

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.

THURSDAY, JANUARY 31

COMMERCE AND CONSUMER AFFAIRS

HB 433, relative to foreign insurance companies. OTP/A Vote 15-3.

HRA Analysis: This bill, as amended, clarifies definitions. No constitutional or platform issues identified.

HRA Recommendation: No Recommendation.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 246, relative to penalties for corrupt practices. MAJ: ITL. MIN: OTP. Vote: 15-5

HRA Analysis: This bill declares that a public servant who remains silent is guilty of fraud. While the Constitution, section 8, states “all the magistrates and officers of government are ... at all times accountable to them;” Section 15 describes the due process needed before conviction, which is totally missing from this bill.

HRA Recommendation: Support ITL.

HB 282, repealing the authority of fish and game officers to search without a warrant. MAJ: ITL. MIN: OTP. Vote: 15-5

HRA Analysis: This bill repeals Fish & Game's ability to search boats, cars and persons without a warrant. The Constitution, Article 19, requires a warrant based on probable cause for all searches.

HRA Recommendation: Oppose ITL, support OTP.

HB 349, relative to a second opinion on health care matters for state and county prisoners. MAJ: OTP. MIN: ITL. Vote 15-5.

HRA Analysis: This bill requires a second opinion for prisoners when requested. This would be an unfunded mandate on local jails, forbidden by the Constitution, section 28-a.

HRA Recommendation: Oppose OTP, support ITL.

HB 399, relative to annulment of arrests or convictions for possession of a certain quantity of marijuana. OTP. Vote 18-2.

HRA Analysis: This bill provides a way to annul previous convictions for possession of small amounts of marijuana, since that is no longer a crime. No constitutional or platform issues identified.

HRA Recommendation: No Recommendation.

HB 445, relative to certifying as a habitual offender. MAJ: ITL. MIN: OTP. Vote: 19-1.

HRA Analysis: This bill prevents driving convictions from being considered for more than one license revocation. The Constitution, Article 18, “All penalties ought to be proportioned to the nature of the offense.” Using prior, already punished events to increase the severity of penalties violates that clause.

HRA Recommendation: Oppose ITL, support OTP.

JUDICIARY

HB 124, repealing the law relative to the buffer zones to reproductive health care facilities. MAJ: ITL. MIN: OTP. Vote 14-4.

HRA Analysis: This bill repeals a never-used law that is an unconstitutional restriction on free speech in public areas, sheltering the clients of a private business from opponents of that business. Any implementation would trigger a Federal lawsuit on constitutional grounds likely costing NH taxpayers over \$100,000 to defend. The Federal Constitution, Amendment 1, guarantees free speech.

HRA Recommendation: Oppose ITL, support OTP.

HB 173, relative to requirements for residential tenants evicted for nonpayment of rent. MAJ: ITL. MIN: OTP/A. Vote 11-8.

HRA Analysis: Government inserts itself between landlord and tenant contracts and then allows bad actors to slip away from their responsibilities. This burden is then shifted on to others, driving up rents. The Platform states: "We believe in free people, free markets and free enterprise."

HRA Recommendation: Oppose ITL, support minority amendment, support OTP/A.

HB 336, relative to requiring the current address of a defendant in a landlord tenant or small claims case. MAJ: ITL. MIN: OTP. Vote 15-5.

HRA Analysis: This bill reiterates the current requirement that defendants report their address, but has no real penalty. The Platform: justify expenditures against measurable benefits. On the other hand, landlord tenant law inserts the government as a party to the contract, and limits the landlord's ability to use his property when a tenant has violated the terms of the contract. This bill is a small step in regaining that freedom. "We believe in free people, free markets and free enterprise."

HRA Recommendation: Vote your conscience.

HB 351, relative to exemptions from property attachments. MAJ: OTP. MIN: ITL. Vote 16-4.

HRA Analysis: This bill increases the value of a single auto protected from attachment from the current \$4,000 to \$10,000. This merely adjusts one of many homestead exemptions.

HRA Recommendation: No Recommendation.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 223, relative to night work. MAJ: ITL. MIN: OTP. Vote 11-8.

HRA Analysis: This bill recodifies a confusing statute, intending to simplify and clarify it. The Constitution: "Government, therefore, should be open, accessible, accountable and responsive." Being able to understand the laws we are required to follow is a basic principle of accountable government.

HRA Recommendation: Oppose ITL. Support recommittal to Labor.

PUBLIC WORKS AND HIGHWAYS

HB 248, relative to the authority to establish turnpike toll rates and charges. ITL . Vote 19-0.

HRA Analysis: This bill would take back the authority the Legislature has given to the Commissioner of Transportation, Governor, and Council and return the Constitutional authority to the Legislature so that only the Legislature shall set the toll rates and charges. The Platform states that we strongly oppose new taxes and fees. If we continue to relinquish the authority to raise toll rates, then we abdicate our Legislative power to control new fees. However, the NH Constitution part First, Art. 28 gives the Legislature the authority to delegate the power to establish subsidy, charge, tax, impost, or duty. Conflicting issues.

HRA Recommendation: Vote your conscience.

HB 500, naming the Warner roundabout in memory of Barbara Annis. OTPS. Vote 19-0.

HRA Analysis: No platform or constitutional issues identified.

HRA Recommendation: No recommendation.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HR 6, urging the United States to lead a global effort to prevent nuclear war. MAJ: ITL. MIN: OTP. Vote 11-8.

HRA Analysis: The Platform, “We believe that a strong national defense is necessary to preserve freedom and opportunity in America.”

HRA Recommendation: Support ITL.

TRANSPORTATION

HB 172, relative to driver education. MAJ: ITL. MIN: OTP. Vote 15-2.

HRA analysis: This bill would authorize a waiver of the driver education requirement if the parents, guardian, or other responsible adult provides the equivalent classroom instruction and behind the wheel training. The platform states we should promote education freedom and parental rights to control the education of their children and to encourage education freedom to allow all parents to choose the best public, private, charter or home school program for their children.

HRA Recommendation: Oppose ITL, support OTP.

Off Consent

Executive Departments & Administration

HB 120, relative to the regulation of body art establishments. OTP. Vote 16-2.

HRA Analysis: This bill creates a new apprentice body artist license and a new facilities license. It adds a new inspector position in the Office of Professional Licensure & Certification, and duplicates, at the state level, the local inspections and regulation now required. The Platform: “Minimize business regulations, permits, licenses.”

HRA Recommendation: Oppose OTP, support ITL.