

# 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.



## WEDNESDAY, FEBRUARY 3 REGULAR CALENDAR

### COMMERCE AND CONSUMER AFFAIRS

**CACR 30**, Relating to: health care. Providing that: people may enter into private contracts with health care providers for health care services and to purchase health care coverage. **ITL. Vote 18-0.**

**HRA Analysis:** The state GOP platform supports the market place principles of this CACR.

**HRA Recommendation: Oppose ITL.**

**HB 1285**, relative to the exemption of certain firearms, firearms accessories, and ammunition made in New Hampshire from federal law and regulation. **MAJORITY: ITL. MINORITY: REFER FOR INTERIM STUDY. Vote 11-8.**

**HRA Analysis:** The platform, Section V, affirms that New Hampshire should resist the relentless encroachment of the federal government into local affairs. With this bill specifically addressing intrastate commerce only, it should be considered on its own merits, not worrying about federal regulations. Interim study seems reasonable.

**HRA Recommendation: Oppose ITL, Support Interim Study or OTP.**

**HB 1431-FN**, relative to health care choice. **ITL. Vote 17-2.**

**HRA Analysis:** The platform, Section XIII, supports free market approaches to reduce the cost of health care and health insurance as does this bill.

**HRA Recommendation: Oppose ITL.**

**HB 1444-FN**, allowing the purchase of drugs from Canada. **ITL. Vote 17-2.**

**HRA Analysis:** The platform, Section XIII, supports free market approaches to reduce the cost of health care and health insurance.

**HRA Recommendation: Oppose ITL.**

**HB 1503-FN**, establishing a liquor license review board. **REFER FOR INTERIM STUDY. Vote 14-5.**

**HRA Analysis:** The Platform, Section VI, urges us to create “a supportive business climate”, and the separate board will improve due process for licensees in conflict with the liquor commission.

**HRA Recommendation: Support Interim Study.**

**HB 1558**, prohibiting the sale of certain energy drinks to minors. **ITL. Vote 17-2.**

**HRA Analysis:** The Platform, Section VI, urges us to keep “Working to prevent over-regulation of business, particularly with respect to small businesses”, and this ban would certainly qualify.

**HRA Recommendation: Support ITL.**

**HCR 30**, urging the attorney general to investigate the merger between Catholic Medical Center and Dartmouth Hitchcock Medical Center. **OTP/A. Vote 10-9.**

**HRA Analysis:** Since both hospital systems are charitable trusts, the public has an interest in this merger, and the investigation and judgment by the probate court seems an appropriate way to answer all the issues involved.

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

**HR 22**, encouraging Bank of America to change its business practices. **ITL. Vote 12-7.**

**HRA Analysis:** The Platform, Section VI, urges us to keep “*Working to prevent over-regulation of business*”, and although a resolution is not regulation, its force is due to the implication of possible regulation. Do we want to act like bullies?

**HRA Recommendation: Support ITL.**

## **CRIMINAL JUSTICE AND PUBLIC SAFETY**

**HB 1402**, repealing the crime of adultery. **OTP. Vote 15-2.**

**HRA Analysis:** While the adultery prohibition is seldom, and perhaps never, enforced, it continues to send an important and necessary message to the community. Marriages are the key components of families, which in turn are the foundation of a healthy society.

Faithlessness in the marriage relationship is not like being unfaithful to a best friend, a parent, a child, or a life-long companion, to name some other significant personal relationships. The adverse effects of adultery go beyond the immediate relationship and can destroy families and thereby weaken society. As such, society has every right to condemn it and to retain the option of sanctioning it. If we don't want to participate in a relationship where our lack of faith and integrity can be publicly sanctioned, then we should not get married. The public has every right and need to expect the promise of fidelity in the marriage relationship will be kept.

Moreover, a meaningful life goes beyond living out the maxim that if it feels good, just do it. Our party platform counsels support of the family. The public prohibition of adultery is intended to support the family.

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

**HB 1652-FN-A**, allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana. **REFER FOR INTERIM STUDY. Vote 16-2.**

**HRA Analysis:** The personal autonomy provisions of the party platform are often seen as in conflict with our party's concern for law and order.

**HRA Recommendation: Vote your conscience.**

## **ELECTION LAW**

**HB 1329**, establishing a committee to study voter fraud. **ITL. Vote 15-3.**

**HRA Analysis:** Voting fraud is out there and if we can't get the majority party to forbid it or the Attorney General's office to properly investigate it, let's at least study it so that later we can take care of the problem.

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

## **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 1296**, prohibiting a state agency from establishing a fee without legislative approval. **ITL. Vote 11-8.**

**HRA Analysis:** Since the NH Constitution, Part 1, Article 28, states “*No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body*”, the principle of this bill is unimpeachable. It is **our** responsibility to authorize all fees imposed on the people of this state, and any agency that has imposed fees without statutory authority has overreached. If this bill is too drastic in canceling fees authorized indirectly, it can be amended, but we need to accept our responsibility.

**HRA Recommendation: Oppose ITL, support OTP or Interim Study.**

**HB 1381**, establishing a commission on licensing trades and professions. **MAJORITY: ITL. MINORITY: OTP/A. Vote 11-7.**

**HRA Analysis:** The minority report has it right: the overall licensing scheme should be reviewed to prevent over-regulation and excessive state spending, both Platform positions. This bill is part of the HRA Legislative Agenda.

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

## **FINANCE**

**CACR 27**, relating to education funding. Providing that state funding of education shall be targeted. **ITL. Vote 19-0.**

**HRA Analysis:** The entire committee felt that a CACR that returns the entire funding of education to the cities/towns would have no chance of passing with language stating only that the state “may” contribute money to education. There was an attempt by Republicans to attempt to amend the bill with language for which the Democrats “claimed” there was agreement to back in 2007, but which language the Democrats say the Republicans reneged on (the amendment failed on party lines). Our party's platform states: “*Local control of education policy and education funding creates the best-managed school systems.*” The New Hampshire Constitution should be amended to empower the people and their elected representatives to set educational funding and policy goals and to remove the Courts, through the usurped authority of the Claremont decisions, from directing how primary and secondary education is provided in NH. This CACR is part of the HRA Legislative Agenda.

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

**HB 1128-FN-L**, relative to the distribution of meals and rooms tax revenues to cities and towns. **ITL. Vote 11-8.**

**HRA Analysis:** This is a Republican leadership bill to roll back cuts made to cities and towns. The necessary spending reduction by the state to pay for this roll back is in HB 1664, which the committee will take up later in the session when more financial data year to date is available. However, the committee Republicans supported passing this Republican leadership bill and the specific return of money to cities and towns rather than JUST waiting for HB 1664, which has ALL the tax increases/cuts to cities and towns in one bill. The Platform says: *“We reject higher taxes and excessive government spending with the belief that taxes unfairly erode earnings, contribute to the growth of government and provide disincentives for economic growth.”*

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

**HB 1274-FN-A-L**, restoring moneys for revenue sharing to cities and towns. **ITL. Vote 11-8.**

**HRA Analysis:** Same reasoning as HB1128.

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

**HB 1643-FN**, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. **ITL. Vote 11-8.**

**HRA Analysis:** The Platform says: *“Republicans realize that low taxes are the result of low spending. We believe that controlling spending and minimizing taxes are the best ways to protect the economic and civic well being of New Hampshire residents.”* Democrats don’t want low spending and consequently don’t want to minimize taxes. Democrats believe that economic and civic well being come through government largesse and welcome the process of handing out money. Republicans believe that economic and civic well being can best be achieved by assuming people have the intelligence to use their own money. The vote was along part lines.

**HRA Recommendation: Oppose ITL and move OTP.**

**HB 1670-FN**, establishing a searchable budget database for state spending. **ITL. Vote 11-7.**

**HRA Analysis:** Again, this was along party lines. The Majority Floor Leader is NOT correct about a more comprehensive bill coming up; this bill is THE comprehensive bill on government transparency and includes state employee salaries, spending, the checkbook, grants and contracts, audits, all to be put on the state website. The sponsor asked for OTP with an amendment phasing in the time frame with most of the expensive cost being put into the next biennium, which would force the governor to build it into the next budget. The Platform states: *“Promoting a limited government that is open, responsive and fully accountable to and in touch with its citizens without interfering in their personal, daily lives.”* This bill is part of the HRA Legislative Agenda.

**HRA Recommendation: Oppose ITL and support OTP**

## **HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

**HB 1435-FN**, relative to the practitioner-patient relationship in the dispensing of prescriptions. **OTP/A. Vote 16-2.**

**HRA Analysis:** Criminalizing erroneous medical history that might lead to a drug being dispensed. This bill is fraught with unintended consequences and overly regulates business.

**HRA Recommendation: Support ITL.**

**HB 1648-FN**, prohibiting interference with access to medical services and health insurance of New Hampshire citizens. **ITL. Vote 18-0.**

**HRA Analysis:** This bill would protect the sovereignty of the NH from unwarranted and harmful intrusion by the by the no longer quite federal and increasingly becoming national government. The federal constitution protects the sovereignty of the state and the health care overall bills before Congress would infringe on this sovereignty. Specific statutory protection is need.

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

**Special Note on the Majority Report for HB 1648:** Contained within the majority report is the statement that, “[t]he committee believes that the determination of the constitutionality of a law is the appropriate function of the judicial system and not the legislature ....” According to that report, when the members of the HHSEA Committee take their oath to uphold the constitution they swear to uphold something about which they have no clue or allegiance or hope of understanding. Only the NHSC knows. Will Republicans on the committee allow this assertion to represent them?

If the US Supreme Court (1857 Dred Scott decision - SC Justice Taney for the majority) says Dred Scott isn’t a human being, then it must be so.

If the US Supreme Court (1896 Plessey v Ferguson - SC Justice Henry Brown for the majority) says, in effect, that African-Americans have to ride at the back of the bus - well then, they have to ride at the back of the bus.

If the NH Supreme Court (1993 Claremont Decision - SC Justice David Brock) says that parents and local school districts may neither determine the course of education for their children nor fund that education through local property taxes because it is not for parents to educate, but instead for the state to indoctrinate, well then, it must be so.

Who are legislators after all, to think of constitutionality, let alone contest the lofty intellects in black? We have entered a sorry state of affairs indeed if Republicans buy into this abandonment of reasoning and duty.

**HB 1666-FN**, requiring licensing of outpatient abortion facilities. **ITL. Vote 14-4.**

**HRA Analysis:** Only a culture of death could single out abortion clinics as the one surgical practice not requiring licensing to ensure safety.

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

## LEGISLATIVE ADMINISTRATION

**HB 1621-FN**, prohibiting a lobbyist from serving on a public agency or public body where the lobbyist gains from the activity of the public agency or body. **MAJORITY: ITL. MINORITY: OTP/A. Vote 13-3.**

**HRA Analysis:** Our party platform, although apparently not a majority of the Legislative Administration Committee, supports governmental ethics in appearance and fact.

**HRA Recommendation: Oppose ITL; Support OTP or OTP/A (with minority amendment).**

## PUBLIC WORKS AND HIGHWAYS

**HB 1589-FN**, requiring capital budget projects of the university system of New Hampshire to include payment to the state art fund. **ITL. Vote 15-3.**

**HRA Analysis:** Considerations of fiscal restraint dictate opposition to this bill. If you believe that the proper use of taxpayers' funds requires that we limit state and public agency expenditures to what is necessary and to not include the pursuit of whimsical goals, then you would oppose this bill.

**HRA Recommendation: Support ITL.**

## WAYS AND MEANS

**CACR 23**, relating to taxation. **MAJORITY: ITL. MINORITY: OTP. Vote 13-3.**

**HRA Analysis:** Taxes and fees have been increasing a rate much greater than the increase in income of taxpayers. It is clear that government needs to be restrained and a very useful restraint would be to have a clear consensus develop before additional increases are imposed on the people of New Hampshire. Article VII of the state GOP Platform states that, "*Republicans realize that low taxes are the result of low spending. We believe that controlling spending and minimizing taxes are the best ways to protect the economic and civic well being of New Hampshire residents.*"

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

**CACR 26**, relating to taxation. Providing that there shall be no broad-based taxes in New Hampshire. **MAJORITY: ITL. MINORITY: OTP. Vote 10-6.**

**HRA Analysis:** Our party platform strongly affirms, "*our strong opposition to any broad-based taxes, including an income, sales or capital gains tax....*" [Platform, Article VII.] So should we by supporting CACR 26.

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

**HB 1464-FN-A**, increasing the threshold amounts for taxation under the business enterprise tax. **MAJORITY: ITL. MINORITY: OTP.**

**HRA Analysis:** The NH Republican Party, "[s]upport[s] cutting or eliminating taxes which inhibit enterprise, earnings and savings and investment, such as the Interest and Dividends Tax and the Business Enterprise/Business Profits Tax." We do so because we realize that "*taxes unfairly erode earnings, contribute to the growth of government and provide disincentives for economic growth.*" [Platform, Article VII.] Let's get government off the backs of NH taxpayers.

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

**HB 1594-FN-A**, repealing the tax on gambling winnings. **MAJORITY: ITL. MINORITY: REFER FOR INTERIM STUDY. Vote 10-6.**

**HRA Analysis:** Same Analysis as HB 1464.

**HRA Recommendation: Oppose ITL; Support OTP or Interim Study.**

**HB 1603-FN-A**, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. **MAJORITY: ITL. MINORITY: OTP. Vote 10-6.**

**HRA Analysis:** Same Analysis as HB 1464.

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

**HB 1622-FN-A-L**, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2012. **MAJORITY: ITL. MINORITY: OTP. Vote 10-6.**

**HRA Analysis:** Same Analysis as HB 1464.

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

**HB 1633-FN-A-L**, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2010. **MAJORITY: ITL. MINORITY: OTP. Vote 10-6.**

**HRA Analysis:** Same Analysis as HB 1464.

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

**HB 1640-FN-A-L**, repealing certain tax and fee increases in the 2010-2011 budget as of July 1, 2011. **MAJORITY: ITL. MINORITY: OTP. Vote 10-6.**

**HRA Analysis:** Same Analysis as HB 1464.

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

**HB 1641-FN-A-L**, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2014. **MAJORITY: ITL. MINORITY: OTP. Vote 10-6**

**HRA Analysis:** Same Analysis as HB 1464.

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

**HB 1669-FN-A-L**, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2013. **MAJORITY: ITL. MINORITY: OTP. Vote 10-6.**

**HRA Analysis:** Same Analysis as HB 1464.

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

## **BILLS OFF OF THE CONSENT CALENDAR**

### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 1525**, relative to physical therapists practicing on animals. **OTP. Vote 18-0.**

**HRA Analysis:** Do we really need a 197<sup>th</sup> state licensing requirement, this time for massaging animals?

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

### **LEGISLATIVE ADMINISTRATION**

**(HB 1654 may be pulled)**

**HB 1654-FN**, relative to state house security. **ITL Vote 15-0.**

**HRA Analysis:** Not only does this bill arguably violate individuals' right to bear arms under the federal and state constitutions, it would make the State House and Legislative Office Building more dangerous places by ensuring that aside from a few armed security guards only criminals and those with ill intent would be armed.

**HRA Recommendation. Support ITL.**

**HB 1675-FN**, relative to eliminating payment of certain travel expenses for members of the general court, and imposing a 2-year moratorium on reimbursement of executive branch state employee travel. **ITL. Vote 16-0**

**HRA Analysis:** Do we really want to leave unchanged a system that allows the Speaker of the NH House of Representatives to travel to China on the financial backs of NH taxpayers? The NH Republican Party Platform and fiscal prudence require that this and other travel abuses be eliminated. This bill is part of the HRA Legislative Agenda.

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

### **STATE FEDERAL RELATIONS AND VETERANS AFFAIRS**

**HCR 22**, urging Congress to oppose any legislation supporting amnesty or granting lawful status to any person who has entered the United States illegally. **OTP/A. Vote 17-0.**

**HRA Analysis:** Let's reward criminals while further ensuring more government-dependent (i.e., "Democrat") voters. The perversion of this legislation through a committee amendment also affords a fine opportunity to poke those in favor of enforcement of immigration laws in the eye.

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

**HCR 27**, urging that the United Kingdom return the Parthenon (Elgin) marbles to Greece. **OTP. Vote 16-0.**

**HRA Analysis:** The federal constitution vests in the federal government the obligation to conduct foreign policy and removes that authority from the states. If citizens of NH believe that the Elgin marbles are somehow unique with regard to the multitude of antiquities that now are located outside their ancient lands, then they should exercise their right to petition the federal government to include that goal in its diplomatic goals and not seek to insinuate NH into seeking to influence a decision of a foreign country.

**HRA Recommendation. Oppose OTP.**

## TRANSPORTATION

**HB 1230**, relative to commercial motor vehicles and heating oil deliveries. **OTP/A. Vote 13-0.**

**HRA Analysis:** This bill forbids “children” up to the age of 21 from driving certain trucks, even though “women” under 18, including young teens and preteens, are allowed to decide on abortions without parental or judicial involvement. Of course, NH will get some extra money for this inconsistency and when the Feds say jump, there are those who want NH to ask, “How high?”

**HRA Recommendation: Oppose Committee Amendment; Oppose OTP/A; Oppose OTP; Support only ITL or other defeating motions.**

*"What has always made the state a hell on earth has been precisely that man has tried to make it his heaven."*

~ Johann Hölderlin (1957)