

HOUSE REPUBLICAN ALLIANCE RECOMMENDATION SHEET



The purpose of the House Republican Alliance is to preserve and strengthen the traditional principles and values of the Republican Party through the NH House of Representatives and throughout the state of NH, including fiscal restraint, personal freedom and responsibility, small government, free enterprise and strong families. We offer the following recommendations based on those principles, the Republican Party Platform, and the NH and Federal Constitutions.

“TRUST BUT VERIFY”

Bill Number	Committee	Committee Vote	HRA recommends
CACR 10	Ways & Means	ITL 15-1	Support ITL
CACR 14	Judiciary	ITL 14-4	No Recommendation
HB 1115	Commerce	OTP 9-8	No Recommendation
HB 1117	Transportation	ITL 14-0	Support ITL
HB 1118	Transportation	ITL 13-0	Support ITL
HB 1126	ED&A	ITL 15-3	No Recommendation
HB 1132	Education	OTP/A 19-0	No Recommendation
HB 1156	Judiciary	OTP/A 12-3	Support OTP/A
HB 1178	Environment & Agriculture	OTP 10-4	No Recommendation
HB 1179	Environment & Agriculture	OTP/A 10-4	No Recommendation
HB 1184	Transportation	ITL 14-0	Oppose ITL
HB 1185	Transportation	ITL 13-0	Oppose ITL
HB 1191	Education	ITL 17-0	Support ITL
HB 1195	Municipal & County	OTP/A 14-1	Oppose OTP/A
HB 1207	Legislative Administration	ITL 12-0	No Recommendation
HB 1216	Criminal Justice	ITL 11-5	No Recommendation
HB 1226	Judiciary	OTP 9-7	Oppose OTP
HB 1244	ED&A	ITL 13-5	No Recommendation
HB 1247	Education	ITL 11-7	Oppose ITL
HB 1251 (reconsider)	Finance	OTP/A 21-0	No Recommendation
HB 1274	Judiciary	OTP/A 13-5	Support OTP/A
HB 1277	Commerce	ITL 13-5	Oppose ITL
HB 1292	Criminal Justice	ITL 12-4	Support ITL
HB 1294	Commerce	ITL 13-5	Oppose ITL
HB 1302	Public Works	ITL 16-0	Oppose ITL
HB 1304	Environment & Agriculture	ITL 14-3	Oppose ITL
HB 1305	Environment & Agriculture	ITL 10-7	Oppose ITL
HB 1323 (from consent)	Election	ITL 17-0	Oppose ITL
HB 1325	Judiciary	ITL 9-8	Support ITL
HB 1330	Criminal Justice	OTP/A 12-4	No Recommendation
HB 1331	ED&A	OTP 12-5	No Recommendation

HB 1338	Election	ITL 14-2	No Recommendation
HB 1339	Ways & Means	ITL 14-6	No Recommendation
HB 1342	Transportation	ITL 13-0	No Recommendation
HB 1345	Judiciary	ITL 13-6	Oppose ITL
HB 1354	Finance	ITL 13-10	Oppose ITL
HB 1360	Transportation	OTP/A 13-3	Oppose OTP/A
HB 1365	Transportation	ITL 13-0	No Recommendation
HB 1366	Transportation	ITL 13-2	Oppose ITL
HB 1389	Public Works	OTP 15-0	No Recommendation
HB 1394	Finance	ITL 13-10	Oppose ITL
HB 1409	Judiciary	OTP 11-7	Oppose OTP
HB 1409	Judiciary	OTP 11-7	Oppose OTP
HB 1435	Criminal Justice	OTP/A 11-8	Support OTP/A
HB 1437	Criminal Justice	ITL 12-6	Oppose ITL
HB 1440	Legislative Administration	Interim Study	No Recommendation
HB 1442	Judiciary	OTP/A 15-3	No Recommendation
HB 1448	Transportation	OTP 9-2	No Recommendation
HB 1462 (Reconsider)	Election	ITL 10-6	Oppose ITL
HB 1463	Education	Interim Study 14-5	No Recommendation
HB 1465	Transportation	OTP 14-0	No Recommendation
HB 1474	Judiciary	ITL 15-3	Oppose ITL
HB 1485	Criminal Justice	Interim Study 12-4	No Recommendation
HB 1501	HHS	ITL 17-0	No Recommendation
HB 1502 (from consent)	HHS	Interim Study 17-0	No Recommendation
HB 1507	Education	ITL 12-6	Oppose ITL
HB 1509	Ways & Means	ITL 12-8	Oppose ITL
HB 1533	Criminal Justice	OTP/A 12-1	Support OTP/A
HB 1534	Education	OTP 13-6	No Recommendation
HB 1539	HHS	ITL 10-2	Oppose ITL
HB 1548	Criminal Justice	OTP/A 13-2	Support OTP/A
HB 1550	Criminal Justice	OTP 10-6	Support OTP
HB 1557	Transportation	ITL 14-0	Support ITL
HB 1558	Transportation	OTP 15-0	No Recommendation
HB 1564	ED&A	OTP 8-5	Oppose OTP
HB 1570	Environment & Agriculture	OTP/A 8-4	Oppose OTP/A
HB 1572 (from consent)	HHS	OTP/A 17-0	Oppose OTP/A
HB 1573	Municipal & County	ITL 15-0	Oppose ITL
HB 1577 (from consent)	ED&A	OTP 13-2	No Recommendation
HB 1585	Transportation	ITL 14-0	No Recommendation
HB 1597	Ways & Means	ITL 9-8	Oppose ITL
HB 1601	Transportation	OTP/A 8-3	Oppose OTP/A

HB 1608	Environment & Agriculture	ITL 17-1	Support OTP
HB 1621	Criminal Justice	ITL 9-7	Oppose ITL
HB 1622	HHS	OTP/A 13-3	No Recommendation
HB 1629	Transportation	OTP 14-0	No Recommendation
HR 6	HHS	OTP 17-0	No Recommendation

WEDNESDAY, March 5

Reconsideration

HB 1251-FN-A, making an appropriation for New Hampshire Public Television. **OTP/A. Vote 21-0.**

HRA Analysis: This bill, as amended, repeals chapter law from 2011 that forbids any state agency from contracting with or otherwise funding NHPTV. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1462-FN, relative to electioneering by public employees. **ITL. Vote 10-6.**

HRA Analysis: This bill expands the public employees subject to this prohibition to include probationary, seasonal, etc, employees, who are explicitly exempted from the definition in the electioneering statute. It also expands the definition of electioneering to include use of government equipment, including computers and phones. The integrity of the voting process is vital in our republican form of government, as expressed by the Constitution, Part 1, Article 11.

HRA Recommendation: Oppose ITL

REGULAR CALENDAR PART I

MUNICIPAL AND COUNTY GOVERNMENT

HB 1573-FN, discontinuing regional planning commissions & requiring electing planning board members. **ITL. Vote 15-0.**

HRA Analysis: This bill would eliminate regional planning commissions (paid for by dues from localities, funded by local property taxes). Any centralized planning desired would be done by the governor's office of energy and planning (general fund). In addition, planning board members would need to be elected, rather than appointed. Regional planning boards gather most of their power from being able to distribute federal grants of one sort or another. The Platform, Part IX, warns us against accepting federal largess for rights and powers that belong to the states and the people.

HRA Recommendation: Oppose ITL.

PUBLIC WORKS

HB 1302, relative to certain driveway permits. **ITL. Vote 16-0.**

HRA Analysis: Current law has DOT issue driveway permits for property on state roads, and planning boards issue driveway permits on local roads. DOT sets their procedures in rules, which includes a limit on the number of driveways per lot using a 1971 map. This can cause a problem when a large lot (such as a farm) that existed in 1971 is subsequently broken up into smaller lots, each of which may need a driveway. DOT is effectively creating limits on growth and development via its rules. HB 1302 requires DOT to issue driveway permits to any lot created by a planning board which is only accessible via a state road, subject only to sight distance and drainage issues. The platform states that private property owners "have a fundamental right to freely use and enjoy their property." Arbitrary rules enforced by unelected bureaucrats stifle those property rights. At least elected planning boards are more accountable and can act on a case-by-case basis.

HRA Recommendation: Oppose ITL.

TRANSPORTATION

HB 1360, prohibiting impeded driving and use of certain electronic devices while driving. **MAJ: OTP/A. MIN:ITL. Vote 13-3.**

HRA Analysis: This bill greatly defines as criminally reckless such common activities as programming a GPS, calling home while stuck in traffic or stopped at a light, and completely forbids drivers under 18 from communicating, including by hands-free devices. This is an extreme and unwarranted attack on our freedoms to travel and go about our business, unhindered by the state. The Constitution, Part 1, Article 10, states "whenever the ends of government are perverted, and public liberty manifestly endangered ... the people may, and of right ought to reform the old."

HRA Recommendation: Oppose OTP/A.

HB 1366, relative to exemptions from seasonal weight restrictions on roads. **ITL. Vote 13-2.**

HRA Analysis: This bill would extend the exemption from weight limits, already available to milk trucks, to other perishable agricultural commodities (maple sap being the most likely) and add trash haulers to heating fuel delivery trucks. The Platform, Part I, urges “an attitude of assistance and cooperation with business.”

HRA Recommendation: Oppose ITL.

WAYS AND MEANS

CACR 10, Providing that all state moneys shall belong to a defined revenue class. **MAJ: ITL. MIN: OTP/A. Vote 15-1.**

HRA Analysis: This constitutional amendment would enshrine the accounting fiction of a dedicated fund. While we support maintaining the distinction between a fee and a tax, in the long run the budgeting process determines state spending. And since dedicated funds receive far less scrutiny than general fund spending, this amendment would create a higher level of protected expenditures. The Platform, Part II, requires us to “prioritize programs to ensure effective spending” and this amendment would hamper that process.

HRA Recommendation: Support ITL.

HB 1509-FN-A, relative to including nonprofit charitable enterprises in the business enterprise tax and lowering the rate of the tax.

MAJ: ITL. MIN: INTERIM STUDY. Vote 12-8.

HRA Analysis: This bill would tax the “unrelated business activity” of large charities under the BET and lower the rate of the BET tax from 0.75% to 0.68%, saving state businesses \$21 million, less that collected from the charities. The Platform, part II, urges us to “cut or eliminate taxes which inhibit enterprise”, and this bill would cut the BET by almost 10%.

HRA Recommendation: Oppose ITL.

HB 1597-FN-A, reducing the rate of tax on meals under the meals and rooms tax. **MAJ: ITL. MIN: OTP. Vote 9-8.**

HRA Analysis: This bill would set a separate, lower rate for meals, which is largely paid by New Hampshire citizens. With the economy recovering, increased revenues are projected to make this change revenue neutral to the state and a saving to everyone buying meals in the state. The Platform reminds us that “low taxes are the result of low spending”, and preventing a growth in revenue will help restrict a growth in spending.

HRA Recommendation: Oppose ITL.

BILLS REMOVED FROM CONSENT 2/19

EDUCATION

HB 1191, establishing a commission to study manufacturing education in New Hampshire. **ITL. Vote 17-0.**

HRA Analysis: Since the advanced manufacturing education council already exists, this bill would create a redundant commission. The Platform, Part I, requires us to “keep state government lean.”

HRA Recommendation: Support ITL.

TRANSPORTATION

HB 1117, relative to restricting usage of cellular phones while driving. **ITL. Vote 14-0.**

HRA Analysis: This bill forbids drivers from using hand held communication devices (hands free explicitly allowed) while driving, except for emergency responders. This violates the Platform principle that all people have “the right to life, liberty and the pursuit of happiness, unimpeded by intrusive government regulation and control.” Not only are hands free devices as distracting as hand held ones, New Hampshire already has a distracted driving statute that should apply to drivers distracted by phone calls.

HRA Recommendation: Support ITL.

HB 1118, prohibiting certain drivers from using hand-held devices for communication. **ITL. Vote 13-0.**

HRA Analysis: This bill forbids school bus drivers or drivers carrying passengers for hire from using hand held communication devices (hands free *not* explicitly allowed) while driving. This violates the Platform principle that all people have “the right to life, liberty and the pursuit of happiness, unimpeded by intrusive government regulation and control.” New Hampshire already has a distracted driving statute that should apply to drivers distracted by phone calls.

HRA Recommendation: Support ITL.

HB 1184, increasing the speed limit on a portion of Route 101 to 70 miles per hour. **ITL. Vote 14-0.**

HRA Analysis: This bill increases the speed limit on the throughway portion of Rte. 101 to its design speed, 70 mph. The Platform asserts that all people “have the right to life, liberty and the pursuit of happiness, unimpeded by intrusive government regulation and control.”

HRA Recommendation: Oppose ITL.

HB 1185, increasing the speed limit on a portion of I-89 to 70 miles per hour. **ITL. Vote 13-0.**

HRA Analysis: This bill increases the speed limit on part of I-89 to its design speed, 70 mph. The Platform asserts that all people

“have the right to life, liberty and the pursuit of happiness, unimpeded by intrusive government regulation and control.”

HRA Recommendation: Oppose ITL.

HB 1342, establishing a committee to study truck registration fees. **ITL. Vote 13-0.**

HRA Analysis: No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1365, permitting certain vehicles to proceed through an intersection after stopping for a red light. **ITL. Vote 14-0.**

HRA Analysis: This bill would allow motorcycles to go straight, or turn left, on red. While it is frustrating that vehicle sensors often overlook a cycle, granting this option only to cycles seems discriminatory: we've all sat at red lights in the middle of the night, with nobody else on the roads! No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1465-FN, authorizing one-day permits for transportation of trailers for disposal or destruction. **OTP. Vote 14-0.**

HRA Analysis: No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1557-FN, relative to the cost of maintaining certain railroad crossings. **ITL. Vote 14-0.**

HRA Analysis: This bill states that landowners are not responsible for installing or maintaining any railroad crossings on their land. The Platform, Part VIII, “recognizes that private property owners are the most effective land stewards” but relieving them of the cost of such maintenance frees them from some of the most useful information they need to be effective stewards.

HRA Recommendation: Support ITL.

HB 1558-FN, relative to prevention of motor vehicle title fraud. **OTP. Vote 15-0.**

HRA Analysis: No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1585-FN, relative to notice of driver’s license suspensions. **ITL. Vote 14-0.**

HRA Analysis: No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1629, adding duties and extending the reporting date of the committee to study options for mitigating damages associated with highway noise and relative to the department of transportation policy and procedural guidelines for the assessment and abatement of traffic noise for type I highway projects. **OTP. Vote 14-0**

HRA Analysis: No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

REGULAR CALENDAR PART II

COMMERCE AND CONSUMER AFFAIRS

HB 1115, excluding condominium assessments from homestead rights. **MAJ: OTP. MIN: ITL. Vote 9-8.**

HRA Analysis: This bill allows condominium fees to join mortgages, taxes liens, and mechanics' liens as able to be collected despite the homeowner's homestead rights. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1277, relative to grocery sales by stores licensed to sell alcoholic beverages. **MAJ: ITL. MIN: OTP. Vote 12-6.**

HRA Analysis: This bill deletes the requirement that convenience stores keep a minimum inventory of an assortment of groceries on hand at all times. For specialty tobacco, wine or beer stores, this is an unnecessary expense if their clients are not interested in grocery shopping. The Platform, Part I, requires us to minimize business regulations and intrusions.

HRA Recommendation: Oppose ITL.

HB 1294, requiring that all providers be allowed to participate in the health exchange. **ITL. Vote 13-5**

HRA Analysis: This bill intends to ensure that all providers have a chance to participate in every insurance product sold on the exchange. It does not mandate that the insurance companies must accept every provider, only that they have a chance to negotiate. The Platform, Part III, urges us to “increase the use of market forces to improve health care and lower costs.”

HRA Recommendation: Oppose ITL.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1216-FN, relative to the crime of causing or aiding suicide. **MAJ: ITL. MIN: OTP. Vote 11-5.**

HRA Analysis: This bill simply deletes the phrase "or solicits" from the definition of the crime of aiding suicide; actually aiding a suicide is still a crime. This would limit the scope of this crime in a rather subtle way. The Platform, Part V, states that Republicans "Oppose euthanasia and physician assisted suicide." However, a higher principle is: "We believe, above all else, in the founding principle that all people are created equal, endowed by our Creator with the right to life, liberty and the pursuit of happiness, unimpeded by intrusive government regulation and control." This is not euthanasia, by any means, but could result in individuals encouraging suicide for various nefarious purposes. If we believe in self-ownership, there are opposing principles regarding the intent of this bill.

HRA Recommendation: Vote your conscience.

HB 1292-FN, creating an affirmative defense for a person who aids another committing suicide. **MAJ: ITL. MIN: OTP. Vote 12-4.**

HRA Analysis: This bill would make it an affirmative defense to assist the suicide of a person with a terminal illness who is expected to die within 2 years. This time period is arbitrary, and the Platform, Part V, states that Republicans, "Oppose euthanasia and physician assisted suicide."

HRA Recommendation: Support ITL

HB 1330-FN, prohibiting the disclosure by search warrant of privileged medical records. **MAJ: OTP/A. MIN: ITL. Vote 10-4.**

HRA Analysis: This bill intends to protect patients' personal medical records from being released to government or anyone else without a search warrant, to protect private information. However, the following proviso in the bill creates a loophole that makes most of the bill much weaker: "This section shall not apply to: (1) Health oversight entities under federal law in furtherance of their oversight responsibilities; and (2) Access to medical records specifically authorized by state law." The platform is silent on the topic of medical records.

HRA Recommendation: No recommendation.

HB 1435, requiring law enforcement officials to disclose specific information relating to a police checkpoint. **OTP/A. Vote 11-8.**

HRA Analysis: This bill expands on current practice of police departments publicizing upcoming sobriety checkpoints. It would require that more specific information about time and location be released. This would increase public awareness and bring transparency to a government activity that many deem to be a violation of the Constitution, Part 1, Article 19, which prohibits searches without a properly issued warrant.

HRA Recommendation: Support OTP/A.

HB 1437, relative to license revocation for drugs or alcohol involvement. **MAJ: ITL. MIN: OTP. Vote 12-6.**

HRA Analysis: This bill limits the authority to revoke the driver's license of a person under 21 years of age for drugs or alcohol involvement to those offenses involving operation of a motor vehicle. Underage use/abuse should be unrelated to one's license to drive, which is needed for work and school. It may be an appropriate punishment for parents to impose on their children, but it's not a proper government role. The Constitution, Article 18, Part I directs us to keep penalties proportionate to the offenses.

HRA Recommendation: Oppose ITL.

HB 1485-FN, relative to vulnerable users of highways. **INTERIM STUDY. Vote 12-4.**

HRA Analysis: This bill increases the penalty for vehicular assault when the victim is a "vulnerable user," defined in the bill as a pedestrian or somebody on a horse or bicycle, among others. This bill would assign a felony penalty to something that is now a misdemeanor, creating a special class of victims for those not in cars. The Constitution warns against granting unequal privileges or rights to different classes of men/women. While Interim Study is a polite way to dispose of the bill, we are all better served by not forming a summertime committee to study this issue.

HRA Recommendation: No recommendation.

HB 1533-FN, requiring a warrant to search information in a portable electronic device. **OTP/A. Vote 12-1.**

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. Many young people and traveling businesswomen use these devices as their main computer and communications control. Unwarranted seizing of such devices is abuse of power. Our constituents' privacy must be protected in statute to avoid further abuse.

HRA Recommendation: Support OTP/A.

HB 1548-FN, eliminating separate penalties for crack cocaine. **OTP/A. Vote 13-2.**

HRA Analysis: This bill would restore balance to the criminal penalties: since the crack cocaine scare of the 1980s, there has been a great disparity in penalties between crack cocaine and powder cocaine. The Constitution, Part I, Article 18, clearly states that

penalties should be proportionate to the offense, and the offense of crack is no different than the offense of powdered cocaine.

HRA Recommendation: Support OTP/A.

HB 1550, permitting the audio and video recording of a public official while on duty. **MAJ: OTP. MIN: ITL. Vote 10-6.**

HRA Analysis: The NH constitution states it nicely: "All the magistrates and officers of government are ... at all times accountable Government, therefore, should be open, accessible, accountable and responsive." Removing the current prohibition on audio recording public officials will improve government transparency and accountability.

HRA Recommendation: Support OTP.

HB 1621-FN, redefining simple assault. **MAJ: ITL. MIN: OTP. Vote 9-7.**

HRA Analysis: This bill would remove the vague phrase "unprivileged physical contact" from the definition and add the basis of "offensive, threatening, or provocative" as the threshold for the crime of simple assault. The current statute is written broadly enough that grabbing somebody's arm or pushing him in a playful or protective manner is considered assault. While it may not be widely enforced, the current law has been abused and is an invitation for more wasted resources on victimless activities. This bill adds some clarity and reduces the chances of abusing the process through litigation. The Constitution, Part I, Article 18, directs us to ensure that penalties are proportionate to the offenses.

HRA Recommendation: Oppose ITL.

EDUCATION

HB 1132-FN, relative to school building inventory reports. **OTP/A. Vote 19-0.**

HRA Analysis: This bill requires each school district and the department keep a database of school buildings and their condition. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1247, requiring the department of education to share costs of implementing statewide online assessment technology requirements. **MAJ: ITL. MIN: OTP. Vote 11-7.**

HRA Analysis: This bill requires the state to pay for technology improvements necessary to comply with the online student assessments mandated by the change to Common Core. The Constitution, Article 28-a, forbids unfunded mandates, and because some of the richer or better connected school districts already have the technology doesn't make it less of a mandate on those that don't.

HRA Recommendation: Oppose ITL.

HB 1463, relative to the definitions of "priority school" and "focus school." **MAJ: INTERIM STUDY. MIN: ITL. Vote 14-5.**

HRA Analysis: This bill changes these definitions, which are used for school accountability rankings. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1507, relative to in-state tuition rates for students domiciled in New Hampshire. **MAJ: ITL. MIN: OTP. Vote 12-6.**

HRA Analysis: This bill requires UNH to charge in-state tuition to a student who has established her domicile in New Hampshire. The Constitution, Part 1, Article 11, states that any person 18 years old or over shall be considered an inhabitant for voting where he/she has their domicile. A person can also be elected into office, providing they meet other constitutional provisions, where they are domiciled. So, being domiciled here is the minimum basis for getting in-state tuition, and UNH should recognize that.

HRA Recommendation: Oppose ITL.

HB 1534, establishing a commission to study fiscal disparities between public school districts. **MAJ: OTP. MIN: ITL. Vote 13-6.**

HRA Analysis: This commission would evaluate school funding and possibly make recommendations for future legislation. It's a big part of state and local budgets, and worthy of thought as the current funding program is a real mess of different concepts. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

ELECTION LAW

HB 1338, relative to appointment of inspectors of election by selectmen. **ITL. Vote 14-2.**

HRA Analysis: This bill would allow undeclared voters be appointed as inspectors of election, if the parties have not made the full complement of appointments. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

ENVIRONMENT AND AGRICULTURE

HB 1178, relative to the sale and transfer of animals from animal shelters. **MAJ: OTP. MIN: ITL. Vote 10-4.**

HRA Analysis: This bill removes animal shelters' exemption from the age, immunization, and health certificate requirements that

other sellers must meet. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1179, relative to health certificates for transferred animals. **MAJ: OTP/A. MIN: ITL. Vote 10-4.**

HRA Analysis: This bill clarifies requirements for health certificates and repeals the exemption for shelters. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1304, relative to the storage of fluorescent lamps at transfer stations. **ITL. Vote 14-3.**

HRA Analysis: DES requires transfer stations to store long fluorescent tubes in closed containers, supposedly so they won't break and expose people to hazardous waste. However, when they are being dropped off it is much more convenient if they can be put into an open cardboard shipping box, otherwise people with their hands full of material could drop them while juggling the box lid. Recycling should be about making it easy to properly dispose of items, because otherwise they will end up in the trash. DES states that their policy is derived from an EPA rule. This bill would allow open containers to be used to temporarily hold tubes. The platform says we should "foster an attitude of assistance and cooperation with business and increase responsiveness."

HRA Recommendation: Oppose ITL.

HB 1305, relative to the definition of asbestos abatement. **MAJ: ITL. MIN: OTP. Vote 10-7.**

HRA Analysis: This bill exempts very small, recently built structures from asbestos inspections, since asbestos was banned as a building material in 1994. The Platform, Part I, advises us to "foster an attitude of assistance and cooperation with business," and how cooperative is it to mandate an inspection for something that can't be there?

HRA Recommendation: Oppose ITL.

HB 1570-FN, establishing a paint stewardship program. **MAJ: OTP/A. MIN: INTERIM STUDY. Vote 8-4.**

HRA Analysis: This bill sets up a complex scheme of paint disposal, funded by a new fee on all paint sold in the state and operated by a non-profit with state oversight. The Platform warns us against new fees and taxes, as well as the growth of government: low taxes are the result of low spending. Is the disposal of unused paint such a problem that we have to set up a million dollar plus program to "fix" it?

HRA Recommendation: Oppose OTP/A, support ITL or Interim Study.

HB 1608-FN, relative to hydraulic fracturing. **ITL. Vote 17-1.**

HRA Analysis: This bill forbids hydraulic fracturing ("fracking") to produce oil and gas in the state. It is totally irrelevant to us: there is no oil or gas found in granite! Nonetheless, it is a bill that forbids a useful and productive technique, and should be killed. The Platform, Part I, urges us to "support low cost means to protect, develop, and market ... high value natural resource products."

HRA Recommendation: Support ITL.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1126, establishing a committee to study alternative public employee retirement plans. **ITL. Vote 15-3.**

HRA Analysis: On the one hand, since the ED&A committee is already studying alternatives to the defined benefit contribution plan, this bill would create a redundant committee. On the other hand, the underfunded pension plan is a massive debt hanging over the heads of all taxpayers and their children, as we implement the 30 year funding plan, so alternatives are critical.

HRA Recommendation: No Recommendation.

HB 1244, relative to the disclosure of the names of lottery winners. **ITL. Vote 13-5.**

HRA Analysis: This bill would forbid the Lottery Commission from releasing the names of winners without their permission. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council. **OTP. Vote 12-5.**

HRA Analysis: This bill would add two members to the existing 26-member commission and change the reporting frequency. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1564-FN, relative to escheat proceedings. **OTP. Vote 8-5.**

HRA Analysis: This bill creates an owner outreach unit in the state treasurer's abandoned property operation, to better return this money to its rightful owners. However, this is *already* a duty of the office, and the information is available both on line and published in newspapers. The Platform, Part I, requires us to "keep state government lean."

HRA Recommendation: Oppose OTP.

FINANCE

HB 1394-FN-A, appropriating funds for chartered public school facilities. **MAJ: ITL. MIN: OTP/A. Vote 13-10.**

HRA Analysis: This bill, with the minority amendment, would have the department of education distribute up to \$600,000 to charter schools to help them with lease payments for their facilities. The funds are available in the budget because some new charter schools were not opened as the budget anticipated. The committee's Republicans were unanimous in support of the bill, and the platform expresses strong support for parents' right to choose among education alternatives including charter schools. Since right now traditional schools spend at least twice as much per pupil as charter schools, this discrepancy serves to limit choice. HB 1394 would be a small step toward correcting that imbalance.

HRA Recommendation: Oppose ITL.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1501-FN, requiring licensing of outpatient abortion facilities. **ITL. Vote 17-0.**

HRA Analysis: This bill targets just one type of health care clinic in order to achieve a "higher moral purpose." On one hand, the Platform asserts, "We believe that life is sacred, from conception to natural death and that we cannot diminish the value of one category of human life without diminishing the value of all human life." On the other hand, the Platform, Part I, states we should "minimize business regulations, permits, licenses, and paperwork" and this bill creates more of them, for just one class of health care provider. This would let the State nudge its way in to licensure of every setting in which any form of health care is delivered.

HRA Recommendation: Vote your conscience.

HB 1539, relative to the repeal date of the certificate of need law. **MAJ: ITL. MIN: OTP. Vote 10-2.**

HRA Analysis: This bill seeks to repeal the NH CON in 2015, rather than wait until 2016 to do so. CON laws are obsolete and serve solely as barriers to free markets in health care. CON laws are intended to help to reduce health care costs, but there is no data that they actually do so. In states that have CON laws, there is zero data that demonstrates any health care cost savings, let alone any savings due to CON boards and actions of said boards. In addition, CON laws pose serious anti-competitive risks. Market incumbents typically use CON programs to forestall competitors from entering the health care market. The Platform, Part III, urges us to "increase the use of market forces to improve health care and lower costs."

HRA Recommendation: Oppose ITL.

HB 1622-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. **OTP/A. Vote 13-3.**

HRA Analysis: This bill increases the diseases authorized for the therapeutic cannabis program, and allows patients to grow up to 8 plants, in various stages of growth, for their use. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HR 26, honoring and recognizing the Cadet Nurse Corps. **OTP. Vote 17-0.**

HRA Analysis: No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

JUDICIARY

CACR 14, Providing that the age disqualification for sheriffs shall be abolished. **MAJ: ITL. MIN: OTP. Vote 14-4.**

HRA Analysis: This constitutional change would eliminate the age 70 limit for sheriffs, since it is an elected position.

HRA Recommendation: No recommendation.

HB 1156-FN-L, making certain changes to the right-to-know law. **OTP/A. Vote 12-3.**

HRA Analysis: This bill, as amended, makes a few minor, clarifying changes to 91-A, and creates a study commission. The Watrous floor amendment, if offered, is another minor improvement. Implementation of this constitutional mandate should be examined.

HRA Recommendation: Support OTP/A.

HB 1226, establishing a committee to study end-of-life decisions. **MAJ: OTP. MIN: ITL. Vote 9-7.**

HRA Analysis: This committee would study the current system of end of life directives, and also "aid in dying" laws in other states. The Platform, Part V, reiterates our opposition to euthanasia and physician assisted suicide (aka aid in dying). Study is not needed.

HRA Recommendation: Oppose OTP.

HB 1274, relative to the quarterly or semi-annual payment of rent. **OTP/A. Vote 13-5.**

HRA Analysis: This bill, as amended, allows rent to be paid less frequently than monthly, at the agreement of landlord and tenant. The Platform, Part I, "minimize business regulations."

HRA Recommendation: Support OTP/A.

HB 1325, relative to death with dignity for certain persons suffering from a terminal condition. **MAJ: ITL. MIN: OTP. Vote 9-8.**

HRA Analysis: This bill implements physician assisted suicide. The Platform, Part V, opposes this practice.

HRA Recommendation: Support ITL.

HB 1345-FN, relative to forfeiture of items used in connection with a drug offense. **MAJ: ITL. MIN: OTP. Vote 13-6.**

HRA Analysis: This bill forbids forfeiture of assets until after a conviction is obtained, and ends the current practice of awarding the proceeds to the law enforcement agencies involved in the arrest. Seizing assets from a person only accused of a crime violates the constitutional principle of innocent until proven guilty.

HRA Recommendation: Oppose ITL.

HB 1409, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking. **MAJ: OTP. MIN: ITL. Vote 11-7.**

HRA Analysis: This bill would increase the “protected class” to include anyone who ever called the police to complain of domestic violence (everyone involved in a divorce, it seems). Landlords will be unable to choose their tenants on the basis of creditworthiness and compatibility with the property without being sued for discrimination. In addition, every landlord would be forced to accept Section 8 recipients in any number, whether they choose to enter into that contract with HUD or not, and whether or not their insurance costs increase. The Platform, Part I, reiterates our support to businesses.

HRA Recommendation: Oppose OTP.

HB 1442, relative to mental health courts. **MAJ: OTP/A. MIN: ITL. Vote 15-3.**

HRA Analysis: This bill would allow any court to establish mental health courts that provide treatment and support, rather than punishment. Besides questions of cost (there's no fiscal note) and fairness, do we want our court system to be the gatekeeper to mental health treatment? No Platform or Constitutional issue identified.

HRA Recommendation: No Recommendation.

HB 1474, relative to persons held in civil contempt. **MAJ: ITL. MIN: OTP. Vote 15-3.**

HRA Analysis: This bill forbids imprisoning persons for civil contempt if they would have to borrow money or sell their car or home to make the payment. Judges are currently required to conclude that the person can pay the fine, but in family courts, apparently, the sale of a car or home is often mandated. The Constitution, Part 1, Article 18, requires punishments to be proportional to the crime.

HRA Recommendation: Oppose ITL.

LEGISLATIVE ADMINISTRATION

HB 1207, relative to identification of the source of legislative bill proposals. **ITL. Vote 12-0.**

HRA Analysis: This bill would require legislators identify any organization that provided them with “model” bill language. Since model bills are typically well vetted and used in other states, sponsors normally identify such sources without compulsion. (See HB1369, the Uniform Marital Property Act.) No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1440-FN, including the writing, promoting, or distributing of model legislation to elected officials as lobbying and requiring disclosure of financial support received from lobbyists by elected officials. **INTERIM STUDY. Vote 11-1.**

HRA Analysis: No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1195, establishing a commission to study the impacts of the property tax on New Hampshire’s residents, businesses, municipalities, and the economy. **MAJ: OTP/A. MIN: ITL. Vote 14-1.**

HRA Analysis: The property tax is clearly constitutional, traditional and largely under local control. The Platform, Part I, tells us to “maintain local control of spending and taxes designed to support local services.” This commission is loaded to recommend a state-wide non-property tax, ie an income tax.

HRA Recommendation: Oppose OTP/A.

TRANSPORTATION

HB 1448, relative to vessel registration. **OTP. Vote 9-2.**

HRA Analysis: This bill clarifies that a boat in the water needs to be registered, whether or not it is “operating.” No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

HB 1601, relative to mandatory headlamp use. **MAJ: OTP/A. MIN: ITL. Vote 8-3.**

HRA Analysis: This bill requires headlight use from sunset to sunrise (instead of the current half hour of leeway on each end), and whenever it is raining or snowing. The Platform tells us that all people have “the right to life, liberty, and the pursuit of happiness, unimpeded by intrusive government regulation and control.” If we don't trust our fellow citizens to know when to turn their

headlights on, it's a sure thing we wouldn't trust them to pursue happiness their own way!

HRA Recommendation: Oppose OTP/A.

WAYS AND MEANS

HB 1339, relative to “table stakes games.” **ITL. Vote 14-6.**

HRA Analysis: This bill allows charitable gaming operations to run “table stakes” poker games as well as games where each bet is limited to \$4. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.

BILLS REMOVED FROM CONSENT

ELECTION LAW

HB 1323, relative to candidates for state representative. **ITL. Vote 16-0.**

HRA Analysis: This bill allows persons to sign up for state representative before they turn 18, provided they register to vote by election day. The Constitution, Part I, Article 11, states “Every inhabitant of the state, having the proper qualifications, has equal right to be elected to office,” and the filing period is a modern artifact.

HRA Recommendation: Oppose ITL.

HHS

HB 1502-FN, relative to induced termination of pregnancy statistics. **REFER FOR INTERIM STUDY. Vote 17-0.**

HRA Analysis: This bill requires HHS to collect data on abortions and report annually to the legislature and the public. The committee believes the bill is confusingly written, and, based on the fiscal note, so does the department. The Platform, Part III, says we should “improve access to the information necessary to make informed health care decisions,” and data on abortions is not widely available at this time.

HRA Recommendation: No recommendation on Interim Study, oppose ITL.

HB 1572-FN, establishing a commission to create a New Hampshire state plan for Alzheimer’s disease and requiring certain training and education programs regarding Alzheimer’s disease and other related dementia. **OTP/A. Vote 17-0.**

HRA Analysis: This bill, as amended, creates a 15 member, **permanent** commission to develop a plan for Alzheimer's and report annually on the plan – presumably they will be continually tweaking and updating the plan. This bill also requires the Police Standards and Training Council, in conjunction with this commission, to develop a training course for law enforcement on Alzheimer's: presumably the plan will let us know whether it is a part of the initial training, continuing education requirement, or an elective, since the bill doesn't. The Platform, Part II, requires us to “sunset programs and regulations to force periodic reevaluation.”

HRA Recommendation: Oppose OTP/A.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1577-FN, relative to regulating alkaline hydrolysis for the disposal of human remains. **OTP. Vote 13-2.**

HRA Analysis: This bill is essentially last year's HB316. No Platform or Constitutional issue identified.

HRA Recommendation: No recommendation.