

# 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.

### RECONSIDERATION

**HB 1438**, relative to confidentiality of police personnel files. **ITL Vote 16-0**

**HRA Analysis:** This bill deals with the situation where a police officer has a history of lying, falsifying evidence or for some other reason there is exculpatory evidence in his personnel file. The US and NH Supreme Courts have ruled that police departments and prosecutors have a duty to disclose this evidence to defendants, but the law and current practice says otherwise. The Giuda floor amendment adds the exact Supreme Court language to statute. The bill as amended brings the law into compliance with the US and NH constitutions by codifying the duty to disclose evidence.

**HRA Recommendation: Support reconsideration, Support the floor amendment and Support OTPA**

### EDUCATION SPECIAL ORDER

**CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools. **MAJ: OTP MIN: ITL Vote 12-5**

**HRA Analysis:** CACR 8 modifies part 1, article 6 of the constitution to clarify that education is the responsibility of local, charter, private and religious schools, that they shall control their own curricula and funding, but that the legislature may supplement them. This is a different and reasonable approach than CACR 12 to restoring local control over schools from the regime set up by the Claremont rulings. It is consistent with several parts of the platform, including “The New Hampshire Constitution should be amended to empower the people and their elected representatives to set educational funding and policy goals” and “The so-called 'Blaine Amendment' should be repealed so as to end discrimination against religious schools.”

**HRA Recommendation: Support OTP**

## WEDNESDAY, MARCH 21

### REGULAR CALENDAR

### CHILDREN AND FAMILY LAW

**CACR 31**, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children. **MAJ: ITL MIN: OTP Vote 11-3**

**HRA Analysis:** This CACR simply adds the sentence “Parents have the natural right to control the health, education, and welfare of their children” to the constitution. While some think this is unnecessary, it is a fundamental principle that is not currently expressed in the constitution. Our present day government at the state and federal level by their actions and laws often violate these rights. The Republican platform promotes parental rights in a variety of ways, for example “We place our highest priority on promoting and preserving the family as the most important institution of human development...” and “[We] oppose actions that inhibit and/or supplant the role of parents in the care and upbringing of children.”

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

### EDUCATION

**HB 1313**, allowing school districts to offer higher education scholarships to high school pupils. **ITL Vote 13-2**

**HRA Analysis:** This bill allows school districts to give college scholarships to their graduates in certain circumstances. This is already the case.

**HRA Recommendation: Support ITL**

**HB 1389**, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council. **ITL 15-0**

**HRA Analysis:** The Platform supports local control of educational policy. This bill, with the floor amendment, adds some aspirational language about encouraging math, science, technology and engineering. The original bill was too prescriptive.

**HRA Recommendation: Support ITL or Support the floor amendment and OTPA**

## **HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

**HB 1642-FN, relative to destination cancer hospitals. MAJ: OTPA MIN: OTP Vote 10-8**

**HRA Analysis:** The platform says that our approach to economic development is founded upon “Creating a supportive business climate...” and “Working to provide an environment favorable to increasing the creation of private sector jobs including state-of-the-art technology.” The section on health care says “We support increased use of market forces to provide and improve health care and reduce costs” and “We support efforts for higher quality healthcare, including the latest in technological advancements.” This bill helps to develop the health care sector by exempting “destination hospitals”, with 50 or fewer beds and 65% out-of-state patients, from the Certificate of Need process. Private, for-profit organizations that make their investment and acquisition decisions based on the needs and demands of the patient/consumer base and the fast-paced developments in technology and medicine, have no interest in locating in a state where such purchases could take months to apply for and have approved (such as occurred in NH with the MRI machine – now a standard piece of equipment) if not be denied outright. Detractors argue that increasing availability of services increases utilization of services which increases health care costs, however, there is absolutely no evidence that the CON has prevented this from occurring. The CON hasn't prevented NH from being among the states with the highest per capita health care costs in the nation. This bill develops the economy by creating jobs, increasing revenues, attracting customers to the state, and allowing for the long term development of the health care sector in general.

The original bill exempts “destination cancer hospitals” from CON and from the Medicaid enhancement tax. The majority and O'Brien floor amendments change the word “cancer” to “specialty” to broaden applicability. The majority amendment continues to charge the Medicaid enhancement tax on these hospitals and removes the requirement that 65% of patients be from other states.

**HRA Recommendation: No recommendation on the amendments, Support OTP or OTPA**

## **JUDICIARY**

**CACR 22**, relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court. **MAJ: OTP MIN: ITL Vote 12-4**

**HRA Analysis:** Currently the justices of the state supreme court make the rules that govern the administration of all courts in the state. Court rules should have the force and effect of law. Therefore the legislature, the body charged with passing laws, should be involved in this process. This amendment helps strike a balance between the judicial and legislative branches. The platform says we will “restore the traditional role of our General Court as New Hampshire's supreme legislative authority.”

**HRA Recommendation: Support OTP**

**CACR 26**, Relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed. **MAJ: OTP MIN: ITL Vote 11-5**

**HRA Analysis:** This CACR would repeal Article 73-a of Part II of the New Hampshire constitution. The authority given to the supreme court by Article 73-a in 1978 to make rules having “the force and effect of law” is by its terms limited to “rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts.” However, acting under color of Article 73-a, the court has repeatedly issued rules unrelated to and going well beyond court administration, practice and procedure, and this justifies withdrawal of its supposed basis by repeal of Article 73-a. The Republican platform advocates: “Adopting a constitutional amendment to Part II, Section 73-a to restore the traditional role of our General Court as NH’s supreme legal authority.”

**HRA Recommendation: Support OTP**

**HB 437-FN**, relative to the definition of marriage. **OTPA Vote 11-6**

**HRA Analysis:** The NHGOP platform and the dictionary both state that marriage is “the legal union between one man and one woman.” HB 437 restores that definition in law. Note that the proposed amendments are not perfect from the platform's point of view as we also oppose civil unions, but from a practical perspective either the committee amendment, 2779h, or the latest Bates amendment, 1288h, make the bill more palatable to some, while retaining the main point. Avoid other amendments.

**HRA Recommendation: Oppose amendments other than 2779h or 1288h, and Support OTP or OTPA**

## **STATE FEDERAL RELATIONS AND VETERANS AFFAIRS**

**HCR 39**, urging Congress to privatize all aspects of social security. **MAJ: OTPA MIN: ITL Vote 8-6**

**HRA Analysis:** Since 2010 Social Security is spending more than it takes in from taxes, and with the aging baby boomers, the gap is widening. The national Republican platform expresses it well: “We are committed to putting Social Security on a sound fiscal basis.” and “Under the current system, younger workers will not be able to depend on Social Security as part of their retirement plan. We believe the solution should give workers control over, and a fair return on, their contributions. No changes in the system should adversely affect any current or near retiree.” This resolution expresses similar ideas.

**HRA Recommendation: Support OTPA**