

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, and the NH and Federal Constitutions.

“TRUST BUT

Bill Number	Committee	Committee Vote	HRA recommends
CACR 10	Ways & Means	ITL 15-1	Support ITL
CACR 12	Judiciary	ITL 16-2	Oppose ITL
CACR 16	Judiciary	ITL 16-2	Oppose ITL
HB 1105	Education	OTP 18-0	No Recommendation
HB 1114	Education	OTP 19-0	No Recommendation
HB 1127	ED&A	ITL 18-1	Support ITL
HB 1142	Public Works	OTP/A 15-0	No Recommendation
HB 1148	ED&A	Interim Study, 14-6	Oppose OTP
HB 1165	Judiciary	ITL 16-2	Oppose ITL
HB 1166	Commerce	ITL 18-0	No Recommendation
HB 1232	Commerce	OTP 9-7	Oppose OTP
HB 1237	Criminal Justice	OTP 18-1	No Recommendation
HB 1255	Education	ITL 14-5	Oppose ITL
HB 1266	Municipal & County	ITL 11-8	Support ITL
HB 1287	Environment & Agriculture	ITL 18-0	Support ITL
HB 1302	Public Works	ITL 16-0	Oppose ITL
HB 1357	Election	ITL 14-3	No Recommendation
HB 1396	Health & Human Services	ITL 9-6	No Recommendation
HB 1433	Education	No Recommendation	No Recommendation
HB 1476	Ways & Means	ITL 18-2	Oppose ITL
HB 1477	Ways & Means	ITL 17-3	Oppose ITL
HB 1482	ED&A	ITL 19-0	Support ITL
HB 1486	Children & Family	ITL 14-1	No Recommendation
HB 1494	ED&A	OTP/A 18-1	No Recommendation
HB 1505	Education	ITL 17-2	Oppose ITL
HB 1509	Ways & Means	ITL 12-8	Oppose ITL
HB 1553	Ways & Means	ITL 17-0	No Recommendation
HB 1555	Health & Human Services	OTP 10-3	No Recommendation
HB 1573	Municipal & County	ITL 15-0	Oppose ITL
HB 1579	Fish & Game	OTP/A 12-0	No Recommendation
HB 1581	Public Works	OTP/A 15-0	Oppose OTP/A

HB 1588	Education	ITL 10-8	Support ITL
HB 1589	Commerce	OTP/A 10-8	Oppose OTP/A
HB 1594	ED&A	Interim Study 11-7	Oppose OTP/A
HB 1595	Commerce	OTP/A 9-7	Oppose OTP/A
HB 1597	Ways & Means	ITL 9-8	Oppose ITL
HB 1616	Health & Human Services	ITL 9-3	No Recommendation
HB 1616	Health & Human Services	OTP/A 9-3	No Recommendation
HB 1624	Children & Family	OTP/A 14-0	Support OTP/A

Wednesday February 12 REGULAR CALENDAR PART I

CHILDREN AND FAMILY LAW

HB 1486, reducing the fines for underage possession or consumption of alcoholic beverages. **MAJ: ITL. MIN: OTP. Vote 14-1.**

HRA Analysis: These fines are set in statute. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1624, modernizing the juvenile justice system for rehabilitation and preservation of juvenile rights. **OTP/A. Vote 14-0.**

HRA Analysis: This bill continues to update the juvenile justice system to include 17 year olds, as we approved in HB525. This supports the constitutional understanding that “the true design of all punishments being to reform.” (Part 1, Article 18.)

HRA Recommendation: Support OTP/A.

COMMERCE AND CONSUMER AFFAIRS

HB 1166-FN, relative to fines imposed on corporations for criminal activity. **ITL. Vote 18-0.**

HRA Analysis: This bill would significantly increase the fines for the few corporations convicted of criminal activity. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1232-FN, relative to insurance filing fees. **MAJ: OTP. MIN: ITL. Vote 9-7.**

HRA Analysis: This bill creates a new filing fee for advisory organizations. The Platform, part II, reminds us to “strongly oppose new taxes and fees.”

HRA Recommendation: Oppose OTP.

HB 1589-FN, requiring background checks for all firearm sales. **MAJ: OTP/A. MIN: ITL. Vote 10-8.**

HRA Analysis: This bill, as amended, requires all firearm sales or transfers to go through a licensed dealer and include a background check. Non-commercial sales are exempted unless each party can prove they are not “a prohibited person” - and how do you do that without a background check? State, county and local law enforcement agencies are not authorized to maintain a registry of approved transfers – but there’s no need, the federal government does. The Platform, Part VI, calls for us to “protect the rights of law-abiding citizens to own and carry firearms.”

HRA Recommendation: Oppose OTP/A.

HB 1595-FN, establishing a condominium dispute resolution board. **MAJ: OTP/A. MIN: ITL. Vote 9-7.**

HRA Analysis: This bill creates a new condominium dispute board to receive complaints, essentially setting up a new court system devoted to condominium issues which can handle complaints that do not violate New Hampshire laws and is not bound by rules of evidence nor the common law. The Platform, Part II, requires us to “privatize programs and functions that can be handled more effectively by the private sector” and to “prioritize programs to ensure effective spending.”

HRA Recommendation: Oppose OTP/A.

EDUCATION

HB 1105-FN-L, relative to aid to school districts for costs of special education. **OTP. Vote 18-0.**

HRA Analysis: This bill eliminates the pro-rating of catastrophic special education aid, allowing unlimited state spending on an expense defined by the schools. This would be a 40% increase in the next fiscal year, with no guarantees that it wouldn’t balloon further, and an automatic top priority for special ed spending. On one hand, the Platform, Part II, requires us to “prioritize programs

to ensure effective spending;” on the other, the Constitution, Article 28-a, forbids unfunded mandates to towns or school districts.

HRA Recommendation: No Recommendation.

HB 1114-FN, relative to limits on state expenditures for school building aid. **OTP . Vote 19-0.**

HRA Analysis: This bill changes the current cap on school building aid to a floor of \$50 million per year. On one hand, the Platform reminds us that “low taxes are the result of low spending;” on the other, the Constitution, Article 28-a, forbids unfunded mandates to towns or school districts.

HRA Recommendation: No Recommendation.

HB 1255, making students whose name appears on the voter checklist eligible for in-state tuition rates at schools in the university system of New Hampshire. **MAJ: ITL. MIN: OTP. Vote 14-6.**

HRA Analysis: These students have established residency in New Hampshire by registering to vote, and so should be eligible for the in-state tuition rates. The Platform, Part VI, wants us to “ensure voting is done by New Hampshire resident citizens only”, and having one definition of “resident” will make that easier.

HRA Recommendation: Oppose ITL.

HB 1433, authorizing the community college system to waive tuition and fees for employees and employees’ dependents.

WITHOUT RECOMMENDATION. Vote 9-9

HRA Analysis: This bill offers community colleges a potential employee benefit that they don't want, at their own expense. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1505-FN, requiring college identification cards to indicate whether the student is in-state or out-of -state. **ITL. Vote 17-2.**

HRA Analysis: This is a companion bill to HB1255, having ID cards indicating whether or not a student is an actual resident. The Platform, Part VI, wants us to “ensure voting is done by New Hampshire resident citizens only”, and having one definition of “resident” will make that easier.

HRA Recommendation: Oppose ITL.

HB 1588-FN, requiring suicide prevention education in schools. **ITL. Vote 10-8.**

HRA Analysis: This bill, which requires every school to include suicide prevention programs, is a cost to the state and an unfunded mandate to the schools, which must displace something else – presumably more valuable in their opinion, since the basics are available now – in order to comply. The Constitution, Part I, Article 28-a, forbids unfunded mandates.

HRA Recommendation: Support ITL.

ELECTION LAW

HB 1357, relative to access to ballots. **MAJ: ITL. MIN: OTP/A. Vote 14-3.**

HRA Analysis: This bill makes ballots, after all recounts are finished, open to inspection and examination. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

ENVIRONMENT AND AGRICULTURE

HB 1287-FN, requiring a refundable deposit on beverage containers. **ITL. Vote 18-0.**

HRA Analysis: This classic bottle bill will create more state bureaucracy, cost consumers over a million dollars a year in lost deposits, increase costs and reduce revenue for the state liquor stores, and decrease the New Hampshire Advantage. And “low taxes are the result of low spending.”

HRA Recommendation: Support ITL.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1148, relative to the reduction in state retirement system annuities at age 65. **MAJ: INTERIM STUDY. MIN: ITL. Vote 14-6.**

HRA Analysis: This bill would provide an increased retirement benefit for early retirees, at the cost of about \$3 million per year from municipalities. The Constitution, Part I, Article 28-a, forbids unfunded mandates.

HRA Recommendation: No recommendation on interim study; oppose OTP.

HB 1482-FN, relative to licensure of individuals as private investigators, bail enforcement agents, and security guards, and requiring a skills training course for applicants for such licensure. **ITL. Vote 19-0.**

HRA Analysis: This bill adds to the current licensing requirements, calling for individual licenses where agency licenses are now required and vice versa; it also creates new education requirements. The Platform, Part I, calls for us to “minimize business regulations, permits, licenses” and HB1482 creates additional license requirements in a field that is already regulated.

HRA Recommendation: Support ITL.

HB 1494, relative to administration of the New Hampshire retirement system and authority of the trustees. **OTP/A. Vote 18-1.**
HRA Analysis: This bill clarifies a number of administrative issues with the retirement system, and ensures that members buying service time pay the full actuarial cost of that time. No Platform or Constitutional issues identified.
HRA Recommendation: No Recommendation.

HB 1594, requiring licensure of community association property managers. **MAJ: INTERIM STUDY. MIN: OTP/A. Vote 11-7.**
HRA Analysis: This bill licenses yet another profession, in a particularly broad manner missing vital protections to clients and licensees. The Platform, Part I, reads “minimize business regulations, permits, licenses”
HRA Recommendation: No Recommendation on interim study, oppose OTP/A.

FISH AND GAME AND MARINE RESOURCES

HB 1579-FN, prohibiting the use of certain leghold or foothold traps for the taking of animals. **OTP/A. Vote 12-0.**
HRA Analysis: This bill, as amended, establishes penalties for damaging a domestic animal by use of an improperly set trap, and creates a study committee. No Platform or Constitutional issues identified.
HRA Recommendation: No Recommendation.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1396, relative to the smoking policy at the New Hampshire veterans’ home. **MAJ: ITL. MIN: INTERIM STUDY. Vote 9-6.**
HRA Analysis: This bill forbids the state Veterans' Home to discriminate against smokers, and creates a study committee on smoking policies in similar institutions. The Platform, Part III, urges us to both “provide for the special needs of seniors” and “respect our honored veterans.” On the one hand, smoking is legal, and seniors are more likely to smoke than others, while being less able to hike out to the smoking area; on the other, infirm adults may be more sensitive to the ill-effects of smoking, or more likely to start a fire with smoking materials
HRA Recommendation: Vote your conscience.

HB 1555, neglect of elderly, disabled, or impaired adults and relative to financial exploitation. **MAJ: OTP. MIN: ITL. Vote 10-3.**
HRA Analysis: This bill creates a new felony, with mandatory sentencing. No Platform or Constitutional issues identified.
HRA Recommendation: No Recommendation.

HB 1616, making changes to the therapeutic cannabis laws. **MAJ: OTP/A. MIN: ITL. Vote 9-3.**
HRA Analysis: This bill makes relatively minor changes to these laws. No Platform or Constitutional issues identified.
HRA Recommendation: No Recommendation.

JUDICIARY

HB 1165-FN-A, relative to the citizen’s petition for redress of grievances by the legislature; establishing a special fund, and making an appropriation therefor. **MAJ: ITL. MIN: OTP. Vote 16-2.**
HRA Analysis: The Constitution, Part 1, Article 32, declares that one of the main duties of the General Court is to hear and address petitions for redress of grievances. Establishing a formal procedure to do so is perfectly appropriate, as is setting aside a small amount of money to deal with those grievances that can be settled with money.
HRA Recommendation: Oppose ITL.

PUBLIC WORKS AND HIGHWAYS

HB 1142-FN-A, relative to the road toll for alternative fuels. **OTP/A. Vote 15-0.**
HRA Analysis: This bill creates an equivalent level of the gas tax on propane, LNG, etc, when used as motor vehicle fuels. If you consider this a new tax, the Platform is opposed; if you consider it spreading an existing tax to new items equivalent to those already taxed, then the Constitution is for it.
HRA Recommendation: Vote your conscience.

HB 1581-FN-A, relative to the bonding of project costs for certain DOT bridge capital projects. **OTP/A. Vote 15-0.**
HRA Analysis: This bill gives the DOT, together with the Governor and Council, the ability to issue up to \$50M in bonds, ostensibly for fixing bridges, to be paid back out of the highway fund. The bill cuts out the normal process of getting legislative approval in HB 25 for such borrowing. By way of comparison, last year's HB 25 had less than \$17M of such borrowing. The bill is repugnant to the spirit of the constitution, both in part 1 article 37, Separation of Powers, and part 2 article 56, Disbursements from Treasury. Both imply that the executive branch should not have borrowing and spending authority on their own; the legislature should be involved as well.
HRA Recommendation: Oppose OTP/A.

REGULAR CALENDAR PART II

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1237, prohibiting residency restrictions for registered sex offenders and offenders against children. **OTP. Vote 18-1.**

HRA Analysis: The Platform, Part VI, cautions us to “ensure due process rights of those accused of child abuse”, and also to “establish strict laws against sexual predators.”

HRA Recommendation: No Recommendation.

JUDICIARY

CACR 12, Providing that judges and the attorney general shall be elected. **ITL. Vote 16-2.**

HRA Analysis: This constitutional amendment requires judges to be elected. The Platform, Part VII, urges us to “implement reasonable and periodic oversight of judicial officers”, and electing them does so.

HRA Recommendation: Oppose ITL.

CACR 16, relating to the nomination and appointment of officers. Providing that judicial officers shall be confirmed by the legislature. **ITL. Vote 16-2.**

HRA Analysis: This constitutional amendment requires judges to be appointed by the Governor and approved by the legislature. The Platform, Part VII, urges us to “implement reasonable and periodic oversight of judicial officers”, and this does so.

HRA Recommendation: Oppose ITL.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1266, relative to the appointment of the town clerk. **MAJ: ITL. MIN: OTP. Vote 11-8.**

HRA Analysis: This bill would enable towns to vote to have an appointed, rather than elected, town clerk. The Constitution, Part 2, Article 5, ensures election of officials, and the town clerk is one of the primary officials in most towns.

HRA Recommendation: Support ITL.

HB 1573-FN, discontinuing regional planning commissions & requiring electing planning board members. **ITL. Vote 15-0.**

HRA Analysis: This bill would eliminate regional planning commissions (paid for by dues from localities, funded by local property taxes). Any centralized planning desired would be done by the governor's office of energy and planning (general fund). In addition, planning board members would need to be elected, rather than appointed. Regional planning boards gather most of their power from being able to distribute federal grants of one sort or another. The Platform, Part IX, warns us against accepting federal largess for rights and powers that belong to the states and the people.

HRA Recommendation: Oppose ITL.

PUBLIC WORKS

HB 1302, relative to certain driveway permits. **ITL. Vote 16-0.**

HRA Analysis: Current law has DOT issue driveway permits for property on state roads, and planning boards issue driveway permits on local roads. DOT sets their procedures in rules, which includes a limit on the number of driveways per lot using a 1971 map. This can cause a problem when a large lot (such as a farm) that existed in 1971 is subsequently broken up into smaller lots, each of which may need a driveway. DOT is effectively created limits on growth and development via its rules. HB 1302 requires DOT to issue driveway permits to any lot created by a planning board which is only accessible via a state road, subject only to sight distance and drainage issues. The platform states that private property owners “have a fundamental right to freely use and enjoy their property.” Arbitrary rules enforced by unelected bureaucrats stifle those property rights. At least elected planning boards are more accountable and can act on a case-by-case basis.

HRA Recommendation: Oppose ITL.

WAYS AND MEANS

CACR 10, Providing that all state moneys shall belong to a defined revenue class. **MAJ: ITL. MIN: OTP/A. Vote 15-1.**

HRA Analysis: This constitutional amendment would enshrine the accounting fiction of a dedicated fund. While we support maintaining the distinction between a fee and a tax, in the long run the budgeting process determines state spending. And since dedicated funds receive far less scrutiny than general fund spending, this amendment would create a higher level of protected expenditures. The Platform, Part II, requires us to “prioritize programs to ensure effective spending” and this amendment would hamper that process.

HRA Recommendation: Support ITL.

HB 1476-FN, exempting proprietorships from taxation under the business enterprise tax. **ITL. Vote 18-2.**

HRA Analysis: Incorporated enterprises (Inc., LLC, PLC, PCC, type-S) are technically franchises of the State. A franchise is defined as the power granted by the State to do business in a manner not available to the general public (without liability). In 1903, the people of the State authorized the expansion of taxation to include additional forms of property such as franchises. If the business enterprise tax is lawful, it is because it is a franchise tax. If the business enterprise tax is a franchise tax, it cannot be levied on non-franchises such as proprietorships. A proprietorship is legally identical to its owner(s), and the owners are fully liable for the actions of the proprietorship. If the business enterprise tax cannot be levied on individuals, how can it be levied on the proprietorships with whom they are identical? This is entirely consistent with supreme court decisions as the distinction is solely in the class of property, franchise or proprietorship, and not upon any distinction in the owner

HRA Recommendation: Oppose ITL.

HB 1477-FN-A, exempting proprietorships from taxation under the business profits tax. **ITL. Vote 17-3.**

HRA Analysis: As with HB1476, proprietorships are not franchises and therefore taxation is not lawful.

HRA Recommendation: Oppose ITL.

HB 1509-FN-A, relative to including nonprofit charitable enterprises in the business enterprise tax and lowering the rate of the tax.

MAJ: ITL. MIN: INTERIM STUDY. Vote 12-8.

HRA Analysis: This bill would tax the “unrelated business activity” of large charities under the BET and lower the rate of the BET tax from 0.75% to 0.68%, saving state businesses \$21 million, less that collected from the charities. These “unrelated business activities” include things like the doctors' practices owned by hospitals, which when independent paid both BET and BPT. The Platform, part II, urges us to “cut or eliminate taxes which inhibit enterprise”, and this bill would cut the BET by almost 10%.

HRA Recommendation: Oppose ITL.

HB 1553, requiring a refund of BPT/BET which exceed an annual revenue cap adopted by the legislature. **ITL. Vote 17-0.**

HRA Analysis: This bill would require the DRA commissioner to determine, within 30 days from the close of the fiscal year, total BPT/BET collections, compute any excess over the legislative cap, and refund it pro-rata. On the one hand, the Platform emphasizes low taxes; on the other, it is steadfast against the growth of government, and this scheme would build up the DRA.

HRA Recommendation: No Recommendation.

HB 1597-FN-A, reducing the rate of tax on meals under the meals and rooms tax. **MAJ: ITL. MIN: OTP. Vote 9-8.**

HRA Analysis: This bill would set a separate, lower rate for meals, which is largely paid by New Hampshire citizens. With the economy recovering, increased revenues are projected to make this change revenue neutral to the state and a saving to everyone buying meals in the state. The Platform reminds us that “low taxes are the result of low spending”, and preventing a growth in revenue will help restrict a growth in spending.

HRA Recommendation: Oppose ITL.