

# 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.



## REGULAR CALENDAR WEDNESDAY, MAY 12

### COMMERCE AND CONSUMER AFFAIRS

**SB 392-FN**, requiring public hearings concerning health care cost increases in health care services and relative to hospital billing for services to uninsured patients. **OTP/A. Vote 11-7.**

**HRA Analysis:** The Republican platform encourages free enterprise, and this legislation interferes with the free market and attempts to set price controls and establish rules by which hospitals may establish charges. Hospitals in other states, such as Massachusetts, have for years labored under such bureaucratic burdens and it has done nothing to stem the increase in medical costs, which arise more from government mandates and the increased sophistication of medicine, then from over-charging or excessive profits. For hospitals are for profit businesses, but are required to treat everyone regardless of insurance coverage or the ability to pay, this is an especially unfair burden.

**HRA Recommendation: Oppose OTP/A.**

**SB 455-FN**, relative to New Hampshire HealthFirst. **MAJORITY: OTP/A. MINORITY: ITL. Vote 15-2.**

**HRA Analysis:** The Committee Amendment to SB 455 eviscerates the Senate bill in favor of language implementation Obamacare in NH. There will be a floor amendment to refuse Obamacare in NH.

**HRA Recommendation: Oppose the Committee Amendment; Support the Floor Amendment (opposing Obamacare); Vote OTP/A with the Floor Amendment; otherwise Oppose OTP, OTP/A or any measure that does not sideline the bill. (roll calls on Committee and Floor Amendments)**

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**SB 398-FN**, relative to prohibited sales of alcoholic beverages. **OTP. Vote 12-3.**

**HRA Analysis:** The Republican Party platform promotes de-regulation of business, however it is generally recognized that the sale of beverages to minors is extremely dangerous and has led to numerous tragedies, especially on our roads. Whether as part of an enforcement action or occurring otherwise, sales to minors should be recognized as a crime and not merely a civil violation.

**HRA Recommendation: Oppose OTP.**

**SB 453**, relative to air quality in ice rinks. **ITL. Vote 10-5.**

**HRA Analysis:** The HRA Analysis from April 21, 2010 when this bill was referred to a second committee remains the same: “The Constitution, Part 1, Article 28-a forbids unfunded mandates on municipalities, which this bill would impose on municipality-owned ice rinks. In addition, the Platform, Section VI, states we must “*prevent over-regulation of business*”, and this sort of silly regulation is just what is meant.”

**HRA Recommendation: Support ITL.**

### EDUCATION

**SB 311**, relative to special education services for persons incarcerated and persons attending Granite State high school.

**MAJORITY: OTP. MINORITY: ITL. Vote 17-2.**

**HRA Analysis:** The bill specifies that the houses of corrections to play the role of facilitator and not provider of special education services (not a platform issue).

**HRA Recommendation: No recommendation.**

**SB 503**, relative to unique pupil identification. **MAJORITY: OTP/A. MINORITY: OTP/A. Vote 14-6.**

**HRA Analysis:** This bill is a step toward centralization of data outside the local districts encouraged by Federal money for undoubtedly federal agendas. Local control and privacy issues. Look for floor amendments.

**HRA Recommendation: Oppose OTP/A.**

**SCR 2**, encouraging New Hampshire schools to adopt environmentally sound practices. **OTP. Vote 9-8.**

**HRA Analysis:** This bill intrudes on local control and encourages students to become activists on campus pursuing pc environmental issues through the legislature. It was even too much for several Democrat Committee members.

**HRA Recommendation: Oppose OTP.**

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**SB 339**, excluding certain governmental and nonprofit entities from certain licensing requirements as mortgage bankers, brokers, or services. **OTP. Vote 16-2.**

**HRA Analysis:** The Platform, Section VI, states that we are “Working to prevent over-regulation of business, particularly with respect to small businesses”. This bill has it exactly opposite, relieving “certain governmental and nonprofit entities” from these onerous regulations, but leaving them on all others, including small businesses.

**HRA Recommendation: Oppose OTP.**

**SB 470-FN**, relative to retirement system service credit for employment as a full-time police officer with the university system of New Hampshire. **OTP/A. Vote 14-3.**

**HRA Analysis:** As amended, this bill eliminates the option of buying service credit in the NH Retirement System, thereby protecting the system from the risk of guaranteeing pensions and the taxpayers from making up any shortfall in investment performance or longevity risk. Part 1, Article 36 of the Constitution states: “no pension shall be granted, but in consideration of actual services; and such pensions ought to be granted with great caution”. This bill cautiously improves the retirement system. As originally written, this bill would *increase* the risk to the system.

**HRA Recommendation: Support the committee amendment and OTP/A; oppose OTP or any other amendments.**

**SB 495-FN**, establishing a task force on state procurement policies and procedures. **MAJORITY: OTP/A.**

**MINORITY: OTP/A. Vote 14-5.**

**HRA Analysis:** The Platform, Section VI, states that we are “Working to provide an environment favorable to increasing the creation of private sector jobs” and “Keeping state government lean”. The minority amendment addresses these issues by setting up a task force to see how the state's procurement actually operates and investigate ways to improve it. The majority amendment adds authorization to run a “pilot program” based on “best values” before the task force determines what best value means for the state, and exempts these “pilot” procurements from the statutory protections that ensure agencies follow legislative guidelines.

**HRA Recommendation: Oppose the majority amendment; support the minority amendment; support OTP/A based on the minority amendment.**

**SB 504-FN**, relative to the effective date for the implementation of the retirement system employer assessments for excess benefits. **MAJORITY: OTP/A. MINORITY: ITL. Vote 14-5**

**HRA Analysis:** This bill postpones for yet another year any assessments to municipalities that encourage their employees to pad their pensions with severance pay or accumulated sick leave in their last years, at the expense of taxpayers of the state and of towns that don't do so. Part 1, Article 36 of the Constitution states: “no pension shall be granted, but in consideration of actual services”.

**HRA Recommendation: Oppose OTP, support ITL.**

## FINANCE

**SB 181-FN-A**, repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission. **OTP/A. Vote 22-0.**

**HRA Analysis:** The recommendation from the April 21, 2010 Pink Sheet remains valid: “First of all, no one testified [before the policy committee] against this bill. Liquor enforcement activities worked well under the liquor commission oversight. Other states have transferred the oversight to their state safety departments and it has not worked. Those states are trying return to the liquor commission oversight model. The transfer of oversight to the DOS was a situation of trying to fix something that wasn't broken. Repeal would restore the liquor enforcement activities back to the more effective and efficient practices. The second part of the bill that establishes a study committee offends the platform position that counsels low taxes are a result of low spending. Inefficient government and unnecessary committee increase spending and

drive higher taxes.” Delaying implementation to July 1, 2011 and studying the issue in the interim reflects a waste of time and money, but may be the only way to get the bill passed.

**HRA Recommendation: Support OTP/A.**

**SB 344-FN**, relative to employment and retirement benefits of certain non-judicial court employees. **ITL. Vote 15-4.**

**HRA Analysis:** The recommendation from the April 21, 2010 Pink Sheet remains valid: “This bill is to allow *one* court employee to transfer her accumulated sick leave from the state employees' benefit fund to the Manchester employee retirement system, thereby boosting her pension. Fiscal prudence dictates that the legislature should not change the rules with special legislation for one person and add to the burden of a municipality in doing so.”

**HRA Recommendation: Support ITL.**

**SB 396-FN**, limiting the use of child restraint practices in schools and treatment facilities. **OTP/A. Vote 18-5.**

**HRA Analysis:** The recommendation from the April 21, 2010 Pink Sheet remains valid: “More rules for our public schools, more state control and further reduction of local control of education and local government in general. Our party understands that the best government is local government and that people in general will be able to bring their own local solutions to whatever problems, if any, this bill seeks to address.” Moreover the Finance committee exceeds its mandate by adopting a policy reporting requirement on the Dept. of Education in its amendment.

**HRA Recommendation: Oppose OTP/A.**

**SB 450-FN**, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax.

**MAJORITY: OTP/A. MINORITY: OTP/A. Vote 13-12**

**HRA Analysis:** The taxing wolf stalks the House chamber today in the sheep's clothing of this bill. Do not fall for the Democrats' cynical effort to hide further taxes increases behind a repeal of those passed by a Democrat majority our constituents have rightly protested.

**HRA Recommendation: Oppose OTP/A. Vote for motions to divide the bill, table it or amend it.**

**SB 485-FN-A**, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch. **OTP/A. Vote 14-10.**

**HRA Analysis:** It is fiscally imprudent to take funds intended for processing bail forfeitures, court arbitration and mediations, and court facility improvements to fund an unnecessary increase in the pay to court officers. Moreover, to a large degree these are retirement jobs for retired state or local employees who are drawing generous pensions from the public already. There is no difficulty in attracting individuals to take these jobs and paying them more now, in a time of fiscal crisis for the state and the courts in particular is unwarranted.

**HRA Recommendation: Oppose OTP/A.**

## JUDICIARY

**CACR 32**, relating to clarification of certain language. The bill provides that all references to people in the constitution shall refer to both male and female. **INTERIM STUDY. Vote 14-3.**

**HRA Analysis:** This CACR changes all reference to gender in the Constitution to gender-neutral terms. It offers no substantive changes. It will result in a twenty plus page ballot as all CACR changes must be printed in full in the ballot. The Secretary of State estimates the ballot and information cost to be around \$500,000. The bill is unnecessary to protect or secure any rights; therefore it is wasteful of tax revenue.

**HRA Recommendation: Support Interim Study or ITL if Interim Study fails.**

**SB 353-FN**, relative to the procedure for administration of insolvent estates. **MAJORITY: OTP. MINORITY: ITL. Vote 12-6.**

**HRA Analysis:** The statutory priorities for claims against an insolvent estate scheduled in this bill do not give any preference to families and substitutes the State in place of widows and children. The minority and our party platform believe that our families should have a higher priority than the State.

**HRA Recommendation: Oppose OTP, support ITL.**

**SB 354-FN-L**, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property. **MAJORITY: OTP. MINORITY: ITL. Vote 10-7**

**HRA Analysis:** This bill attempts to force landlords owning low income properties to improve the properties making them legal under the building codes. A laudable goal, but the majority attempts to accomplish this goal through fines, penalties, liens and even foreclosure. The minority believes the bill will discourage investment in rental apartments and increase abandon properties.

**HRA Recommendation: Vote ITL**

**SB 356-FN**, relative to civil actions in the trial courts. **Interim Study. Vote 14-3.**

**HRA Analysis:** This bill will turn over to the Judicial Branch all authority for the issuance and service of process for writs to the District Court. Currently this authority in law, set by the legislature. The Judicial Branch desires to authorize it to eliminate the legislature's authority and give it to them to set rules.

**HRA Recommendation: Support Interim Study**

**SB 425-FN**, relative to exemptions to the right-to-know law. **MAJORITY: OTP. MINORITY: ITL. Vote 16-2.**

**HRA Analysis:** This bill repeals the Right to Know law exemption for telephone companies when they go before the Public Utility Commission and thus allowing for propriety data not to be publicly disclosed. The Public Utility Commission currently has rules to protect the applicants coming before them.

**HRA Recommendation: No recommendation.**

**SB 431**, relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

**MAJORITY: OTP/A. MINORITY: OTP/A. Vote 11-7.**

**HRA Analysis:** This bill protects tenants who are victims of domestic abuse and who have a protective court order requiring the one party to be removed from the rented premises, from being evicted solely based on the domestic matter. The bill has the unintended consequence of possibly allowing a tenant to remain as a tenant when she/he can not pay the rent nor be of a sufficient age to contract. A floor amendment will be offered that will meet the sponsors' goals but eliminate ambiguities in the bill. NH Republicans understand a healthy business and housing environment benefits all and the floor amendment would support both.

**HRA Recommendation: Support the committee amendment and then Support the floor amendment; Support OTP/A Based on the Floor Amendment, otherwise Oppose OTP/A.**

**SB 480**, relative to appeals of decisions by the department of environmental services. **MAJORITY: OTP/A. MINORITY: ITL. Vote 13-5.**

**HRA Analysis:** Currently the Department of Environmental Services has a substantial backlog in processing appeals through its departments. They requested authority for the office of the Attorney General to appoint a person to be a hearings officer and thus move the appeals forward to a resolution more quickly. The problem exists in that the AG appoints an attorney to represent the agency and now will appoint another attorney from the same office to be the appeals judge. This presents a conflict of interest with both parties being appointed by the AG. An amendment will be offered that will meet EPA goals to hasten the processing of appeals and accomplish the process with fairness and eliminate the appearance of conflict of interest. The floor amendment will allow the Governor and Council to appoint the hearings officer, not the AG, and also give the party involved the right for a hearing in Superior Court.

**HRA Recommendation: Support the committee amendment, then Support the floor amendment; Support OTP as amended by both amendments; Otherwise Oppose OTP/A.**

## **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**SB 513**, relative to incarcerated persons receiving workers' compensation. **MAJORITY: ITL. MINORITY: OTP. Vote 8-4.**

**HRA Analysis:** NH Republicans support business. Requiring business to pay for workers' compensation for prison inmates, who by definition cannot return to work, is anti-business.

**HRA Recommendation: Support ITL.**

## **SCIENCE, TECHNOLOGY AND ENERGY**

**SB 323**, requiring the public utilities commission (sic) to study certain energy policy issues. **OTP/A. Vote 11-3.**

**HRA Analysis:** Republicans understand that the marketplace will drive innovation and energy efficiency. The cost of fuel dictates the efficiency of its use and not some expensive study that at best can only track what a free market system will dictate and, at worst and most likely, will work at cross purposes to the market.

**HRA Recommendation: Oppose OTP/A.**

**SB 409**, requiring buildings or structures constructed or renovated using state funding to adhere to certain energy efficiency and building standards. **OTP/A. Vote 13-2.**

**HRA Analysis:** As this bill applies to only state construction projects it does not invoke free market concerns or the state party platform. It is telling however that construction at UNH is exempted from this bill.

**HRA Recommendation: No Recommendation.**

## WAYS AND MEANS

**SB 382**, relative to the New Hampshire natural plant protection act. **MAJORITY: OTP/A. MINORITY: ITL. Vote 13-7.**

**HRA Analysis:** More fees being established by the Democrat majority, in this case by allowing the Commissioner of DRED to set the fees and not even giving the legislature the opportunity to confirm the new fees are reasonable. Fees are taxes on our constituents and Republicans should oppose new and increased taxes. We should also oppose fees being deposited into dedicated funds as doing so disguises the true cost of government and disenfranchises the Legislature from setting budgeting priorities.

**HRA Recommendation: Oppose OTP/A. Support ITL.**

**SB 483-FN-A**, relative to the interpretation of Internal Revenue Code section 1031 as it relates to taxation under the business profits tax. **MAJORITY: OTP/A. MINORITY: OTP. Vote 18-2.**

**HRA Analysis:** As indicated in the minority report, the Legislature, and not state employees, should establish what state taxes are to be paid by our constituents.

**HRA Recommendation: Oppose Committee Amendment and Oppose OTP/A; Support OTP if the Committee Amendment fails.**

**SB 497-FN-A**, changing the business profits tax deduction for reasonable compensation for partnerships, limited liability companies, and sole proprietorships and modifying the interest and dividends tax statute to follow the definitions of interest and dividends used in the United States Internal Revenue Code. **MAJORITY: OTP/A. MINORITY: ITL. Vote 12-8.**

**HRA Analysis:** Republicans support fair tax and oppose taxes, such as the LLC tax, that disproportionately burden small businesses and destroy jobs. For this and the reasons stated in the minority report, this bill should be opposed.

**HRA Recommendation: Oppose OTP/A; Support ITL.**

## JOINT COMMITTEE ON ADDRESS

**HA 1**, For the removal of Michael Garner, marital master in the judicial branch family division in Laconia. **MAJORITY: OUGHT TO NOT PASS; MINORITY: OTP. Vote 8-3**

**HRA Analysis:** Unless you believe that a flawed process is a satisfactory approach to protecting a marital master who clearly exhibit religious (anti-Christian) prejudice, then the Committee report should be opposed.

**HRA Recommendation: Oppose Ought Not to Pass; Support OTP.**

## OFF THE CONSENT CALENDAR

### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**SB 313**, extending the repeal date of the state park system advisory council and relative to field purchases and transfers of funds for the state park system and the bureau of trails. **OTP/A. Vote 18-0**

**HRA Analysis:** NH Republicans oppose new and increased fees and the obscuring of state budgeting by the use of dedicated funds.

**HRA Recommendation: Oppose OTP/A.**

**"The problem with Socialism is, you eventually run out of other people's money to spend."**

**- Margaret Thatcher**