which passed the House on consent; most of SB346, which clarifies definitions and establishes that rectifiers (who flavor, blend, and/or age liquor, rather than distilling it) have the same limitations on sampling as distillers; and a study committee to review inconsistencies in the liquor laws. The Platform, Part I, urges us to “minimize business regulations,” as the second part does; no constitutional or platform issues were identified in the other parts.

HRA Recommendation: Support Committee of Conference Report.

HB 1434, relative to surrogate health care decision making by a family member or a friend.

HRA Analysis: This bill confirms in statute what most people believe to be the law, that one's next of kin or other family member or even a friend can make health care decisions for an incapacitated person who has not prepared an official health care power of attorney, or other such form, without going to court to be declared a guardian. No constitutional or platform issues identified.

HRA Recommendation: No Recommendation.

HB 1465-FN, authorizing special permits for movement of uninspected semi-trailers.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 1488-FN, establishing the New Hampshire program on educational support for military children.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 1494-FN, relative to administration of the New Hampshire retirement system and authority of the board of trustees.

HRA Analysis: No constitutional or platform issues identified.

HRA Recommendation: No Recommendation.

HB 1533-FN, requiring a warrant to search information in a portable electronic device.

HRA Analysis: The Constitution, part 1, Article 19, is clear on prohibiting government searches and seizures without a warrant. This bill brings the protections to the 21st century by including smart phones and other portable electronic devices in the prohibition on government snooping. Unwarranted seizing of such devices is abuse of power. Our constituents' privacy must be protected in statute to avoid further abuse.

HRA Recommendation: Support Committee of Conference Report.

HB 1534, establishing a commission to study fiscal disparities between public school districts.

HRA Analysis: This bill, as amended, creates a study commissions. No constitutional or platform issues identified

HRA Recommendation: No Recommendation.

HB 1602, relative to the divestiture of PSNH assets.

HRA Analysis: This bill, as amended, grants to the Public Utilities Commission the authority to order PSNH to divest some or all of its generating facilities, if it finds that to be in the economic benefit of the retail customers. Since PSNH is in the business of selling energy in a competitive market, one would suppose that they would be more effective in that determination than the PUC. As the Platform states, “we believe in free people, free markets and free enterprise.”

HRA Recommendation: Oppose Committee of Conference Report.

HB 1615, relative to emergency prescriptions.

HRA Analysis: This bill, as amended, allows the Pharmacy Board to fund the impaired pharmacist program from its license revenue at a level determined by the board, and micromanages insurance coverage of emergency prescriptions. The Senate version is better than the original House language, as it explicitly allows some drug classes (Oxycontin and Viagra, for example) to be excepted from the mandatory 72 hour dispensing. No constitutional or platform issues identified, since current statute already micromanages insurance coverage of emergency prescriptions,

HRA Recommendation: No Recommendation.

HB 1630-FN-A, relative to gaming in New Hampshire.

HRA Analysis: No constitutional or platform issues identified; this bill passed the House on the consent calendar.

HRA Recommendation: No Recommendation.

HB 1635-FN-A, relative to community mental health programs and making appropriations therefor.

HRA Analysis: This bill uses over \$9 M in “surplus” funds to fund the community mental health lawsuit settlement. This amount is less than half of 1% of the HHS budget, which should be able to absorb this cost. The Senate amendment to put 10% of any settlement into the rainy day fund is a nice idea, but liable to be suspended as other rainy day fund mandates are. The Platform, Part I, requires us to “keep state government lean.”

HRA Recommendation: Oppose Committee of Conference Report.

HB 2014, relative to the state 10-year transportation improvement program.

HRA Analysis: This bill sets priorities for road and bridge construction and maintenance, and addresses the increased gas tax as a contingency. No constitutional or platform issues identified.

HRA Recommendation: No Recommendation.