

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 VERIFY”

Bill Number	Committee	Committee Vote	HRA recommends
CACR 3	Children & Family	ITL 14-6	Oppose ITL
HB 197	Election	ITL 13-4	Support ITL
HB 204	Muni & County Gov't	ITL 11-6	Support ITL
HB 207	ED&A	ITL 16-0	Support ITL
HB 266	ED&A	ITL 8-7	Oppose ITL
HB 296	Judiciary	ITL 11-9	Oppose ITL
HB 298	Muni & County Gov't	ITL 12-2	No Recommendation
HB 303	Education	ITL 11-7	Support ITL
HB 318	Ways & Means	ITL 9-8	Oppose ITL
HB 325	ED&A	ITL 9-5	Oppose ITL
HB 347	Muni & County Gov't	OTP 13-2	Oppose OTP
HB 335	Ways & Means	ITL 10-7	Oppose ITL
HB 344 (from consent)	Education	OTP 18-0	No Recommendation
HB 354	Ways & Means	ITL 11-6	Oppose ITL
HB 370	Ways & Means	OTP 10-7	Oppose OTP
HB 388	Judiciary	ITL 12-6	Oppose ITL
HB 403	Judiciary	OTP/A 10-7	Oppose OTP/A
HB 423 (from consent)	Muni & County Gov't	ITL 15-0	Oppose ITL
HB 427	Ways & Means	OTP 15-3	No Recommendation
HB 434	Ways & Means	ITL 13-4	Oppose ITL
HB 436	Muni & County Gov't	ITL 15-0	No Recommendation
HB 482	Judiciary	OTP 17-2	No Recommendation
HB 514	Legislative Admin	ITL 5-4	Support ITL
HB 535	Environment & Ag	OTP 14-1	No Recommendation
HB 590	Judiciary	ITL 13-5	Oppose ITL
HB 605	Judiciary	ITL 17-2	No Recommendation
HB 611	Judiciary	ITL 16-3	No Recommendation
HB 622	Legislative Admin	ITL 8-1	No Recommendation
SB 39	Public Works & Hwys	OTP 19-0	Support OTP

WEDNESDAY, FEBRUARY 20 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

CACR 3, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children. **MAJ: ITL. MIN: OTP. Vote 14-6.**

HRA Analysis: The Platform, Section IV, states, "Maintain the fundamental role and responsibility of both parents in the care, upbringing and discipline of their children." This CACR would support the role of parents in the care and upbringing of children and, similar to the addition of Article 2a, explicitly enumerate the natural right already covered by Article 2 of the Constitution, "All men have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness."

HRA Recommendation: Oppose ITL, support OTP

EDUCATION

SPECIAL ORDER

HB 303, establishing a committee to study the teaching of a second language beginning in kindergarten. **MAJ: ITL. MIN:OTP. Vote 11-7.**

HRA Analysis: This bill would collect data showing language studies should begin as young as possible, which is actually not in dispute. The Platform, Part IV, states we "promote local control of education policy."

HRA Recommendation: Support ITL.

ELECTION LAW

HB 197, relative to state representative districts in Hillsborough county. **ITL. Vote 13-4.**

HRA Analysis: This bill would redistrict Hillsborough county in a way more to the preference of the sponsors. With its 11% deviation, this violates the Constitution, Part 1, Article 11, which states "every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election."

HRA Recommendation: Support ITL.

ENVIRONMENT AND AGRICULTURE

HB 535, establishing the white potato as the state vegetable. **OTP. Vote 14-1.**

HRA Analysis: No platform or constitutional issues identified.

HRA Recommendation: No recommendation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 207, relative to the inspection and regulation of coin-operated amusement rides. **ITL. Vote 16-0.**

HRA Analysis: This bill would require coin operated "kiddie rides" be regulated and inspected in the same way carnival rides are regulated. The Platform, Part I, states we should "minimize business regulations, permits, licenses and paperwork."

HRA Recommendation: Support ITL.

HB 266, repealing certain agency rulemaking exemptions from the administrative procedures act. **MAJ: ITL. MIN: OTP/A Vote 8-7.**

HRA Analysis: This bill would require a number of agencies rules that currently have no oversight to go through the normal JLCAR process, including limited life, public comment, and legislative review. The Platform, Part II, states we should "sunset ... regulations to force periodic reevaluation."

HRA Recommendation: Oppose ITL, support OTP/A.

HB 325-FN, relative to public employee suggestions for cost-saving measures. **MAJ: ITL. MIN: OTP. 9-5.**

HRA Analysis: This bill would give enhanced monetary rewards to state employee suggestions that save the state money. The Platform, Part II, states we should "reward employees who save money."

HRA Recommendation: Oppose ITL, support OTP.

JUDICIARY

HB 296, relative to assignment of circuit court judges as liaison judges. **MAJ: ITL. MIN: OTP. Vote 11-9.**

HRA Analysis: This bill sets the liaison judge position in statute, rather than court rules. The platform, Part VII, state we “support the people's oversight of the judiciary through their elected legislature.”

HRA Recommendation: Oppose ITL, support OTP.

HB 388, relative to the storage of firearms. **MAJ: ITL. MIN: OTP. Vote 12-6.**

HRA Analysis: This bill grants civil immunity to a person whose firearm is stolen and subsequently used in another crime. Since suits to the contrary have occurred, some individuals might fear for their liability and so decide not to protect themselves. The Platform, Part VI, says we should “protect the rights of law-abiding citizens to own and carry firearms.”

HRA Recommendation: Oppose ITL, support OTP.

HB 403, establishing a commission to study death with dignity for persons suffering from a terminal condition.

MAJ: OTP/A. MIN: ITL. Vote 10-7.

HRA Analysis: This bill, as amended, creates a study committee on “end of life decisions.” The Platform, Part V, states we “oppose euthanasia and physician assisted suicide.”

HRA Recommendation: Oppose OTP/A.

HB 482-FN, regarding infestation of bed bugs in rental housing. **MAJ: OTP. MIN: ITL. Vote 17-2.**

HRA Analysis: This bill requires landlords to treat rental housing for bed bugs and authorizes them to enter adjacent units and charge tenants for the cost of remediation. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 590, relative to the unauthorized practice of law. **MAJ: ITL. MIN: OTP. Vote 13-5.**

HRA Analysis: This bill attempts to clarify the statutes allowing a person of good character to represent another person in court with the prohibition that anyone who does so “commonly” must be a member of the Bar. The bill establishes a standard of ten times a year before someone is considered to be practicing law without a license. The Platform, Part I, states we should “minimize business regulations, permits, licenses.”

HRA Recommendation: Oppose ITL, support OTP.

HB 605, requiring the supreme court to adopt rules of evidence for the judicial branch family division. **ITL. Vote 17-2.**

HRA Analysis: This bill would ensure uniform rules of evidence in Family Court, developed by the Supreme Court. The Supreme Court, per the Constitution, Part 2, article 73-a, makes the rules for all courts, and some believe that this bill violates the necessary separation of powers. On the other hand, Part 1, Article 14, states that every person is entitled “to obtain right and justice freely” and uniform rules of evidence are necessary to obtain justice.

HRA Recommendation: No Recommendation.

HB 611, clarifying the equity jurisdiction of the judicial branch family division. **ITL. Vote 16-3.**

HRA Analysis: Current Family Court equity jurisdiction is "Notwithstanding any law to the contrary, the judicial branch family division shall have the powers of a court of equity." Simply put this means that statutes limiting the manner in which the Family Court adjudicates its cases have no force. The Platform, Section VII, states we “support the People's oversight of the Judiciary through their elected legislature.” On the other hand, it is not clear that HB611 would accomplish its goal, as the committee and the HRA were thoroughly confused by the conflicting language.

HRA Recommendations: No Recommendation.

LEGISLATIVE ADMINISTRATION

HB 514, permitting members of the general court to receive ski passes for Cannon Mountain ski area. **MAJ: ITL. MIN: OTP. Vote 5-4.**

HRA Analysis: The Platform, Part II, states that we should “Ensure public employee benefits... do not exceed those of the private sector” since “low taxes are the result of low spending.”

HRA Recommendation: Support ITL.

HB 622, establishing a committee to study state house security. **MAJ: ITL. MIN: OTP. Vote 8-1.**

HRA Analysis: This bill creates a study committee. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

MUNICIPAL AND COUNTY GOVERNMENT

HB 204-FN-L, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet. **MAJ: ITL. MIN: OTP. Vote 11-6.**

HRA Analysis: This bill would require county registrars of deeds to redact personal data from on-line documents when notified that such data appeared on line. Since current documents do not have this information, this bill requires the registrars to purge their historical files, at a cost of \$50 plus staff time for each document redacted. The Constitution, Article 28-a, forbids such a mandate without paying for it.

HRA Recommendation: Support ITL.

HB 298, prohibiting the publication of the names of persons granted property tax exemptions, credits, or deferrals. **ITL. Vote 12-2.**

HRA Analysis: This bill simply bans publication of those granted these credits. On one hand, the Platform, Part II, states we should “protect the privacy of individuals;” on the other, it also says we should “expand openness and transparency to ... all recipients of taxpayers' funds.”

HRA Recommendation: No Recommendation.

HB 347, authorizing cottage housing development as an innovative land use control. **OTP. Vote 13-2.**

HRA Analysis: This bill is unnecessary, as towns have the option to adopt this form of zoning by passing a zoning ordinance or accepting a variance for a subdivision plan. The Platform, Part II, says we should “maintain local control.”

HRA Recommendation: Oppose OTP.

HB 436, relative to governance of town libraries. **ITL. Vote 15-0.**

HRA Analysis: This is enabling legislation, allowing a town to vote to bring the libraries under control of the selectmen rather than library trustees. While local spending is a concern, others are concerned that the Selectmen might politicize the library and so infringe the free speech rights of library patrons, or that this additional duty would overload the selectmen.

HRA Recommendation: No Recommendation.

PUBLIC WORKS AND HIGHWAYS

SB 39-FN-A, relative to funding of capital projects of the division of ports and harbors. **OTP. Vote 19-0.**

HRA Analysis: This bill reauthorizes previously authorized funding for repairs at Hampton Harbor, in a timely manner to coordinate these repairs with the ongoing dredging and have it completed before the summer. The Platform, part II, says we should “ensure effective spending.”

HRA Recommendation: Support OTP.

WAYS AND MEANS

HB 318-FN, relative to collection of the education property tax and establishing a program to rebate certain excess property tax payments of eligible taxpayers. **MAJORITY: ITL. MINORITY: OTP. Vote 9-8.**

HRA Analysis: This bill would make the statewide property tax actually a state tax, allowing targeting aid

without disparate tax rates. The Platform, Part II, states we should “maintain local control.”

HRA Recommendation: Oppose ITL, support OTP.

HB 335-FN-A, relative to the tobacco tax. **MAJ: ITL. MIN: OTP. Vote 10-7.**

HRA Analysis: This bill repeals the scheduled increase in the cigaret tax. The Platform, Part II, states we “strongly oppose new taxes and fees.”

HRA Recommendation: Oppose ITL, support OTP.

HB 354-FN-A, reducing the rate of the business enterprise tax over a 5-year period and repealing the tax.

MAJ: ITL. MIN: OTP/A. Vote 11-6.

HRA Analysis: This bill, as amended, decreases the BET over 5 years to its original modest value. The Platform, Part II, states we should “cut or eliminate taxes which inhibit enterprise ... such as the BET.”

HRA Recommendation: Oppose ITL, support OTP/A.

HB 370-FN, repealing the education tax credit program. **MAJ: OTP. MIN: ITL. Vote 10-7.**

HRA Analysis: This bill repeals the school choice scholarship program, which became effective January 1 but will not award scholarships until the fall. These school choice scholarships, managed by non-profit scholarship organizations, are funded by donations from businesses who receive tax credits when they donate. Found constitutional in eight other states, these small scholarships help lower income families provide educational opportunities for their children. The Platform, Part IV, states we should “make school education tax credits available to enable school choice.”

HRA Recommendation: Oppose OTP, support ITL.

HB 427, relative to tobacco tax laws. **OTP/A. Vote 15-3.**

HRA Analysis: This bill clarifies existing tax laws and ensures that records are kept on tax stamps. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 434-FN-A, relative to renaming the business enterprise tax, capping the amount an employer is liable to pay under such tax, and annually reducing the rate of the tax. **MAJ: ITL. MIN: OTP. Vote 13-4.**

HRA Analysis: The bill sought to accurately identify what the BET is, a tax on the revenue or income of a business from any source. That income is accounted for in payroll payout and, believe it or not, the interest paid on loans. The current practice is a disincentive for businesses to organize in New Hampshire and creates the impression that NH is “closed for business.” The Platform, Section I, urges us to “remove barriers to business formation.”

HRA Recommendation: Oppose ITL, support OTP.

PULLED FROM CONSENT

HB 344-FN-L, relative to aid to school districts for the cost of special education. **OTP. Vote 18-0.**

HRA Analysis: This bill mandates the state pay at least 80% of the cost of catastrophic special education programs. The fiscal impact is unknown, but in FY13 it would have increased state expenditures by \$2.4 M. On one hand, the state should not downshift this cost to the local districts; on the other, the requirements of special education for each student is entirely within the local district. This is an unfunded federal mandate.

HRA Recommendation: No Recommendation.

HB 423-L, relative to amending official ballot warrant articles. **ITL. Vote 15-0.**

HRA Analysis: This bill completely forbids any amendment to a petitioned warrant article. This simplifies the issues of the deliberative session changing the intent of the article, and puts the onus on the supporters to make sure their test is legal and enforceable. The Constitution, Part 1, Article 32, insures the right of the people to instruct their government of their wishes.

HRA Recommendation: Oppose ITL, support OTP.