

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.

VERIFY”

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 1125	Children & Family	OTP 15-0	No Recommendation
HB 1137	Criminal Justice	OTP 14-2	Support OTP
HB 1146	Finance	OTP/A 16-6	Oppose OTP/A
HB 1188	Labor	OTP 12-7	Oppose OTP
HB 1204	Criminal Justice	Interim Study 11-7	Support OTP
HB 1217	Commerce	OTP 12-6	No Recommendation
HB 1223	Transportation	ITL 8-6	No Recommendation
HB 1237	Criminal Justice	OTP 18-1	No Recommendation
HB 1251	Finance	OTP/A 21-0	No Recommendation
HB 1261	Municipal & County	OTP 14-5	Oppose OTP
HB 1266	Municipal & County	ITL 11-8	Support ITL
HB 1268	Municipal & County	ITL 15-4	No Recommendation
HB 1288	Commerce	ITL 17-1	No Recommendation
HB 1289	Children & Family	OTP 13-2	Oppose OTP
HB 1301	Criminal Justice	OTP 13-4	No Recommendation
HB 1302	Public Works	ITL 16-0	Oppose ITL
HB 1341	Children & Family	ITL 14-0	No Recommendation
HB 1347	Election	OTP 13-2	Oppose OTP/A
HB 1360	Transportation	OTP/A 13-3	Oppose OTP/A
HB 1366	Transportation	ITL 13-2	Oppose ITL
HB 1369	Children & Family	ITL 14-2	No Recommendation
HB 1389	Public Works	OTP 15-0	No Recommendation
HB 1404	Labor	OTP/A 15-3	Oppose OTP/A
HB 1405	Labor	OTP/A 12-6	Oppose OTP/A
HB 1436	Criminal Justice	No Recommendation	Support OTP/A
HB 1443	Science	ITL 12-4	Oppose ITL
HB 1462	Election	ITL 10-6	Oppose ITL
HB 1476	Ways & Means	ITL 18-2	Oppose ITL

HB 1477	Ways & Means	ITL 17-3	Oppose ITL
HB 1489	Finance	OTP/A 14-8	Oppose OTP/A
HB 1506	Election	ITL 10-6	Support ITL
HB 1509	Ways & Means	ITL 12-8	Oppose ITL
HB 1553	Ways & Means	ITL 17-0	No Recommendation
HB 1573	Municipal & County	ITL 15-0	Oppose ITL
HB 1597	Ways & Means	ITL 9-8	Oppose ITL
HB 1632	Children & Family	OTP 10-7	Support OTP

WEDNESDAY, FEBRUARY 19 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1125-FN, repealing the crime of adultery. **OTP. Vote 15-0.**

HRA Analysis: No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1289, relative to interference with custody. **MAJ: OTP. MIN: ITL. Vote 13-2.**

HRA Analysis: This bill elevates State agencies to the same status as parents in custody disputes. This treads uncomfortably on the principle that American government is subject to the people, as stated in the Constitution, part 1, articles 1, 8, and 10.

HRA Recommendation: Oppose OTP.

HB 1341, relative to grounds for divorce for persons with minor children. **ITL. Vote 14-0.**

HRA Analysis: No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1369, adopting the Uniform Marital Property Act. **MAJ: ITL. MIN: OTP. Vote 14-2.**

HRA Analysis: This bill switches New Hampshire from the common law principle that the person on the title is the owner of property, to the community property principle that all property earned during a marriage is owned in common. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1632, relative to child support orders for children with disabilities. **OTP. Vote 10-7.**

HRA Analysis: This bill clarifies to the judiciary that RSA 461-A:14 IV is not to be applied retrospectively. Retrospective laws are forbidden by the Constitution, Part 1, Article 23.

HRA Recommendation: Support OTP.

COMMERCE AND CONSUMER AFFAIRS

HB 1217, allowing wholesale distributors to purchase beverages from nano brewery licensees. **MAJ: OTP. MIN: ITL. Vote 12-6.**

HRA Analysis: No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1288, requiring bottled water labels to indicate the source of water. **ITL. Vote 17-1.**

HRA Analysis: No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1137-FN, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape. **OTP. Vote 14-2.**

HRA Analysis: This bill gradates the punishment of the crime of escape by the seriousness and violence of the escape. The Constitution, Part 1, Article 18: "all penalties ought to be proportioned to the nature of the offense."

HRA Recommendation: Support OTP.

HB 1204-FN, relative to perjury by a law enforcement officer. **MAJ: INTERIM STUDY. MIN: OTP. Vote 11-7.**

HRA Analysis: This bill creates specific penalties for police officers convicted of perjury or false swearing. The Constitution, Part 1, Article 18: “all penalties ought to be proportioned to the nature of the offense.” Police officers guilty of perjury are a threat to our court system, as the infamous “Laurie list” of officers liable due to untruthfulness demonstrates. Greater authority carries greater responsibility, so losing one's police certification is a reasonable penalty for perjury.

HRA Recommendation: Oppose Interim Study, support OTP.

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.

HB 1301, relative to transportation of alcoholic beverages by a minor. **MAJ: OTP. MIN: ITL. Vote 13-4.**

HRA Analysis: This bill allows a minor to transport alcohol (sealed, away from the driver, same requirements as with an adult driver) as long as *any* adult (not just a parent or spouse) is in the car and responsible for the alcohol. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1436, relative to unlawful possession of alcoholic beverages. **WITHOUT RECOMMENDATION**

HRA Analysis: This bill, as amended, makes three exceptions to the ban on underage possession of alcohol: religious use; medical use; and for 18+ young adults in the presence of their parents. The Platform, Part V, urges us to “maintain the fundamental role and responsibility of both parents in the care, upbringing and discipline of their children.”

HRA Recommendation: Support OTP/A.

ELECTION LAW

HB 1347, establishing a committee to study apportionment of state representative districts. **MAJ: OTP/A. MIN: ITL. Vote 13-2.**

HRA Analysis: This bill sets up a committee to determine if the current districts are constitutional, what to do about them if they aren't, and how to make sure any future redistricting is constitutional. Considering that the Supreme Court and the US Department of Justice have agreed it is constitutional, the need for this committee is unclear. The Constitution, Part 2, Article 9 and 11, lays out the procedure and timing for redistricting, so there is no need to study it.

HRA Recommendation: Oppose OTP/A.

HB 1462-FN, relative to electioneering by public employees. **ITL. Vote 10-6.**

HRA Analysis: This bill expands the public employees subject to this prohibition to include probationary, seasonal, etc, employees, who are explicitly exempted from the definition in the electioneering statute. It also expands the definition of electioneering to include use of government equipment, including computers and phones. The integrity of the voting process is vital in our republican form of government, as expressed by the Constitution, Part 1, Article 11.

HRA Recommendation: Oppose ITL

HB 1506, relative to student identification cards used to satisfy voter identification requirements. **ITL. Vote 10-6.**

HRA Analysis: This bill eliminates student IDs from career schools from the list of acceptable voter IDs, while leaving universities and community colleges. Career school students are probably more likely to be NH residents than university scholars. The Constitution, Part 1, Article 11 guarantees equal voting rights to all residents.

HRA Recommendation: Support ITL.

FINANCE

HB 1146, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account. **MAJ: OTP/A. MIN: ITL. Vote 16-6.**

HRA Analysis: This bill (the committee amendment is minor) creates a committee to study the implementation of the San Francisco Kindergarten to College Program in New Hampshire. This program sets up small-scale college savings accounts for children, and uses incentives like \$100 in publicly funded matching money to encourage savings. It is unclear whether the funds are invested or just kept in a bank. The plan appears to duplicate many features of our well-established UNIQUE 529 savings plan, except for the matching funds. This is a scheme to spend more public money on college, with particularly high overhead as it involves servicing very small individual accounts. The platform says we will “privatize programs and functions that can be handled more effectively by the private sector.” The private sector, including bank accounts and the 529 programs, provide myriad ways to save for college.

HRA Recommendation: Oppose OTP/A.

HB 1251-FN-A, making an appropriation for New Hampshire Public Television. **OTP/A. Vote 21-0.**

HRA Analysis: The original bill would have allocated millions for public TV. The amendment changes the law so that public TV can

raise money by renting space on their communication towers. No platform or constitutional issues identified.

HRA Recommendation: Support the committee amendment, no recommendation on OTP/A.

HB 1489-FN-A-L, establishing a fund to reimburse costs associated with firefighters who have heart, lung, and cancer disease and continually appropriating a special fund. **MAJ: OTP/A. MIN: INTERIM STUDY. Vote 14-8.**

HRA Analysis: RSA 281-A:17 II says that when firefighters or retired firefighters get cancer, it is presumed to be work-related, and therefore would be covered by workman's comp. This was passed in 1989 but was subject to 28-A lawsuits in 1990, and hasn't been funded since. The committee amendment turns the bill into a study committee to see what can be done, given those court cases. The minority argues that interim study would be more effective than a new committee since the members are already familiar with the issue. Anything is better than the original bill which adds a half-percent tax hike on insurance policies, although the best case is killing the bill altogether. The Platform, Part II, reiterates our objection to new taxes.

HRA Recommendation: Support the committee amendment, support ITL, oppose other motions.

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.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1188, relative to paycheck equity. **MAJ: OTP. MIN: ITL. Vote 12-7.**

HRA Analysis: This bill rewrites the equal pay statute, eliminating some of the acceptable reasons for a pay differential, such as shift work and other duties, and forbids employers to forbid employees to reveal their wages. This is extreme micromanagement of business, forbidden by the platform, Part I.

HRA Recommendation: Oppose OTP.

HB 1404, relative to payroll cards. **MAJ: OTP/A. MIN: ITL. Vote 15-3.**

HRA Analysis: This bill adds even more disclaimers and requirements to the use of payroll cards, with even more "free" usage by the employee and more restrictions on the employer, apparently attempting to make payroll cards less attractive. This is extreme micromanagement of business, forbidden by the platform, Part I.

HRA Recommendation: Oppose OTP/A.

HB 1405, prohibiting an employer from using credit history in employment decisions. **MAJ: OTP/A. MIN: ITL. Vote 12-6.**

HRA Analysis: This bill forbids use of credit reports in hiring, despite that it provides a great deal of useful information to determine a person's suitability for a particular job. This is extreme micromanagement of business, forbidden by the platform, Part I.

HRA Recommendation: Oppose OTP/A.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog. **OTP. Vote 14-5.**

HRA Analysis: This bill raises the allowable cost recovery for serving the notice of an unlicensed dog from \$5 to \$10. The Platform, Part II, reiterates our opposition to fee increases.

HRA Recommendation: Oppose OTP.

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 1268, relative to the purposes of town by-laws. **ITL. Vote 15-4.**

HRA Analysis: This bill limits town bylaws about its "prudential affairs" to its specifically granted powers. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

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 creating 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.

HB 1389, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge. **OTP. Vote 15-0.**

HRA Analysis: No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1443, relative to renewable portfolio standards. **MAJ: ITL. MIN: OTP/A. Vote 12-4.**

HRA Analysis: This bill, as amended, clarifies the renewable energy statutes, and allows energy from any renewable source to substitute for any other, rather than requiring so much from biomass, so much from solar, so much for wind. This allows competition and new technology to bring down the prices of renewable energy, rather than having our laws prop up the subsidies for solar or wind energy. The Platform emphasizes our support for "free people, free markets, and free enterprise," and a little competition in this most regulated sector of the economy is encouraging.

HRA Recommendation: Oppose ITL.

TRANSPORTATION

HB 1223, relative to driving on limited access highways. **ITL. Vote 8-6.**

HRA Analysis: This bill forbids traveling in the left lane of three lane highways. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1360, prohibiting impeded driving and use of certain electronic devices while driving. **MAJ: OTP/A. MIN:ITL. Vote 13-3.**

HRA Analysis: This bill greatly defines as criminally reckless such common activities as programming a GPS, calling home while stuck in traffic or stopped at a light, and completely forbids drivers under 18 from communicating, including by hands-free devices. This is an extreme and unwarranted attack on our freedoms to travel and go about our business, unhindered by the state. The Constitution, Part 1, Article 10, states "whenever the ends of government are perverted, and public liberty manifestly endangered . . . the people may, and of right ought to reform the old."

HRA Recommendation: Oppose OTP/A.

HB 1366, relative to exemptions from seasonal weight restrictions on roads. **ITL. Vote 13-2.**

HRA Analysis: This bill would extend the exemption from weight limits, already available to milk trucks, to other perishable agricultural commodities (maple sap being the most likely) and add trash haulers to heating fuel delivery trucks. The Platform, Part I, urges "an attitude of assistance and cooperation with business."

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.