

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, the NH and Federal Constitutions.



“TRUST BUT VERIFY”

VETO OVERRIDE

HB 218, repealing the New Hampshire rail transit authority.

HRA Analysis: The rail authority is planning to spend up to 5 million of Federal dollars to determine whether or not New Hampshire is ready for high speed rail. When the Federal dollars are used up, the continuance of the rail system will be dependent on the NH taxpayer. The Republican Party platform supports “keeping state government lean to minimize its burdens on taxpayers and businesses” and that we “encourage the private sector to provide a balanced, safe and environmentally sensitive transportation system to provide greater commuter and commercial access to and within our state.” In this public sector system, like all others train transit systems in the country, fares would cover less than 50% of costs.

HRA Recommendation: Support the override of the Governor's veto

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

HRA Analysis: The primary focus of this commission has been to push for “equitable treatment for both parents in child custody and child support” as mandated by the Republican Platform, Section VIII. Since it manages without any state funding, the HRA should support its continuance.

HRA Recommendation: Support the override of the Governor's veto

REGULAR CALENDAR WEDNESDAY, JANUARY 4, 2012

CHILDREN AND FAMILY LAW

HB 591, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights. **ITL 11-5**

HRA Analysis: Section VIII. “The Family” of the Republican Platform states that in an effort to protect marriage and family the party must “advocate a presumption in favor of joint custody and favor equitable treatment of both parents in child custody and child support determinations.” This bill does advocate for equitable treatment of parents, specifically divorcing/divorced parents, as it requires that:

(b) The court shall issue an order that provides for frequent and continuing contact between each parent and the minor child or children and for the sharing of responsibilities of child-rearing and encouraging the love, affection, and contact between the minor child or children and the parents regardless of marital status, unless the court makes an explicit finding that such contact is not in the best interest of the child. There shall be a rebuttable presumption that joint parental rights and responsibilities, as close to 50 percent parenting time for each parent as is possible given the parties availability and logistics, is in the best interest of the child or children.

(c) An objection by one parent to a proposed parenting arrangement shall not be the sole basis for refusing the entry of an order that the court determines is in the best interest of the minor child. The court shall place in the record the specific factors and findings which justify any parenting arrangement not agreed to by both parents, unless otherwise requested by one of the parties.

HRA Recommendation: Oppose ITL, Support OTPA

COMMERCE AND CONSUMER AFFAIRS

HB 165, establishing a committee to study contract negotiations between health insurance companies and health care providers. **ITL 11-3**

HRA Analysis: This bill establishes a committee to study contract negotiations between health insurance companies and health care providers, which doesn't seem to be a proper duty of government. The platform says Republicans “support

increased use of market forces to provide and improve health care and reduce costs,” but this bill would give government the power to study these market forces. It is unnecessary, and most likely counterproductive, for government to study market forces for them to work properly on their own.

HRA Recommendation: No recommendation

HB 309-FN, repealing certain insurance mandates. **MAJ: OTPA MIN: OTP 13-2**

HRA Analysis: This bill, as originally drafted, repeals health insurance mandates for certified midwives, for the cost of testing for bone marrow donation, for continuation of group health insurance in the event of divorce or legal separation, for children’s early intervention therapy services, for obesity and morbid obesity, for diagnosis and treatment of pervasive developmental disorder of autism, and for persons having deafness and hearing loss. Insurance companies should never be forced by government to provide this coverage for everyone. More importantly, these mandates as written in current law only force coverage on individuals and small employers with 50 or fewer employees. Republicans in the platform are urged to “support increased use of market forces to provide and improve health care and reduce costs,” work “to prevent over-regulation of business, particularly with respect to small businesses,” and keep “state government lean to minimize its burden on taxpayers and businesses.” This bill, as drafted, does all three. The committee amendment waters down the bill and makes it essentially meaningless.

HRA Recommendation: Oppose the committee amendment, Optionally support the floor amendment, Support OTP

HB 430, establishing a committee to study the feasibility of establishing a state development bank in New Hampshire. **ITL 11-3**

HRA Analysis: This bill establishes a committee to study the concept of a New Hampshire state owned bank. This is directly counter to our party's limited government stance.

HRA Recommendation: Support ITL

HB 581, regulating guaranteed price plans and prepaid contracts for petroleum. **MAJ: OTPA MIN: OTPA 11-3**

HRA Analysis: This bill addresses pre-buy oil contracts by repealing current ineffective and perhaps counterproductive regulations and replacing them with a requirement to notify contract buyers that no government legislation can protect their money if an oil company goes out of business. This common sense legislation as amended by the committee realizes the Republican Party goal to “prevent over-regulation of business, particularly with respect to small businesses.”

HRA Recommendation: Support the committee's amendment and support OTPA

HB 602-FN-A, relative to funding the law requiring reporting of health care acquired infections. **MAJ: OTPA MIN: OTPA 12-2**

HRA Analysis: The law currently requires both hospitals and ambulatory surgical facilities to report infections to a statewide database, however only hospitals are taxed to pay for the program. HB 602, as amended would broaden the tax to include ambulatory surgical facilities, but not expand the total collected. The committee's amendment adds a dedicated fund for this purpose, while the floor amendment leaves out the dedicated fund. As we oppose the use of dedicated funds in most cases since they make budgeting less transparent, we prefer the floor amendment.

HRA Recommendation: Support the floor amendment, no recommendation on the bill itself

SB 160-FN, relative to the definition and regulation of installment loans. **MAJ: OTP MIN: ITL 14-2**

HRA Analysis: This legislation gives consumers a free market choice to take out an installment loan, while also ensuring that consumers enter loan contracts with their eyes wide open. Companies are offering these loans to New Hampshire residents legally over the Internet, but no New Hampshire company can offer them. With this legislation comes fairness in the marketplace, reinforced by the platform's goal to create “a supportive business climate” and the constitution's requirement under Part II, Article 83 to create an equal playing field for all competitors.

HRA Recommendation: Support OTP

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 29, permitting a person to petition the superior court for any action pertaining to a pistol or revolver license. **ITL 11-6**

HRA Analysis: This bill would allow appeals for a denied concealed carry license in either district court or superior court. It is currently limited to district court. The constitution and our platform clearly support a person’s right to self-defense and to equality under the law. Further, the platform states, “We will work to maintain a legal system that provides every citizen prompt and impartial justice.” If an appellant believes that he or she will not receive a fair hearing in one court because of a perceived bias with the judge, she should have the option to choose another avenue.

HRA Recommendation: Oppose ITL; Support OTP

HB 162-FN, relative to capital murder for purposely causing the death of another. **OTP 11-6**

HRA Analysis: This bill would lower the threshold for homicides that would be considered capital murders, potentially increasing the number of death penalty sentences. The fiscal note estimates the cost of death penalty cases at \$1 million. The NH constitution exhorts that penalties be proportioned to the nature of offenses. If the intention of this legislation is to grant equal treatment before the law and make all purposely-caused deaths capital murders, then perhaps the bill should include removing references to specific classes of men (RSA 630:1).

HRA Recommendation: No recommendation

HB 217-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. **OTPA 12-4**

HRA Analysis: This bill would make the killing of a fetus (specifically defined as at 24 weeks or more of gestation) the same as killing "another" for the purpose of first and second degree murder, manslaughter and negligent homicide. The changes shall not apply to any medical procedure performed by a licensed medical professional at the request of a pregnant woman or her legal guardian. However, the bill is unclear regarding a medical procedure performed by the mother herself. The Republican Party Platform clearly states under VIII THE FAMILY: Believing the unborn child has a fundamental right to life which can not be infringed upon; ...endorses legislation to make clear that the Fourteenth Amendment's protections apply to unborn children. The Souza floor amendment makes the bill simpler and removes the 24-week requirement.

HRA Recommendation: Support the Souza floor amendment and support OTPA

HB 334, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, or firearms supplies. **MAJ: OTPA MIN: ITL 11-6**

HRA Analysis: This bill reinforces the state constitution's Art. 2-a, Part I guarantee that "All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state." It limits the ability of political subdivisions of the state to regulate firearms, ammunition and knives and keeps exclusive authority and jurisdiction thereof in the general court.

HRA Recommendation: Support the Hoell floor amendment and support OTPA

HB 448-FN, relative to spice incense products. **ITL 14-3**

HRA Analysis: This bill would ban the sale of OTC products containing a specific combination of chemicals. This bill has been rendered unnecessary by the addition of so-called "spice" ingredients to the federal FDA's schedule of illegal substances. Our platform states in the preamble that we are united by our belief in individual liberty and personal responsibility, among others. Banning a heretofore legal product because it might be misused by some people is contrary to what we stand for.

HRA Recommendation: Support ITL

HB 475-FN, relative to penalties under the consumer protection act. **OTP 14-3**

HRA Analysis: This legislation makes minor changes to the consumer protection statutes. It doesn't protect consumers, but rather expands criminal penalties. If the value of a product or service is more than \$1,000, one would be guilty of a felony, for example, for "Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services." While well-intended, this bill may be too vague as to be enforceable. Per the Fiscal Note, this could also lead to an increase in costs to the state for prosecution. While the punishment should fit the crime, we find no demonstrable need for this legislation.

HRA Recommendation: Oppose OTP, support ITL

HB 486-FN, relative to penalties for alcohol ignition interlock circumvention. **MAJ: OTPA MIN: ITL 15-2**

HRA Analysis: The platform states that Republicans will work to reduce drunken driving and substance abuse through a comprehensive program of education, prevention, rehabilitation, treatment and law enforcement. It also exhorts that the state's "elected officials must, above all else, preserve and protect individual liberty." This bill requires an "advanced technology ignition device" in the autos of certain violators. Although this bill is written ostensibly to prevent drunks from driving cars, it may have the unintended consequence of allowing Big Brother to monitor drivers and cars, regardless of who is driving the car, e.g. a spouse or caregiver or friend who is not inebriated. Real-time monitoring of a vehicle's location by non-law enforcement personnel outside NH may be too Orwellian for drivers in the Live Free or Die state.

HRA Recommendation: No recommendation

HB 536-FN, relative to the natural right to carry a firearm, openly or concealed, without a license. **OTPA 12-5**

HRA Analysis: This legislation, known as "constitutional carry," would bring NH to the elite short list of states that do not require any permit or license to carry a firearm whether concealed or openly. Both the state constitution and our party platform support one's right to bear arms. This is long overdue. This bill will keep the option of a concealed-carry license/permit on the books for those who wish to get one for reciprocal licenses in other states.

HRA Recommendation: Support OTPA

HB 628-FN, making the touching or viewing with a technological device of a person's breasts or genitals by a government security agent without probable cause a sexual assault. **OTPA 10-6**

HRA Analysis: The original bill has changed substantially since its first hearing; the intro above is not currently accurate. The amended bill requires that NH law enforcement record and report instances of alleged abuse by TSA agents when a person files a complaint. The bill also codifies the person's right to audio/video record interactions with the TSA agent. The right of people to be free from unreasonable searches is enshrined in the Bill of Rights. State sovereignty, as referred to in the 10th Amendment and our party platform, is likewise a cornerstone of the republic. This bill seeks in a small way to reassert both. Some of the regular actions by TSA agents would be considered criminal violations in New Hampshire if performed without the uniform and blue gloves. This bill would help build a database of reports of abuse.

HRA Recommendation: Support OTPA

EDUCATION

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools. **MAJ: OTP MIN: ITL 10-5**

HRA Analysis: CACR8 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 & 14 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

HB 219, establishing a committee to study the abolishment of the department of education. **OTPA 12-4**

HRA Analysis: This bill originally created a committee to study the elimination of the state Department of Education. The amendment completely replaces it with restrictions on the rule-making authority of the state board of education. As our platform strongly supports local control of education, both versions would be welcome, although they are not similar.

HRA Recommendation: No recommendation on the amendment, then support OTP or OTPA as appropriate

HB 595, amending the compulsory school attendance statutes to permit parent-directed instruction programs and repealing the home education statutes. **MAJ: ITL MIN: OTP 12-2**

HRA Analysis: The Republican Party platform says: “We recognize parents as first and primary teachers. We oppose state interference with parental rights.” and “Only parents can be entrusted to control the education of their children ...” HB 595 is an important parental rights and education freedom bill that meets these goals. This bill respects a parent’s right to direct the education of his/her child without interference from the state. HB 595 also provides for equitable treatment for home schools. Under current law, a child’s home education program can be terminated where under similar circumstances a child’s public or non-public school program would not .

HRA Recommendation: Oppose ITL, support the floor amendment and support OTPA

ELECTION LAW

HB 212, relative to the definition of conflict of interest for executive branch officials and employees. **INTERIM STUDY 15-4**

HRA Analysis: This bill adds specific instances to the Executive Branch Code of Ethics keeping executive branch officials from involvement in campaigns for elected officials (primarily the Governor) who supervise them. This is in line with the Republican platform promise of candidates with "the highest standards of integrity, morality, ethics, responsibility and accountability in their personal lives, during campaigns and while performing their official duties." This has some similarities to the federal Hatch Act which restricts partisan political activity by federal employees. The committee didn't favor it because they were concerned that it overstepped bounds of freedom of speech and would inevitably become a subject for litigation if passed. We're of two minds on the subject.

HRA Recommendation: No recommendation

HB 356-FN, requiring valid photo identification to vote in person. **INTERIM STUDY 10-9**

HRA Analysis: This was a very close and controversial vote in committee. The subcommittee that worked on this bill came up with an amendment that the majority thought was not strong enough to ensure that the voter was properly identified. As our platform says "we support the requirement to produce positive identification upon both registration and voting." This is a difficult issue to implement in a practical way, and while abiding by the New Hampshire and US constitutional election requirements. There are other bills in the pipeline that can be used to bring this issue forward when the language is right.

HRA Recommendation: Support Interim Study

ENVIRONMENT AND AGRICULTURE

HB 325-FN, relative to the purchase of ill animals from licensed animal vendors and inspections of animal vendor premises by the state veterinarian. **MAJ: OTPA MIN: ITL 10-2**

HRA Analysis: This bill was meant to prohibit sick and infected dogs and cats from being brought into this state without going through a physical checkup and quarantine (if necessary). The major concern was the transporter that brings dogs across the state line and sells them out of the back of his truck without having the necessary paperwork concerning the animal’s health. This bill does not address that problem. It does however place this burden on the licensed facilities that are trying to place healthy animals in to homes. There is no Republican platform issue.

HRA Recommendation: No Recommendation

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 137-FN-L, relative to the state fire code and the state building code. **OTPA 11-5**

HRA Analysis: As amended by the committee, this bill actually limits the Fire Marshal's authority to unilaterally adopt fire prevention codes, as well as establishing the relationship between the building code and the fire code. It includes more thorough review of these codes before they are adopted as rules. The Platform, Section VII, states we are "Working to prevent over-regulation of business", and implementation of the fire and building codes can easily slide into over-regulation.

HRA Recommendation: Support OTPA.

HB 383, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association. **OTPA 11-2**

HRA Analysis: The platform affirms the right of all citizens to join labor organizations freely without coercion. The "agency fee" coercively takes money from state employees even if they choose not to join the union.

HRA Recommendation: Support OTPA

HB 446-FN, repealing the authority for regulation of certain professional occupations. **OTPA 9-8**

HRA Analysis: The NH Constitution declares that all men have certain natural rights. Thomas Jefferson wrote that one of our natural rights is "to choose that vocation in life which he thinks most likely to give him comfortable subsistence" and "Laws abridging the natural right of the citizen, should be restrained by rigorous constructions within their narrowest limits." Our constitution further declares that "Free and fair competition in the trades and industries is an inherent and essential right of the people." The primary effect of occupational licensing is to protect the trades from competition. That is at odds with our Constitution and also with our platform which states that we will work "to prevent over-regulation of business, particularly with respect to small businesses."

HRA Recommendation: Support OTPA

HB 476-FN, establishing an independent board of psychologists. **INTERIM STUDY 14-1**

HRA Analysis: Psychologists have complained, rightly so, about the Board of Mental Health Practice (BMHP) and have requested that they be separated from that board. Recent events may have begun a cure of the BMHP. One year of study will give the committee time to observe the reconstituted BMHP to determine whether the long-standing problems have been corrected or still exist. There are no obvious Constitution or Platform issues.

HRA Recommendation: No recommendation

HB 625-FN-A, relative to New Hampshire correctional industries. **OTPA 8-2**

HRA Analysis: GraniteCor is a business operated by the Dept. of Corrections to teach marketable skills to inmates with the goal of reducing recidivism. This bill expands the scope of that business. There is no obvious platform or constitutional issues.

HRA Recommendation: No recommendation

SB 152-FN, relative to participation in state employees' group insurance by members of the general court. **OTPA 9-0**

HRA Analysis: The bill merely clarifies certain provisions relative to cancellation for non-payment of premium. There is no platform or constitutional issues.

HRA Recommendation: No recommendation

FINANCE

HB 269-FN, establishing a priority based budget system focused on measurable results. **OTPA 17-4**

HRA Analysis: Currently departments may only transfer money under \$2,500 on their own. This raises the limit to \$75,000. This will increase efficiency as there will be less time spent on applications to the fiscal committee and the Governor & Council, supporting the platform's call for "effective and efficient government."

HRA Recommendation: Support OTPA

HB 618-FN, requiring state agencies to submit an efficiency level expenditure estimate to the commissioner of administrative services as part of the biennial budget process. **OTPA 16-3**

HRA Analysis: This bill repeals the requirement for a maintenance budget, something which is quickly ignored during the budget process. It also starts the process of developing measurable goals for state government. The Republican Platform states, "All state programs should justify expenditures against measurable benefits." This bill is the first step in requiring agencies to develop and use performance measures. It is a step toward better fiscal management.

HRA Recommendation: Support OTPA

FISH AND GAME AND MARINE RESOURCES

HB 194, repealing the prohibition on having or carrying certain crossbow, rifles, or shotguns in vehicles. **MAJ: OTPA MIN: ITL 7-3**

HRA Analysis: It is currently illegal to hunt from a powered vehicle, or to carry a loaded long gun or crossbow in a vehicle. The original bill removes these restrictions. The amended bill would retain the prohibition on hunting from a vehicle, and

would make a distinction between firearms with loaded chambers (still illegal) and those with empty chambers but loaded magazines (now legal). As the platform and the constitution strongly support the right to keep and bear arms, removing those restrictions with this bill is a positive step.

HRA Recommendation: No recommendation on the committee or floor amendments, support OTP or OTPA

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 228-FN, prohibiting the department of health and human services from entering into a contract with Planned Parenthood Federation of America, Inc. or any organization that provides abortion services and prohibiting the use of public funds or insurance for abortion services. **ITL 12-5**

HRA Analysis: Section VIII. of the Republican Platform seeks to "bar the use of public resources to fund or promote abortion." To the extent this legislation prevents DHHS from contracting with abortion providers it ought to be supported.

HRA Recommendation: Oppose ITL, support OTP

HB 554, relative to mental health records. **INTERIM STUDY 15-2**

HRA Analysis: Currently the board of mental health practice may subpoena mental health records with "just cause". This bill adds details of how the patient is to be notified, how they may object, how the records are to be stored and later destroyed. The HHS committee wishes more time to study, but provides no detail of why these procedures are undesirable. We are inclined to support the bill, but we are assured that the good parts of it will resurface this year on another bill dealing with the board of mental health practice.

HRA Recommendation: No recommendation

JUDICIARY

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms. **ITL 10-6**

HRA Analysis: The platform, section X, states we "Support the reasonable and periodic oversight of judicial officers, including reasonable term limitations for judges" and this CACR is exactly that!

HRA Recommendation: Oppose ITL, support OTP or referral to the Constitutional Review Committee

HB 199, relative to proceedings of medical injury claims screening panels. **MAJ: ITL MIN: OTPA 10-6**

HRA Analysis: The Platform, Section X states we "We will work to maintain a legal system that provides every citizen prompt and impartial justice by: "...Recognizing that frivolous lawsuits are burdensome to our legal system, a detriment to the New Hampshire economy, and an abuse of the judicial process." Medical malpractice screening panels are an attempt to prevent frivolous lawsuits by ensuring that these costly and complex cases are evaluated by medical experts before the final court appearance. This bill would simplify their proceedings in some cases, but interfere with the ongoing evaluation of the system that will complete next year.

HRA Recommendation: Support ITL

HB 261-FN, eliminating screening panels for medical injury claims. **MAJ: ITL MIN: OTP 11-5**

HRA Analysis: This bill is very similar to the previous one, except that it would eliminate the screening panels rather than modify them. The same argument applies.

HRA Recommendation: Support ITL

HB 514, relative to entry on private land. **OTPA 12-4**

HRA Analysis: Both the NH constitution and the Republican platform strongly support property rights. This bill enhances those rights by forbidding data gathering on someone else's property without their permission. It has a few common-sense exceptions, such as for utility workers in the course of their normal duties. The floor amendment adds some language on tax assessors, thereby making the bill more palatable to town officials.

HRA Recommendation: No recommendation on the floor amendment, support OTPA

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 494-FN, relative to tipped employees who deal card and table games at games of chance venues **MAJ: OTP MIN: ITL 8-7**

HRA Analysis: This bill allows a lower base rate of pay for tipped employees of gaming operators. The platform, section VI, states we are "Working to provide an environment favorable to increasing the creation of private sector jobs". Lower minimum wages will make it easier for gaming operators to hire more dealers.

HRA Recommendation: Support OTP

HB 582, relative to communication between employers and employees during bargaining negotiations. **OTPA 11-4**

HRA Analysis: This bill merely allows, when public employee negotiations have reached an impasse, a direct presentation from the negotiators to the decision makers, that is the board (school board, select board, board of aldermen, as the case may be) and the employees. It might well help a deadlocked negotiation come to agreement, without the expense and bother of

mediators or court cases; if not, very little is lost. The Platform, Section VII, says “government needs to be effective and efficient”. This might help and can't hurt.

HRA Recommendation: Support OTP

MUNICIPAL AND COUNTY GOVERNMENT

HB 293-FN, relative to phasing out and repealing the exemption for water and air pollution control facilities from local property taxation. **MAJ: ITL MIN: OTPA 9-7**

HRA Analysis: Currently, the law exempts pollution control facilities from property tax, possibly pro-rated if a portion of a factory, for example, is used for pollution control. The original bill would phase out that exemption. The minority's amendment would only eliminate the exemption for new facilities that are only partially used for pollution control. The property tax is unique in that changing exemptions doesn't not change the total tax collected; it shifts the tax burden from one taxpayer to another. Exemptions may even be unconstitutional as part 2, article 5 tells us to tax “all estates” proportionally. Here, one must decide whether to exempt pollution equipment or not. If so, existing law works, if not, the original bill seems cleanest.

HRA Recommendation: Oppose the amendment, no recommendation on the bill itself

RESOURCES, RECREATION AND DEVELOPMENT

HB 221, establishing a procedure for leasing state parks. **MAJ: OTPA MIN: INTERIM STUDY 8-7**

HRA Analysis: While Republicans favor eliminating or privatizing government functions where appropriate, the complexity of this proposal and requirements like “The proposed lessee agrees to the retention of as many state employees as is practicable under the proposed lease.” make it look like a Trojan Horse that would inhibit rather than enhance leasing.

HRA Recommendation: Oppose OTPA and support Interim Study

SCIENCE, TECHNOLOGY AND ENERGY

HB 123, prohibiting an electric utility from disconnecting service from a residence or building in which a person is using life-sustaining medical equipment. **ITL 9-2**

HR Analysis: This bill became unnecessary when, in September, the Public Utilities Commission (PUC) released PUC Rule 1200 detailing medical emergency protections which greatly strengthen protections for consumers and clarify policies and procedures which must be followed by utilities and the PUC. As a result of the PUC actions, this bill is longer needed. Rep platform VI states we are working to prevent over regulation of business.

HRA Recommendation: Support ITL

HB 311-FN, relative to solar renewable energy. **INTERIM STUDY 6-4**

HR Analysis: The purpose of this bill is to refine certain portions of the renewable portfolio standard (RPS) law. The changes, proposed by this bill, may be improvements, but the bill only addresses a small portion of the RPS law and the concepts should be considered as part of a major re-write of the RPS in 2012. No platform issues.

HRA Recommendation: No recommendation

HB 388-FN, requiring providers of prepaid wireless services and voice over internet protocol services to pay surcharges for deposit in the enhanced 911 system fund. **OTPA 7-3**

HR Analysis: Presently land line and post pay cellular telephone customers pay \$0.57 per month fee for enhanced 911 services. This bill as amended will require providers of pre-pay cellular and VoIP telephone service to contribute to the 911 system. It also changes the fee to \$0.47 per month for all categories of telephone service. Reducing the fee for the 80% of customers that are paying for 911 and requiring the providers of other types of phone service to pay their fair share will result in level funding for the New Hampshire enhanced 911 system. No Rep platform issues.

HRA Recommendation: No Recommendation

HB 543-FN, relative to biomass combined heat and electricity facilities. **INTERIM STUDY 6-4**

HR Analysis: This bill amends the current renewable portfolio standard (RPS) (RSA 362-F) to add biomass combined heat and electricity facilities as eligible for renewable energy credits (RECs). This bill would be a significant addition to the current RPS and needs to be considered in the context of a major re-write of the RPS statute in 2012 See **HB 311-FN** above. This bill should be kept as a backstop measure in case the RPS re-write becomes stalled. No Rep platform issues.

HRA Recommendation: No recommendation

HB 649, relative to the Northern Pass Project to construct and operate transmission lines from the Canadian border to a proposed terminal in Franklin, New Hampshire. **INTERIM STUDY 8-2**

The committee feels that it's important to keep alive the spirit of HB-648 should that bill be defeated by the Senate. HB-649 reflects much of that bill. We want to keep this bill in our possession in order to keep the concept alive in summer of 2012. The committee feels that protecting individual property rights is more important than promoting corporate development rights. No Rep platform issues.

HRA Recommendation: No Recommendation

TRANSPORTATION

HB 342, relative to boat operation rules. **OTP 10-1**

HRA Analysis: This bill requires notice for abutters two weeks before a public hearing on change of use petitions for public waters. While this does promote better informed citizenry, it also increases the financial burden on petitioners.

HRA Recommendation: No recommendation

HB 455-FN, authorizing optional enhanced drivers' licenses and optional enhanced non-drivers' picture identification cards.

MAJ: ITL MIN: OTP 6-5

HRA Analysis: This is a backdoor way to reintroduce the so-called REAL-ID that was banned by HB 685 which passed 268-8 in 2007. While we could get into a detailed discussion of privacy, it is much simpler to oppose it on the grounds that it is completely unnecessary. The US government will issue a similarly priced ID called a Passport Card to those who want one. There is no reason for New Hampshire to get involved and violate our limited government ideals.

HRA Recommendation: Support ITL

WAYS AND MEANS

CACR 13, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire. **OTP 15-5**

HR Analysis: The Platform, Section VII, states "our strong opposition to any broad-based taxes, including an income, sales or capital gains tax ". Clearly establishing this position in the Constitution will inhibit those looking to increase government spending and fund it somehow, anyhow.

HRA Recommendation: Support OTP

HB 242-FN-A, increasing the net operating loss carryover under the business profits tax. **OTPA 16-5**

HR Analysis: As amended by the committee, this bill merely changes the effective date of the planned increase in loss carryover from July 2013 to January 1, 2013. As such, it is a possible small tax decrease for some of our most vulnerable businesses. The Platform, Section VII, states we "Support cutting or eliminating taxes which inhibit enterprise".

HRA Recommendation: Support OTPA

HB 564, relative to the adoption of forms by the department of revenue administration for the filing of taxes. **OTPA Vote 16-5.**

HRA Analysis: With taxes, the devil is in the details, and our Department Of Revenue Administration has shown incredible ingenuity in increasing state revenues by tweaking its forms. This violates the Constitution, Part 1, Art. 12, "But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. " JLCAR review will ensure that the taxes imposed through the forms meet legislative intent.

HRA Recommendation: Support OTPA

HB 593-FN-A-L, relative to video lottery and table gaming. **OTPA 14-7**

HRA Analysis: Fortunately, we don't need to debate whether we want gambling or not, since this bill's arbitrary selection of one (or two in a few years) gaming site constitutes a violation of the Constitution, Part 2, Art. 83, which bans monopolies or other restraint of trade.

HRA Recommendation: Oppose OTPA, Support ITL

HB 645-FN-A-L, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2007 through 2010.

INTERIM STUDY 16-4

HRA Analysis: While we would support any one of these increases individually, wholesale repeal can only reasonably occur as part of the budget cycle. Interim study allows any of them to be considered if appropriate. The platform, section VII, states "state government needs to be effective and efficient" and passing either of these bills would violate that.

HRA Recommendation: Support Interim Study

HB 646-FN-A-L, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2006 through 2010.

INTERIM STUDY 16-4

HRA Analysis: While we would support any one of these increases individually, wholesale repeal can only reasonably occur as part of the budget cycle. Interim study allows any of them to be considered if appropriate. The platform, section VII, states "state government needs to be effective and efficient" and passing either of these bills would violate that.

HRA Recommendation: Support Interim Study

SB 168-FN, conforming the interest and dividends tax to federal tax definitions. **MAJ: OTPA MIN: ITL 16-4**

HRA Analysis: This bill brings our interest and dividends tax definitions into line with federal rules to make the calculations that much easier. Even the minority blurb concedes that "this bill is good tax policy". The platform, section VII, states "state government needs to be effective and efficient" and this change would help.

HRA Recommendation: Support OTPA