

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.

REGULAR CALENDAR WEDNESDAY, MAY 4

COMMERCE AND CONSUMER AFFAIRS

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act. **MAJORITY: OTPA MINORITY: ITL Vote 12-4.**

HRA Analysis: SB 148, with the committee amendment, does three things to halt the negative consequences of this federal takeover of our health care system. First, it makes clear that no resident of the “Live Free or Die” state should ever be forced to buy health insurance or face a penalty. Second, this bill affirms the House position of HB 89, instructing the attorney general to join 26 other states involved in the Florida lawsuit. Finally SB 148 also directs the insurance department to return the \$666,000 the federal government sent in planning funds back to Washington to help pay down the massive federal deficit. This bill supports the Tenth amendment to the Constitution and the NHGOP Platform support for the Tenth Amendment. It is an exercise of our Part 1, Article 7 obligation to protect of the sovereignty of the people of New Hampshire, which like HB89, exercises our Part 1, Article 29 and Part 2, Article 4 power and invokes the Part 2, Article 41 duty of the executive to carry out the laws of the State. It in no way infringes upon the powers of the executive by employs that chain of connection referred to in Part 1, Article 37 to execute the will of the people. SB 148 goes further than HB89 by not only requiring the Attorney General to join the Healthcare lawsuit, but also requires that any money already received or expected be returned to the government of the United States.

HRA Recommendation: Support OTPA

SB 160-FN, relative to the definition and regulation of installment loans. **MAJORITY: OTP MINORITY: ITL Vote 16-2.**

HRA Analysis: This bill seeks to authorize and regulate legal commerce in the area of consumer installment loans. The bill permits installment loan lenders to conduct business in our state under certain conditions and offers alternative sources of credit to NH consumers who wish to access such credit. NH consumers are not presumed to be incompetent and should not be unreasonably restricted or prohibited from accessing well regulated loan products that are appropriate to their individual needs. Consumers benefit by having additional options. SB160 is supported by our platform by allowing adults to make their own financial choices (“preserve and protect individual liberty”) and by lessening regulations on the lending industry (“working to prevent over-regulation of business, particularly with respect to small businesses”).

HRA Recommendation: Support OTP

SB 162-FN, relative to federal health care reform 2010. **OUGHT TO PASS WITH AMENDMENT. Vote 16-2.**

HRA Analysis: SB162 creates an legislative oversight committee to interact with the insurance commissioner on the state's implementation of Obamacare. The hope is that such a committee will rein in the bureaucracy to whatever extent possible while still complying with federal law. As such this seems valuable. However, the committee's amendment removes the sunset of 2010 SB 455, which had us implement Obamacare in the first place. If we want to oppose Obamacare, why would we allow that language (RSA 420-L) to continue? The House voted 267-92 for HB440 which among other things, removes RSA 420-L. The platform says that “we support increased use of market forces to provide and improve health care and reduce costs.” Obamacare is the opposite of market forces.

HRA Recommendation: Oppose the amendment, then support OTP. If the amendment passes, oppose OTPA.

EDUCATION

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. **OUGHT TO PASS WITH AMENDMENT. Vote 16-1.**

HRA Analysis: This bill allows the board of education to approve charter schools without limit and makes some minor changes in the way charter schools are funded. School variety, choice and competition are the key to improving outcomes. As the platform says, “Laws should be implemented to encourage school choice and competition and allow all parents to choose the best public, private, charter or home school program for their children.” SB82 is just such a law.

HRA Recommendation: Support OTPA

ELECTION LAW

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 13-5.**

HRA Analysis: This bill requires a voter to present a valid photo I.D. to the ballot clerk prior to voting. The bill allows a "provisional ballot" to be submitted if the individual does not have identification with them. The individual would need to present the valid photo I.D. within three days of the election in order that the provisional ballot be counted. There are also provisions for a voter to obtain a photo I.D. card free of charge if he/she does not have one. To prevent voter fraud, we support the requirement to produce positive identification upon voting. Whenever a person votes unlawfully it is an act of usurpation. This bill ensures to the degree possible that the franchise of the people is not diluted by the votes of those who are not in fact entitled to vote. This bill is specifically supported in under Article V of the NH GOP platform: "Believes voting in NH must be done by NH citizens only. To prevent voter fraud, we support the requirement to produce positive identification upon both registering and voting."

HRA Recommendation: Support the Bates floor amendment and then Support OTPA

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HJR 4, prohibiting the implementation of certain rules of the board of medicine. **MAJ: ITL MIN: OTP Vote 8-4.**

HRA Analysis: The Constitution, Part 1, [Art.] 12. "Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent." Administrative rules are laws, and HJR4 is requesting that the representative body consent to these rules. JLCAR has questioned whether they meet the intent of the underlying statute, but does not itself have the authority to give or withhold consent.

HRA Recommendation: Oppose ITL, then Support OTP

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association. **OTPA Vote 14-3.**

HRA Analysis: The Constitution, Part 1, [Art.] 38. "A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives, and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of government." It's not our money.

HRA Recommendation: Support OTPA

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 93, relative to pharmacist administration of vaccines. **OUGHT TO PASS. Vote 13-3.**

HRA Analysis: This bill authorizes pharmacists to administer pneumococcal and varicella zoster vaccine (shingles) in addition to influenza. The bill requires administering pharmacists to meet certain requirements and certifications as well as provide documented record keeping to be shared with the patient's primary physician. The Rep platform Section XIII: We support increased use of market forces to provide and improve health care and reduce costs.

HRA Recommendation: Support OTP

RESOURCES, RECREATION AND DEVELOPMENT

SB 154-FN, reforming and renaming the comprehensive shoreland protection act. **OTPA Vote 16-0.**

HRA Analysis: The NHGOP platform states that as Republicans we "preserve sensitive ecosystems." However, several years of experience has shown us that the existing Comprehensive Shoreland Protection Act was more bureaucratic and oppressive to landowners than was necessary to accomplish its mission. SB-154 has made the act more "user friendly," reduces costs, and simplifies compliance criteria while still meeting the platform mandate to preserve sensitive ecosystems. The platform strongly supports property rights, as we "affirm that private property rights are fundamental under the Constitution and that we will ensure that property owners are compensated justly for property taken by government through regulation." This bill is a step in the right direction.

HRA Recommendation: Support OTPA

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

SB 3-FN-A-L, making comprehensive changes to the state retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 10-3.**

HRA Analysis: This bill is much like HB 580 in that it is making changes to the New Hampshire Retirement System. The committee has amended it to reflect the House position on a number of retirement issues. Changes to age requirements, years worked and contribution rates are addressed in the bill. SB3 will almost certainly be paired with HB580 in a committee of conference. The Rep platform Section VII Government: The state government needs to be effective and efficient.

HRA Recommendation: Support OTPA

WAYS AND MEANS

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. **MAJORITY: OTP MINORITY: ITL Vote 14-5.**

HRA Analysis: The line-item veto is a tool used by 43 states as a mechanism to reduce spending. This bill changes the constitution so the governor could reduce specific expense items in budget or other spending bills. The legislature would then have the opportunity to override these changes and restore funding, if appropriate. This is a common sense tool to deliver limited government and to protect New Hampshire's taxpayers. In an era of overspending, it could be an important measure to bring fiscal discipline back to state government. The question is whether this shift in structure from the legislature to the executive is appropriate in a state with very local representation and a deliberately weak Governor. While the Republican platform strongly supports spending reductions, it is silent on this particular method of achieving them. If CACR 5 passes it will go on the 2012 general election ballot, where it would require a 2/3rd vote of the public to become part of the constitution.

HRA Recommendation: No recommendation

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. **OUGHT TO PASS WITH AMENDMENT. Vote 20-0.**

HRA Analysis: Adds a category called "qualified community development entity" to the list of "qualified investment companies" that are exempt from BPT, BET and I&D taxes (they pass along income to shareholders who pay these taxes). These entities are defined in IRS regulations as those who invest in low-income areas or people. While promoting investment and lowering taxes is a good thing, creating special privileged classes with tax exemptions, i.e. unequal treatment, is not.

HRA Recommendation: No recommendation

SELECT BILLS AMENDED BY THE SENATE

HB 474-FN, relative to freedom of choice on whether to join a labor union.

HRA Analysis: This is one of the most important bills we will pass this session. It gives employees back their freedom of association and lets them decide whether or not to join a union. It is an explicit part of the platform, where we "support the "right to work" by adopting legislation necessary to ensure this principle for all workers."

HRA Recommendation: Concur with the Senate