

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.



WEDNESDAY, FEBRUARY 22 REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1312, relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury. **OTP Vote 13-1.**

HRA Analysis: This bill increases the statute of limitations for violators causing injury with a motor vehicle from three months to six months. Although the platform says "We propose that those who commit crimes be swiftly and surely punished consistent with due process of law", we understand that it can take time to determine the facts of a given case.

No recommendation

HRA Recommendation: No recommendation

ELECTION LAW

HB 1164, requiring documentation of qualifications for presidential candidates. **ITL Vote 14-3.**

HRA Analysis: The US Constitution in article II, section 1 describes qualifications for the office of President. This bill would require evidence of such qualification before a candidate is placed on the ballot. Rather than have 50 state governments make individual determinations of a candidate's qualifications, it is much more efficient to have these questions decided once by the Federal Court.

HRA Recommendation: Support ITL

HB 1301, relative to challenges to voters. **MAJ: OTP MIN: ITL Vote 10-6.**

HRA Analysis: This bill makes it easier to challenge someone who is attempting to vote. Currently the challenger must provide information that may not be available to them. For example, someone drives to the polls in a car with an out-of-state license plate. Currently that would not be enough of a basis for a challenge, as you have to know the person's actual address to challenge them, not just suspect that they don't live in New Hampshire. Challenges are ultimately decided by Moderators in any case. As our platform says, we believe that "voting in NH must be done by NH resident citizens only." This helps to make sure that questionable cases are brought to the Moderator's attention.

HRA Recommendation: Support OTP

HB 1714, relative to the term "election" for the purposes of public meetings. **INTERIM STUDY. Vote 13-4.**

HRA Analysis: 91-A has an exception so that elections by public bodies, e.g. selectmen choosing a zoning board member, can be by secret ballot. HB 1714 would make such elections open. This is in keeping with part 1 article 8 of the NH Constitution which says, in part, that government "should be open, accessible, accountable and responsive." However, openness during an election can lead to gamed results. The committee wisely would like to work on a version that would allow votes to later become public after the election has been held.

HRA Recommendation: Support Interim Study

ENVIRONMENT AND AGRICULTURE

HB 1572, establishing a commission to study the labeling of genetically modified foods. **MAJ: ITL MIN: OTP Vote 12-1.**

HRA Analysis: Discussion concluded that labeling of product containing GMO's would be impractical. At what level of product would we not have to label. More information and study is required to make an accurate decision. The Republican Party platform states "Working to prevent over regulation of business, particularly in respect to small business."

HRA Recommendation: Support ITL

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1609-FN, licensure of polysomnographers by the board of respiratory care practitioners. **INTERIM STUDY Vote 11-2**

HRA Analysis: The Platform, section VI, states we are “Working to prevent over-regulation of business, particularly with respect to small businesses”. Some polysomnographers are certified by their professional organization, while others have only on-the-job training. Interim Study before instituting a licensing requirement on this new profession seems appropriate.
HRA Recommendation: Support Interim Study (or ITL)

FISH AND GAME AND MARINE RESOURCES

HB 1219, relative to the definition of wildlife for purposes of regulation by the fish and game department. **MAJ: ITL MIN: OTP Vote 12-2**

HRA Analysis: Currently some kinds of “livestock”, particularly deer that is raised on farms, are regulated both by the Fish & Game and Agriculture departments. This bill would remove them from Fish & Game oversight, and thus is in tune with our platform's statement that we are “working to prevent over-regulation of business, particularly with respect to small businesses.” However, the platform also states that we will “preserve sensitive ecosystems and effectively manage wildlife” and there is a concern that animals brought into New Hampshire for meat production could carry disease that could infect wildlife.

HRA Recommendation: No recommendation

HB 1332, relative to the law enforcement authority of fish and game conservation officers. **MAJ: ITL MIN: OTP Vote 10-4**

HRA Analysis: This bill changes the standard whereby a fish & game officer can perform a warrantless search from “reasonable cause” to “probable cause.” The term “probable cause” is well known to law enforcement and is the standard specified in the 4th Amendment. “Reasonable cause” is more vague and implies a lesser standard.

HRA Recommendation: Oppose ITL and Support OTP

HB 1333, relative to the revocation or suspension of a fish and game license for a conviction. **OTPA Vote 10-2.**

HRA Analysis: This bill as amended would establish a committee to study a point system for violations of hunting and fishing laws and regulations. Studying a point system could be a pathway to developing a penalty system that more appropriately meets the severity of the violation. No constitution or platform issues.

HRA Recommendation: No recommendation

HB 1334, relative to the suspension of a fish and game license by the executive director. **MAJ: ITL MIN: OTP Vote 10-4**

HRA Analysis: This bill requires notice and a hearing before the director of fish and game may revoke a license. Currently a license may be suspended for any reason for up to 30 days and then revoked after a hearing. Even with the bill, the director would be able to revoke the license after the hearing on his own authority, therefore this seems to be a very minor change. The committee states that only one license has been revoked under this section in nine years.

HRA Recommendation: No recommendation

HB 1339, prohibiting agreements to limit or reserve access to hunting, fishing, and trapping on private land. **MAJ: OTPA MIN: ITL Vote 8-4**

HRA Analysis: This bill prohibits hunting or fishing licensees from paying those who own posted land to limit the number of hunters and fishermen allowed on the land. While the wording of this bill is somewhat ambiguous (it may allow sales of the right to hunt a piece of property, but not a limited number of such sales), it clearly is an interference with the right to contract and thus a limitation of property rights. Supporters of the bill would argue that it doesn't limit property owners, just licensees, but when one party to a transaction is restricted, both are affected. The platform says that we “affirm that private property rights are fundamental under the Constitution and that we will ensure that property owners are compensated justly for property taken by government through regulation.” No such compensation is offered here.

HRA Recommendation: Oppose OTPA and Support ITL

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1197-FN, requiring the commissioner of the department of health and human services to apply for a state plan waiver. **MAJ: ITL MIN: OTP Vote 8-7**

HRA Analysis: This bill eliminates a tax on beds for a certain class of nursing homes that have few if any Medicaid patients. That tax is matched by Medicaid and goes back to nursing homes to pay for Medicaid patients. This is the nursing home version of Mediscam, where \$600K goes into the federal Rube Goldberg machine and comes out as \$1.2M. One can easily make the case that those who fund their own nursing home care don't deserved to be taxed, but then, who does? No specific platform or constitutional issue identified.

HRA Recommendation: No recommendation

JUDICIARY

HB 1368, relative to real property held as a joint tenancy with rights of survivorship. **OTPA Vote 16-1**

HRA Analysis: Although this bill eliminates the possibility of one party to a joint-tenancy defrauding any other party to the joint-tenancy, it is not grounded in either the Constitution or the Platform.

HRA Recommendation: No recommendation

HB 1422, relative to the applicability of foreign law in cases before New Hampshire courts. **MAJ: OTPA MIN: ITL 7-3**

HRA Analysis: This bill ensures that the Constitutional rights of NH citizens are held sacred above all attempted applications of foreign or international law, except in cases where the rights have been modified by contract. The bill reinforces two guiding principles: (1) that the Constitution is the Supreme law of the land, and (2) freedom of citizens to contract.

HRA Recommendation: Support OTPA

LEGISLATIVE ADMINISTRATION

HB 1662-FN, relative to preparation of fiscal notes. **MAJ: OTP MIN: ITL Vote 7-4.**

HRA Analysis: This bill requires “A narrative stating the costs and benefits to the citizens and businesses of the state” in fiscal notes. This is vital information we need to determine the full effects of the laws we are considering. The Platform, part V, states that “New Hampshire’s government and its elected officials must, above all else, preserve and protect individual liberty. The New Hampshire Constitution affirms that our government is founded upon the people’s consent and is instituted for the general good.” We have all heard horror stories of laws with unintended consequences, and having information on the fiscal impact on the people of the state, not just government, will help to prevent more of them. Yes, it might cost something, but it will result in better decisions from the legislature.

HRA Recommendation: Support OTP

MUNICIPAL AND COUNTY GOVERNMENT

HB 1279-L, relative to voting rights of certain budget committee members. **MAJ: ITL MIN: OTP Vote 11-3**

HRA Analysis: Select boards, school boards and village districts appoint one of their members to serve on the town budget committee. This bill would make these appointees non-voting. No platform issue identified.

HRA Recommendation: No Recommendation

HB 1342-FN, prohibiting state and local governments from using funds to employ a lobbyist. **MAJ: ITL MIN: OTP 12-2**

HRA Analysis: This bill would prevent both state agencies and municipalities for directly or indirectly employing lobbyists. Individuals should not be forced, via their tax dollars to support politics positions that they oppose. There are an unlimited number of political organizations that individuals can join voluntarily if they wish to influence the political process by proxy. This bill caused serious disagreement within the HRA, with some asserting that it is a violation of free speech to be forced to support financially repugnant political positions, and others believing that the majority of a town or other political subdivision should be able to take political positions.

HRA Recommendation: No recommendation

HB 1367, relative to the issuance of administrative inspection warrants. **OTPA Vote 14-3**

HRA Analysis: This bill deals with warrants issued when enforcement officials need to inspect property, for example to determine if a hazardous situation exists. Existing law requires probable cause and this bill simply clarifies that probable cause cannot merely be based on the owner of the property refusing an inspection request. According to the constitution we have “a right to be secure from all unreasonable searches and seizures...”. This bill prevents an unreasonable situation.

HRA Recommendation: Support OTPA

HB 1376, relative to amending warrant articles in towns that have adopted the official ballot referendum form of meeting. **ITL Vote 16-1**

HRA Analysis: This bill would prevent deliberative sessions in SB2 towns from modifying the budget committee’s recommended budget that would go on the ballot. Currently, deliberative sessions can make budgets lower by any amount, or raise them by up to 10 percent. The platform says we support “local control of spending and taxes designed to support local services” but is silent on the best way that local control should be implemented.

HRA Recommendation: No recommendation

HB 1393, relative to the valuation of property for property tax purposes and procedures for imposing sanctions against appraisers who act in bad faith or violate statutory requirements. **MAJ: ITL MIN: OTPA Vote 15-1**

HRA Analysis: There are really two bills under consideration here, the original one which would have changed the way property is valued to be based only on comparable sales, and the minority’s amendment adds even more verbiage about how the valuation is performed. Existing law has one simple sentence, but is mostly silent on the method to be used: “Market value means the property’s full and true value as the same would be appraised in payment of a just debt due from a solvent debtor.” The platform has this to say: “Assessed value for the purpose of property taxation shall eliminate the subjective elements of value, such as view, and be determined on the basis of objective standards to determine the assessed land and building values.” Since neither the bill, nor the amendment creates a mechanical formula, both retain the “subjective elements of value.” The likely result if either passes would be to make the assessing process more expensive for towns.

HRA Recommendation: Support ITL

SPECIAL COMMITTEE ON REDISTRICTING

SB 201, apportioning state senate districts. **MAJ: OTP MIN: ITL Vote 11-4**

HRA Analysis: The constitution provides that the House and Senate be responsible for determining the qualifications of their respective memberships. For this reason and also for the simple reason that no discrepancy in overall deviation is present in the proposed Senate plan, the Redistricting Committee recommends the Senate Redistricting Plan on OTP

HRA Recommendation: Support OTP

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1277, requiring federal law enforcement agencies to notify New Hampshire law enforcement agencies prior to investigation or enforcement of federal law in New Hampshire, as all lawful police work is local. **MAJ: ITL MIN: OTP Vote 9-2**

HRA Analysis: This bill does attempt to assert state's rights by requesting federal agencies to notify the state in case of law enforcement activities on our soil. It would also insure that a citizen taken in to custody under terrorist laws would have a least one state official aware of his/her taking. Testimony from state law enforcement, however, repeatedly stated that the federal agencies do notify us now and that this bill would have no actual ability to force federal agencies to comply in any case.

HRA Recommendation: No Recommendation

HCR 36, urging Congress to amend or repeal legislation expanding the constitutionally delegated powers of federal government. **ITL Vote 8-2**

HRA Analysis: This bill has sentiments that reflect well on the Republican platform. Being redundant and having bills with similar sentiments but more aptly worded, this bill would not best represent our ideals and is best left to die.

HRA Recommendation: No Recommendation

HR 25, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

MAJ: OTPA MIN: ITL Vote 8-2

HRA Analysis: This resolution is in support of the state's efforts to preserve and enforce the Constitution of the United States of America with specific reference to part 1, article 7 of the Constitution of the State of New Hampshire and the tenth amendment of the Constitution of the United States of America.

HRA Recommendation: Support OTPA

TRANSPORTATION

HB 1307, relative to agricultural plates. **OTPA Vote 10-5**

HRA Analysis: This bill would allow cargo vans to qualify for agricultural plates as long as they are only used for agricultural purposes and only used within a 20-mile radius of the farm. Cargo vans would be included with trucks, truck tractors and tractors to qualify for agricultural registration rates and plates. There are some farmers who have vans that they want, or need, to use on their farm but they can't because of the way the law is written. This bill would save those New Hampshire farmers money by allowing them to use the vehicles they already have instead of having to purchase another vehicle or a more expensive plate. The Republican Party platform states "Working to prevent over regulation of business, particularly in respect to small business."

HRA Recommendation: Support OTPA

HB 1442, relative to motorcycle noise emission regulation. **OTPA Vote 14-1**

HRA Analysis: Realizing from both inside and outside of the motorcycling community that some motorcyclists believe excessive noise is alright, they are wrong. It is time to change our motorcycle statute to provide relief from excessive exhaust noise. After working for many months with the department of safety, state police, police chiefs from N. Hampton and Rye, NH, motorcyclists rights organization, NH auto dealers association, motorcycle dealers, American motorcycle association the group decided that the bill as written would not solve the problem. Instead, all agreed that the state should adopt a new roadside testing procedure that was recently developed by SAE International. The amendment replaces the original bill with the J2825 testing procedure. Unlike the original bill J2825 allows police to ticket out of state motorcycles who violate our noise laws. The amendment has almost universal supported by the parties involved and all previously mentioned groups. This amendment is business, motorcycle and law enforcement friendly and gets to the heart of the problem. The Republican Platform states "NH's government and it's elected officials must, above all else, preserve and protect individual liberty (both the motorcycle riders and the residents of the state).

HRA Recommendation: No Recommendation

WAYS AND MEANS

HB 1489-FN, repealing the decrease of the fuel oil importation fee. **MAJ: ITL MIN: OTP Vote 14-5**

HRA Analysis: The "fuel oil importation fee" is slated to decrease from .0125 cents per gallon to .01 cents per gallon on July 1, 2012. The department of environmental services requested this bill, which would cancel that reduction. While the committee is confident that the cleanup fund does important work protecting our environment from abandoned or leaking tanks, the fund currently has a healthy surplus, enough to fund operations for at least two years under the department's most pessimistic projections. Further, testimony was heard that outlays from the fund have been declining over time. Thus, the majority of the committee sees no need to cancel the planned reduction. We are cognizant of the fact that all fees and taxes on goods are ultimately paid for by consumers, and we are reluctant to force citizens to pay \$590,000 additional taxes per year unless

necessary. Efficient government is not dependent upon having excess funds to spend. Efficient government is the result of spending the funds available effectively.

HRA Recommendation: Support ITL

BILLS FROM WEDNESDAY, FEBRUARY 15 REGULAR CALENDAR

SPECIAL COMMITTEE ON REDISTRICTING

HB 1670, apportioning executive council districts. **MAJ: OTPA MIN: ITL . Vote 11-4.**

HRA Analysis: No platform issues identified.

HRA Recommendation: No recommendation

HB 1718, relative to judicial review of electoral districts. **MAJ: OTPA MIN: ITL Vote 11-4.**

HRA Analysis: This bill does two things. First, it speeds up the processing of any redistricting lawsuit by directing the court to handle such suits before other business, and by limiting the period for filing appeals to five days. Second, it allows the Speaker and the Senate President to select attorneys to defend suits against their own redistricting plans. While some would argue that this violates the separation of powers (part 1, article 37), it is unclear that the courts should have any authority over redistricting since those are explicitly legislative powers (part 2, articles 9 and 26).

HRA Recommendation: No recommendation

TRANSPORTATION

HB 1693-FN, relative to motor vehicle inspections. **ITL Vote 12-1.**

HRA Analysis: HB 1693 would simply make car inspections every other year. It is identical to last year's HB 540 which passed the House 234-101. Thirty states do not require safety inspections at all, and most of the rest do it every other year or upon a triggering event, such as purchasing a used car or moving to the state. New Hampshire is one of only four states that tests statewide for safety and emissions annually. Three studies, most recently in 2008, have shown that states without safety inspections do not have more accidents or vehicle defects than states with inspections. DES is not opposed to the bill and the EPA allows states to test OBD biennially, as is the case in smog capitals CA and MA. There is no reason to cost our citizens time and money every year for inspections that have been proven ineffective. The Republican Party "promotes a limited government that is open, responsive and fully accountable to its citizens without interfering in their personal, daily lives."

HRA Recommendation: Oppose ITL, then support OTP

CONSENT CALENDAR

CONSTITUTIONAL REVIEW

HB 1343, prohibiting employees of parties and political committees from running for state office. **ITL Vote 12-0**

HRA Analysis: Part 1, article 11 of the New Hampshire Constitution states that "every inhabitant of the state having the proper qualifications, has an equal right to be elected to office." while part 2, article 7 says that "No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his seat in the legislature." There seems to be a conflict between these parts. See also HB 1227.

HRA Recommendation: No recommendation

HB 1344, prohibiting public employees from being candidates for certain offices. **ITL Vote 12-0**

HRA Analysis: The reasoning here is identical to the preceding bill.

HRA Recommendation: No recommendation

HB 1533, prohibiting bullying in the state house and legislative office building. **ITL Vote 13-2**

HRA Analysis: The NH Constitution Part 2, Article 22 says "The house of representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house; and shall be judge of the returns, elections, and qualifications, of its members, as pointed out in this constitution. They shall have authority to punish, by imprisonment, every person who shall be guilty of disrespect to the house, in its presence, by any disorderly and contemptuous behavior, or by threatening, or ill treating, any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness, or other person, ordered to attend, by and during his attendance of the house; or in rescuing any person arrested by order of the house, knowing them to be such." The House is clearly and explicitly in charge of policing itself and managing its' own affairs, not the attorney general. The GOP platform says we distinguish our Party by "Electing Republican candidates who uphold the highest standards of integrity, morality, ethics, responsibility and accountability in their personal lives, during campaigns and while performing their official duties." We should all strive to uphold those ideals, and practice decorum at all times.

HRA Recommendation: Support ITL

CRIMINAL JUSTICE

HB 1452, prohibiting the establishment of sobriety checkpoints. **ITL Vote 12-1**

HRA Analysis: HB 1452 prohibits the use of sobriety checkpoints. Checkpoints are a type of blanket search that detains and harasses many innocent people who are simply going about their business. Current law allows them only when sanctioned by the superior court for constitutionality. Rather than exercising oversight the courts have let the practice grow over the years into a federally funded nightmare. Citizens are treated as if they are guilty until proven innocent, which is a violation of the 4th amendment to the U.S. Constitution and Part I, Article 19 of the NH Constitution. It would be more effective and constitutional for New Hampshire to abandon sobriety checkpoints in favor of supporting good police officers who observe driver behavior and establish probable cause before pulling them over to check sobriety.

HRA Recommendation: Oppose ITL and Support OTP

HB 1667-FN, relative to the application of the juvenile laws to children up to the age of 18. **ITL Vote 12-2**

HRA Analysis: This is the perennial 17 vs. 18 bill. When should adult justice takes over from juvenile justice?

HRA Recommendation: No recommendation

ENVIRONMENT AND AGRICULTURE

HB 1650-FN, relative to commerce in food in New Hampshire. **ITL Vote 13-0**

HRA Analysis: This bill exempts foodstuffs grown or produced in and then sold in New Hampshire from federal regulation so long as it is labeled as "Made in New Hampshire". It provides penalties for agents attempting to enforce federal regulations. Our platform "opposes the enactment of federal programs that contradict the Tenth Amendment to the U.S. Constitution" which would include regulation of intrastate commerce. However, we are convinced that this particular vehicle has sufficient practical problems that it is not the place to stick our 10th amendment stake in the ground.

HRA Recommendation: Support ITL

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1708-FN, relative to salaries of state employees. **IITL Vote 13-0**

HRA Analysis: This bill requires the fiscal committee to approve any state employee salary that exceeds that of the governor. More in keeping with the platform guidelines of lean and efficient government and the Constitutional requirement that all laws be approved by the people or their elected representatives, the General Court itself approved the salaries of many of these positions; most of the rest were approved by the joint legislative committee on employee classification. There's no need for fiscal to review the actions of this committee. The Governor's salary is not the right yardstick to evaluate the pay of these usually technical jobs; more appropriate is to compare to chief medical examiners, for example, in other jurisdictions.

HRA Recommendation: Support ITL

JUDICIARY

HB 1657-FN, relative to petitions for guardianship filed by parents of adult children with disabilities. **ITL Vote 15-2**

HRA Analysis: The bill would waive court fees for certain guardianship applications. No platform issue identified.

HRA Recommendation: No recommendation

LEGISLATIVE ADMINISTRATION

CACR 20, Relating to meetings of the general court. Providing that the general court shall meet biennially. **ITL Vote 12-0**

HRA Analysis: CACR 20 would restore legislative session from its current system to meeting only the year after an election. Prior to 1985 the N.H. legislature was elected in even numbered years--as it is now--but only convened for regular session during the odd numbered year. According to the platform we are the party of "limited government." Cutting the legislative session in half is certainly limiting. Plus, "no man's life, liberty or property is safe while the legislature is in session" (1866)!

HRA Recommendation: No recommendation

TRANSPORTATION

HB 1503-FN, relative to motorcycle rider education. **ITL Vote 14-0**

HRA Analysis: This bill would eliminate the state-run motorcycle training program and its related fees on motorcyclists, in favor of private instruction. The platform says we favor "keeping state government lean to minimize its burden on taxpayers and businesses", that we "support cutting or eliminating taxes which inhibit enterprise" and that we think "programs and functions should be reviewed to identify those that can be implemented more effectively in the private sector." Other states operate just fine with private motorcycle driving schools.

HRA Recommendation: Oppose ITL and Support OTP