

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 6 REGULAR CALENDAR

EDUCATION

HB 223, relative to access to school-approved means of communication by recognized youth organizations.
ITL. Vote 13-5.

HRA Analysis: This bill came as a result of a local school board's recent policy of not allowing fliers of patriotic organizations to be distributed through the school. Though these organizations are well respected, one of the Platform principles is "We believe in local educational control."

HRA Recommendation: Support ITL

HB 251, relative to the legislative members of the home education advisory council. **MAJORITY: OTP. MINORITY: ITL. Vote 10-9.**

HRA Analysis: The current law, only in effect for one year, states that the three legislative members of the home education advisory council (HEAC) are nonvoting members. HEAC is comprised of 6 representatives of the home education community and 6 representatives of school administration and department of education. This creates a balance; but with the 3 members of the general court voting, the council could become political, as happened two years ago. The Senate and House members are still involve in the process of reviewing statute and DOE administrative rules. The home education community opposed abolishing HEAC and this was the compromise agreed by all parties. Having voting legislators on HEAC allows the possibility of wild partisan swings in policy. The Platform, Section IV, supports home schooling and parental rights, and we should allow them the choice of methods.

HRA Recommendation: Oppose OTP, support ITL

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 225, relative to the rulemaking authority of the liquor commission. **OTP. Vote 14-4.**

HRA Analysis: HB 225 revises the rule making authority of the Liquor Commission by replacing the existing broad rulemaking authority with definitions of the necessary rules. It also defines the required reporting process when rules not covered by the specific authority are proposed for implementation, including the specific content to be included in the report. This will promote more open government, increase public scrutiny of a state agency, and restrict the authority of the agency to create self serving and unnecessary rules.

HRA Recommendation: Support OTP

Wednesday, February 6

FINANCE

HB 270-FN-A, making an appropriation to the department of education to fund career and technical student organizations. **ITL. Vote 24-0.**

HRA Analysis: The bill appropriates \$125K per year to pay teachers part-time to be state coordinators for seven after-school organizations such as Future Farmers of America. While these are laudable organizations and this is a small amount of money, these jobs should be done by volunteers. As part 2, article 83 of the NH Constitution says, "... it shall be the duty of the legislators ... to countenance and inculcate the principles of ... public and private charity ..."

HRA Recommendation: Support ITL

HB 358-FN-A, relative to the children in need of services program and making an appropriation therefor. **ITL. Vote 24-0.**

HRA Analysis: This bill allocates \$7.7M each year (\$4.1M from state funds) for the troubled youth program known as CHINS. The money pays primarily for social workers to assist families with children who have come to the attention of the courts. The platform says we should "prioritize programs to ensure effective spending" and this was a program that didn't make the cut two years ago. The CHINS program is included in the department budget so its priority will be debated against the other programs, not separately where we don't know what would be cut to provide this funding.

HRA Recommendation: Support ITL

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 218-FN, prohibiting interference with access to medical services and health insurance of New Hampshire citizens. **ITL. Vote 16-0.**

HRA Analysis: This bill reiterates our opposition to Obamacare, which violates the rights of the people to organize their own health insurance and health care. However, the language is nebulous and it's not clear that passing it would accomplish the desired goals. Balancing these principles is each Representative's responsibility.

HRA Recommendation: Vote your conscience.

JUDICIARY

CACR 4, relating to the supreme court. Providing that rules made by the chief justice of the supreme court governing the administration of the courts in the state and the practice and procedure to be followed in all such courts shall not have the force and effect of law. **ITL. Vote 13-1.**

HRA Analysis: This CACR would repeal the Constitutional clause 73a, which declares court rules "have the force and effect of law". Since this clause upsets the separation of powers by granting the judiciary a legislative function, it violates the original intent of the Constitution, as opposed by the Platform, section VII.

HRA Recommendation: Oppose ITL

HB 188, decreasing the time required for eviction notice in cases where there is a material breach of the lease and requiring the tenant to meet financial obligations under the lease pending appeal. **MAJORITY: ITL. MINORITY: OTP. Vote 14-3.**

HRA Analysis: This bill restores balance to the landlord-tenant relationship and respects the sanctity of contracts. Current statute requires that during an eviction action under appeal, the defendant pays into court the current rent. This bill simply adds that the tenant also pays other financial obligations required by the lease. This bill honors property rights and is pro-business. Further, this bill reduces the time to start the eviction process thereby reducing damage to property, stopping disruption to neighbors, and limiting expenses for the landlord. The Platform Principles include "We believe in free people, free markets and free enterprise."

HRA Recommendation: Oppose ITL, support OTP.

HB 238, relative to the disposition of estates valued at less than \$10,000. **ITL. Vote 14-2.**

HRA Analysis: This bill attempts to simplify the administration of very small estates, but it isn't clear that it actually would. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

HB 281, permitting retired judges over the age of 70 to serve the courts under certain circumstances. **ITL. Vote 10-6.**

HRA Analysis: This bill allows judges to serve past the age of 70. The Constitution, Article 78 Part Second, states "No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years." What part of "no person" don't the sponsors understand?

HRA Recommendation: Support ITL.

MUNICIPAL AND COUNTY GOVERNMENT

HB 144, prohibiting the state, counties, towns, and cities from implementing programs of, expending money for, receiving funding from, or contracting with the International Council for Local Environmental Initiatives.

MAJORITY: ITL. MINORITY: OTP. Vote 14-3.

HRA Analysis: The Constitution of the United States, Article I, Section 10, prohibits states from entering into any compact or agreement with a foreign power without prior approval by congress. The towns, cities and counties are political subdivisions of the state and therefore cannot enter into any compact or agreement with a foreign power. ICLEI qualifies as a foreign power, and Congress has not authorized states, counties, or municipal governments to join ICLEI.

HRA Recommendation: Oppose ITL, support OTP.

RESOURCES, RECREATION AND DEVELOPMENT

HB 185-FN, relative to the fuel oil discharge cleanup fund. **OTP. Vote 14-0.**

HRA Analysis: This bill increases the tax on fuel oil imports from 1.0 cent per gallon to 1.25 cents per gallon to provide more funding for the cleanup of fuel oil spills and the state's Safe Tank Program. Note that the quarter cent fee was previously instituted in 2009 and sunset in 2010. This bill attempts to re-institute it permanently. This is a 25% increase in a tax on a basic necessity. The Platform, Section II, "strongly opposes new taxes and fees."

HRA Recommendation: Oppose OTP, Support ITL

TRANSPORTATION

HB 152, establishing a committee to study the feasibility of personal rapid transit systems. **ITL. Vote 12-1.**

HRA Analysis: This bill would create a legislative study committee on futuristic rapid transport systems. The Platform, Section II, states we must "Justify expenditures against measurable benefits" and it's hard to see the benefits of such a study that neglects to include any funding or any other members.

HRA Recommendation: Support ITL

HB 193, relative to registration of vehicles by residents without a permanent street address. **OTP. Vote 11-8.**

HRA Analysis: This bill modifies existing statutes to allow the homeless to register cars at the address of a charity. However, by allowing initial registration, it invites out of state individuals to register their cars here, and so muddies the question of domicile. This overreaching may lead to unintended consequences, such as encouraging voter fraud.

HRA Recommendation: Oppose OTP, support ITL.

WAYS AND MEANS

CACR 1, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments or principal of all state bonds. **MAJORITY: ITL. MINORITY: OTP. Vote 14-3.**

HRA Analysis: The NH Constitution, Part 1, Article 3, tells us that there is an equation between “protection” and taxation. Currently a simple majority in the General Court can take money from our pocket and give it to others. CACR 1 allows more transparency, more clarity and more consensus in the tax process. Currently, taxes are hidden in dead of night budget fixes; this bill would force the General Court to directly address the real need, and seek an honest consensus on a tax or license fee increase. This process would streamline budgeting, simplify tax policy, enable real reform and give the individual representatives back the power to actually represent his or her district. The CACR does require we work together and it does require hard work to achieve consensus. That is good, for when we are taking our neighbors’ money from their pockets, there should be a good reason accepted by a supermajority.

HRA Recommendation: Oppose ITL, support OTP.

CACR 2, relating to taxation. Providing that taxes imposed by the state of New Hampshire or its subdivisions may be graduated. **MAJORITY: ITL. MINORITY: OTP. Vote 14-2.**

HRA Analysis: This bill proposes that voters decide whether to allow a graduated tax. Our constitution has always required all taxes be proportional and reasonable. The concept of a graduated tax could be applied to any tax of the State of NH or any subdivision thereof, including business taxes, property taxes, real estate transfer taxes, excise tax, etc. This concept would be applicable to any future taxes such as a broad-based sales or income tax. The benefit was tied to reducing property taxes, which has never happened in the history of Progressive attempts to create new taxes to replace the property tax. The majority of the committee finds the linkage too vague for a measure that must go to the voters.

HRA Recommendation: Support ITL.

HB 168-FN-A, increasing the beer tax. **MAJORITY: ITL. MINORITY: OTP. Vote 14-2.**

HRA Analysis: This bill would increase the beer tax from 30 cents to 40 cents a gallon and designate all additional proceeds to a dedicated alcohol abuse prevention and treatment fund. The majority of the committee feels this increase would hurt the border communities’ sales. It is practice and precedent for the Democratic leadership to steal from dedicated funds for other pet projects so saying this consumer price increase is for a “good cause” is, at best, wishful thinking. The Platform, Section II, states we should "Cut or eliminate taxes which inhibit enterprise."

HRA Recommendation: Support ITL.

Pulled from Consent:

HB 136-L, relative to compensation for attendance at meetings of the county convention. **OUGHT TO PASS. Vote 16-0.**

HRA Analysis: This bill allows the county convention's per diem pay be increased from a maximum of \$25 to \$50. Since we are struggling to keep down county expenses, it seems hypocritical to vote ourselves a 100% pay raise.

HRA Recommendation: Oppose OTP, support ITL.