

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.



REGULAR CALENDAR WEDNESDAY, JANUARY 11, 2012

JUDICIARY

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**

HRA 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

BILLS REMOVED FROM THE CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 415, relative to access to abuse and neglect investigation records pending a child custody dispute. **ITL 12-1**

HRA Analysis: The Democrat-authored blurb for HB 415 claims that this bill is unneeded and that the court is already responding to all requests for releasing information. The committee heard testimony that refuted the blurb's assertions, including allegations of DCYF hiding the very existence of evidence from the accused. How can one ask for something whose existence is secret? The NH Constitution is clear: Article 15 says we must protect the rights of anyone accused of any offense, especially by giving them access to witnesses (and to the testimony produced by them). Regardless of who created the testimony or stores those records, the accused has a right to know the evidence against them or that might clear them. The platform not only reinforces the idea of due process, but also asks for "equitable treatment" Even a "non-accused" parent (which isn't actually mentioned in the bill) should be able to know what information is collected about their child and possibly themselves, if only to ensure they don't suddenly end up counter-accused of an offense as a tactic during a custody hearing. Information that one side holds for itself is bad for justice and bad for families.

HRA Recommendation: Oppose ITL and support recommit to constitutional review committee

HB 587, relative to grounds for divorce for persons with minor children. **ITL 16-0**

HRA Analysis: This bill eliminates no-fault divorce for parents of minor children. It raises the bar of what is expected of people when they decide to have children. The committee said that the number of divorces for couples with children has declined in NH. This is true because the number of marriages has likewise dropped but the rate of divorce has stayed constant at 50% in NH. The difference is the number of children born out of wedlock. This went from 5.3 percent in 1960 to 36.8 percent in 2005 (nationwide). When we reestablish the integrity of marriage it will again provide the security necessary to encourage the raising of children within marriage and reduce unwed births. The committee also believes this

will be more costly for the state. With over 90% of the children in the care of DCYF having come from single parent homes, reestablishing marriage as the gold standard for children can only bring down the size and cost of government. The platform says “We place our highest priority on promoting and preserving the family as the most important institution of human development” but it also says we will “ensure that children are placed only in loving, non-abusive homes.”

HRA Recommendation: No recommendation

COMMERCE AND CONSUMER AFFAIRS

HB 241, relative to insurance coverage. **INTERIM STUDY 13-0**

HRA Analysis: This bill would establish a free market in health insurance in the state of New Hampshire. Willing buyers and willing sellers would be able to contract for health insurance on mutually agreeable terms without mandates or other interference from the state. As the platform states “We support increased use of market forces to provide and improve health care and reduce costs.”

HRA Recommendation: Oppose Interim Study and support OTP

HB 244, restricting the collection of biometric data by state agencies and private entities. **INTERIM STUDY 15-1**

HRA Analysis: This bill, as amended by the Kurk floor amendment, bans the collection of biometric data by government agencies. The Platform, Section V, affirms “New Hampshire's government and its elected officials must, above all else, preserve and protect individual liberty”, so we support the intent of this bill. The Kurk floor amendment cleans up some problems in the original bill, for example, it now only applies to government agencies, not the private sector.

HRA Recommendation: Oppose Interim Study, support the Kurk floor amendment and support OTPA

HB 263-FN, relative to the lifetime Medicaid limit. **OTPA 14-1**

HRA Analysis: Besides cutting the cost of this program by limiting assistance to 3 years instead of 5, this bill puts the limit in statute rather than in rules. The Constitution, part 1, article 12 states: “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.” Rules are created by unelected bureaucrats, and therefore need to be limited by actual laws.

HRA Recommendation: Support OTPA

HB 324, relative to lawful commerce in goods and services sold, made, and retained in the state of New Hampshire.

INTERIM STUDY 13-0

HRA Analysis: This bill would put New Hampshire on the right side of the 10th amendment, removing goods that remain in New Hampshire from federal regulation. Our platform is clear: “Republicans reaffirm that New Hampshire is a sovereign state in a nation of states and oppose centralization of power” and “The Republican Party opposes the enactment of federal programs that contradict the Tenth Amendment to the U.S. Constitution.”

HRA Recommendation: Oppose Interim Study and support OTP

HB 440-FN, requiring that New Hampshire join the lawsuit challenging federal health care reform legislation, and repealing the authority for state implementation of federal health care reform. **OTPA 13-2**

HRA Analysis: This bill as originally written would have the state join the Obamacare lawsuit, and repeal the portions of our health insurance laws that were designed to accommodate Obamacare. Much of this has been discussed last year when we supported the lawsuit, but basically Obamacare is horrible economic policy and unconstitutional. The committee's amendment keeps just the lawsuit portion.

HRA Recommendation: Oppose the committee amendment, support OTP (or OTPA if the amendment passes)

HB 445-FN, relative to the regulation of electronic tracking devices. **INTERIM STUDY 14-0**

HRA Analysis: This bill, with the Kurk floor amendment, bans the use of electronic tracking devices such as RFID cards and GPS locators, with some exceptions. The platform, Section V, affirms “New Hampshire's government and its elected officials must, above all else, preserve and protect individual liberty,” so we support the intent of this bill.

HRA Recommendation: Oppose Interim Study, support the Kurk floor amendment and support OTPA

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 138-FN, relative to the cold case homicide unit. **OTP 16-1**

HRA Analysis: This bill removes the sunset provisions of the State Police's Cold Case Unit, and allows the department to seek grants or other funds to try to continue the program which costs roughly \$350,000 annually. While punishing murderers is surely one of the core functions of government, the committee apparently thinks so little of the performance of the Cold Case Unit that they are only willing to fund it with other people's money. Several different platform principles seem to be in conflict here. For example, on the one hand “we support increased efforts to enforce penalties against those who commit crimes” and on the other we want government that is “effective and efficient.”

HRA Recommendation: No recommendation

JUDICIARY

HB 574, relative to the taking of private property during a state of emergency. **OTP 16-0**

HRA Analysis: This bill repeals RSA 4:46 which gives the state the ability to seize property in declared emergencies. That section was hastily adopted in the wake of 9/11. The problem is that so-called “emergency” powers end up becoming normal operating procedure. For example, the federal government declared 729 disasters in 2011, including three in New Hampshire. If the government can arbitrarily take property during an emergency, what incentive do people have to prepare for those emergencies? The platform supports property rights: “The Republican Party recognizes that private ownership of property is fundamental to a free and well ordered society.”

HRA Recommendation: Support OTP

MUNICIPAL AND COUNTY GOVERNMENT

HB 121, establishing a committee to study eligibility for property tax exemptions for the permanently and totally disabled. **OTPA 16-0**

HRA Analysis: Note that the title would be completely replaced by the committee's amendment. This bill allows a property tax exemption that currently applies to disabled social security recipients to also apply to those disabled who happen not to be part of the social security system. As our platform clearly states, we “support initiatives that lower property taxes for those in need.”

HRA Recommendation: Support OTPA

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HCR 26, declaring that the Claremont case’s mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches. **INTERIM STUDY 14-1**

HRA Analysis: At the risk of sounding grandiose, HCR 26 is akin to the Declaration of Independence. There, the king had usurped the rights of the states and the people, and the Declaration was written to say, 'No more, we will no longer allow a tyrant to trample our rights'. Though the Declaration, in and of itself, had no legal standing, it became an educational tool and the rallying cry for all colonial patriots, and the rest is history. HCR 26 is the legislature's declaration that the judicial branch of our state government has, through their Claremont education funding decisions, usurped the constitutional authority of the other two branches to enact law, set education policy, and funding. HCR 26 specifies several grievances where the judiciary overstepped its constitutional bounds and legislated from the bench. Our party platform strongly supports educational control by localities and the people's elected representatives rather than the courts.

HRA Recommendation: Oppose Interim Study and Support OTP

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 2, in support of the Arizona immigration law. **OTPA 10-0**

HRA Analysis: Our platform advocates “strengthening national border security, enforcing immigration laws, and opposing any form of amnesty for illegal aliens” and these things are the subject of the Arizona law.

HRA Recommendation: Support OTPA

TRANSPORTATION

HB 354, relative to licensure requirements for retail vehicle dealers. **ITL 10-0**

HRA Analysis: Currently the retail auto dealers licenses are limited to those with a permanent place of business, regular hours, at least 750 square feet, and signage visible from the road in 10 inch letters. This bill would allow licensing of those who don't meet all those criteria, but would not allow them to obtain dealer plates. This appears to be a mild step in the direction of reduced regulation and more competition. As the platform says, we are “working to prevent over-regulation of business, particularly with respect to small businesses.”

HRA Recommendation: Oppose ITL and support OTP