

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.



REGULAR CALENDAR WEDNESDAY, FEBRUARY 23

EDUCATION

HB 172, relative to transporting school children to school and school-supported activities. **OUGHT TO PASS WITH AMENDMENT. Vote 16-1.**

HRA Analysis: This bill would allow local school districts to transport students in school district vehicles or their contracted vehicles with their own drivers. This bill will save local districts money and maintains the safety of the students when transported for educational purposes. The Republican platform supports local control of spending and taxes designed to support local services.

HRA Recommendation: Support OTPA

HB 631-FN-L, repealing the requirement that all school districts offer public kindergarten. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 12-3.**

HRA Analysis: The platform says "Local control of education policy and education funding creates the best-managed school systems" and "State and federal school aid should not contain mandates that prevent parents and local taxpayers from making educational decisions for their own communities." There were a half-dozen towns which originally did not offer kindergarten, but did so in response to the 2008 SB530. A couple of them also got money from the state to build their kindergartens. This bill repeals the requirement for those schools to repay the construction aid if they stop offering kindergarten. However, despite the title of this bill and due to the arcane nature of education law it is unclear if this bill alone is enough to repeal the requirement for kindergarten. It certainly does no harm to pass it if that is our goal.

HRA Recommendation: Oppose ITL and Support OTP

ENVIRONMENT AND AGRICULTURE

HB 417-FN-A, making an appropriation to the milk producers emergency relief fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 9-6.**

HRA Analysis: This bill appropriates \$2,500,000 to the milk producers emergency relief fund. The state budget is in no condition to support bailouts. This bill is in violation of Part 1, Art.10 "Government being instituted for the benefit, security and protection of the whole community and not for the benefit of any one man, family or class of men." We would be better served to protect dairy farmers who sell their milk in state from unlawful interference by the federal Government.

HRA Recommendation: Oppose OTP then Support ITL

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 373, proclaiming June 3 each year in dedication of the sermon by Reverend Samuel McClintock on the commencement of the New Hampshire constitution and relative to the observance of Federal Constitution Days. **INEXPEDIENT TO LEGISLATE. Vote 10-3.**

HRA Analysis: Our constitutions should be honored by all our citizenry and time set aside for that purpose. However, a governor's proclamation of Constitution Day is a token gesture, in a calendar cluttered with many other official days that are ignored by the public.

HRA Recommendation: No recommendation

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. **OUGHT TO PASS. Vote 13-2.**

HRA Analysis: The primary focus of this commission has been to push for "equitable treatment for both parents in child custody and child support" as mandated by the Republican Platform, Section VIII. Since it manages without any state funding, the HRA should support its continuance.

HRA Recommendation: Support OTP

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. **OUGHT TO PASS. Vote 14-3.**

HRA Analysis: This bill combines common administrative back-room tasks that are scattered among departments into a single agency. It purports to save very large amounts of money: \$10M in the first year, and \$25M a year thereafter. The taxpayers would be happy with even a fraction of that.

HRA Recommendation: Support OTP

JUDICIARY

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, and Keene District Courts and establishing a committee to study the utilization of existing facilities to house courts leased by communities through the state. **OUGHT TO PASS. Vote 12-5.**

HRA Analysis: The courts which are the subject of this bill are all located in buildings leased by the state, rather than in state-owned buildings. In the last biennium, these courts were kept open through an agreement whereby part of the cost was absorbed by the host communities. The bill requires the four courts to remain open throughout FY 2012 and 2013, with the costs to be fully paid by the judicial branch. It also requires repayment to the host communities for the costs they absorbed in the last biennium, \$159,430. Some support for keeping these four courts open can be found in the NH Constitution, Part 1, Article 17: "In criminal prosecutions, the trial of facts, in the vicinity where they happened, is so essential to the security of the life, liberty and estate of the citizen, that no crime or offense ought to be tried in any other county or judicial district than that in which it was committed;..." However, travel today is not the problem it was in the 1700's, so the premise of that section is questionable. Also, there is little justification for repaying money that was voluntarily spent in previous years.

HRA Recommendation: No recommendation

HB 538-FN, establishing a reporting system for court decisions relative to the determination of parental rights and responsibilities and the appointment of guardians ad litem. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS. Vote 13-3.

HRA Analysis: This bill has a similar purpose to HB 614, if not similar methods. The sponsor feels that HB 614 would adequately serve his purpose, without the expense of this bill.

HRA Recommendation: Support ITL

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services. **OUGHT TO PASS. Vote 10-4.**

HRA Analysis: This bill supports Part 1, Article 8 which declares officers of government are the peoples substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. Watch for a possible floor amendment that could improve the bill by adding specific elements to the audit based on HB 538.

HRA Recommendation: Support OTP or OTPA

RESOURCES, RECREATION AND DEVELOPMENT

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 10-3.**

HRA Analysis: On top of the main charge for construction that impacts wetlands, there is an administrative surcharge. That surcharge is currently an extra 20%, but is scheduled to go to 5% next year. This bill would make it 10% permanently. Thus it is a fee reduction for a year, but an increase after that. So, the bird in the hand or the two in the bush?

HRA Recommendation: No recommendation

SCIENCE, TECHNOLOGY AND ENERGY

HB 365-FN-A, establishing a commission to encourage broadband development and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE. Vote 12-6.**

HRA Analysis: While high speed internet for everyone may be a worthy goal, spending from the general fund and diverting future communications service tax revenues to lower the cost of high speed internet is not justified.

HRA Recommendation: Support ITL

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 13-5.**

HRA Analysis: The RGGI program does not have Congressional approval or consent; therefore it is unconstitutional pursuant to the Constitution for the United States, Article 1 Section 10, Clause 3: "No State shall without the consent of Congress...enter into any Agreement or Compact with another State, ..." It is also a \$10M annual tax on electricity.

HRA Recommendation: Support OTPA

HB 612, establishing a commission to study existing septic systems and potential new septic technologies. **INEXPEDIENT TO LEGISLATE. Vote 17-1.**

HRA Analysis: The platform recommends we reduce regulation on business and keep state government lean. How about letting septic designers do their job without all the red tape? We believe there are better bills on this subject in the works.

HRA Recommendation: Support ITL

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HB 208-FN-L, providing additional per pupil funding for pupils in certain public schools. **INEXPEDIENT TO LEGISLATE. Vote 11-2.**

HRA Analysis: This bill sends an extra \$1,000 per pupil to schools with fewer than 150 pupils. It would cost about \$8M a year. We're broke.

HRA Recommendation: Support ITL

HB 238-FN-A, relative to the assessment of the education tax by towns and cities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 10-3.**

HRA Analysis: This bill requires municipalities to assess the education tax on residential and commercial property only after applying a \$100,000 exemption to the valuation. This exemption would violate Part 2, Article 5 "And farther, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish, . . . and also to impose fines, mullets, imprisonments, and other punishments, to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same . . . This requires the rates be uniform throughout the tax universe over which the tax is levied.

HRA Recommendation: Support ITL

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM,

HB 231-FN, relative to payment of state retiree medical benefits for spouses and dependents. **OUGHT TO PASS WITH AMENDMENT. Vote 9-4.**

HRA Analysis: The statute providing for medical benefits to retirees, RSA 21-1:30, states that the benefits are subject to appropriations. The bill as amended requires retirees to pay a larger portion of the monthly premiums, saving \$10M annually on a roughly \$80M expense. This bill supports Part 1, Article 36: "Economy being a most essential virtue of the United States, especially in a young one, no pension shall be granted, but in consideration of actual services; and such pensions ought to be granted with great caution, by the Legislature, and never for more than one year at a time." Taking control of the cost through Legislative action re-enforces the immediate nature of pensions noting that the caution of "one year at a time" was written when sessions were annual.

HRA Recommendation: Support OTPA

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 590, declaring unconstitutional under the federal Constitution the offering of federal grants-in-aid relating to matters not included among the defined powers of the federal government and declaring unconstitutional under the New Hampshire constitution their acceptance in such circumstances, and establishing a committee to review state participation in federal grant-in-aid programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 8-2.**

HRA Analysis: HB 590 would create a joint committee to review federal grant programs to determine their value to the state independent of federal funds. Federal grants are the bait that lures state and local government into an ensnaring web of unconstitutional federal laws and regulations. An oft-cited example is the No Child Left Behind law which created many mandates on school but funds only a fraction of the related costs. Our platform is clear on this subject. We "oppose the enactment of federal programs that contradict the Tenth Amendment to the U.S. Constitution" and "support efforts to stop Washington from mandating unfunded federal programs on our state and local governments, and hold the federal government to the same standard against unfunded mandates as we do our state government under the New Hampshire Constitution."

HRA Recommendation: Support OTPA

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 10-2.

HRA Analysis: This resolution restates and affirms the powers of the States and the people as codified in the Tenth Amendment to the Constitution for the United States. It builds upon the position of James Madison and Thomas Jefferson that it is the states and not the federal government that have the power to interpret the Constitution for the United States; "The government can not be exclusive or final judge of its delegated powers much less those it delegates to itself, for that would makes its own discretion and not the Constitution the measure of its power". It relies upon the Constitution of New Hampshire, the Constitution for the United States and Court opinions to reinforce that opinion.

HRA Recommendation: Support OTP

HCR 23, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT. Vote 8-3.

HRA Analysis: The use of the shipyard is a political ploy to get one side voting against earmarks to show we do not support the Portsmouth naval shipyard. For the record, we do not know one representative who does not support the funding of the navy ship yard and felt that we will not be used as political pawns by supporting a resolution where the president, U.S. senate and congress all came out against earmarks. We all know the shipyard is being funded.

HRA Recommendation: Support ITL

HR 8, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 8-3.**

HRA Analysis: A constitutional amendment as requested by the bill is unnecessary and politically motivated. Corporations are voluntary associations of people. This bill violates the rights of association and free speech.

HRA Recommendation: Support ITL

HR 9, supporting earmarks for public safety. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT. Vote 8-3.**

HRA Analysis: The safety of communities in New Hampshire is of the utmost importance and we are adamantly opposed to the use of earmarks. No evidence was introduced indicating funding in this area is in danger.

HRA Recommendation: Support ITL

TRANSPORTATION

HB 539-FN, repealing the state enforcement of OBD II requirements for motor vehicles. **INEXPEDIENT TO LEGISLATE. Vote 13-1.**

HRA Analysis: While this bill was good intentioned, the OBD II (On Board Diagnostic II) emission testing program to date is contractual and has been a success with verified results. Furthermore, EPA threatens highway funding loss for non compliance and the compliance standards are becoming stricter. The repeal will also return the DMV inspection program from electronic back to an antiquated paper system. We all believe in less government and fewer regulations, but when a system is more efficient and effective than the prior system it would be wrong to change it.

HRA Recommendation: Support ITL

WAYS AND MEANS

HB 36-FN-L, reducing the fee for copies of birth certificates. **OUGHT TO PASS. Vote 19-0.**

HRA Analysis: In 2010 the legislature increased the fee for a vital record search by \$3 and the fee for a vital record copy by \$2. This bill repeals those increases. The fiscal note liability of \$350,000 is minimal. The Republican platform states: "We believe that controlling spending and minimizing taxes are the best way to protect the economic and civic well being of the New Hampshire residents." Fees = taxes.

HRA Recommendation: Support OTP

HB 154-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 15-5.**

HRA Analysis: This bill raises the minimum reporting standard for the BET from \$150,000 to \$200,000. This \$6M tax cut eliminates over 18,000 businesses (almost half) from paying the BET and saves the DRA from processing that many forms. Our platform supports "cutting or eliminating taxes which inhibit enterprise, earnings and savings and investment, such as the Interest and Dividends Tax and the Business Enterprise/Business Profits Tax."

HRA Recommendation: Support OTPA

HB187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 14-4.

HRA Analysis: It often takes years for start-up businesses to turn a profit, during which time they are paying the BET but not the BPT. To encourage new business formation, those BET payments can be applied against the later profits when paying the BPT. This bill gradually expands the carry forward period from five to ten years with the net effect of making New Hampshire more attractive to start-ups. The platform says we are "working to provide an environment favorable to increasing the creation of private sector jobs..."

HRA Recommendation: Support OTP

REMOVED FROM THE CONSENT CALENDAR

JUDICIARY

HB 146, relative to the right of jury nullification. **MAJORITY: INEXPEDIENT TO LEGISLATE. Vote 15-0.**

HRA Analysis: Jury nullification is a fundamental common law right that empowers a jury to find a law inapplicable in the circumstances before them. But juries do not always know that they have this option. The floor amendment, which is based on the bill that passed the House in 2003, has clear language to inform juries. The Republican platform urges us to "support jurors being instructed on the right of jury nullification." This may be subject to a vote to recommit, which is also fine.

HRA Recommendation: Either: Support recommit or Oppose ITL then Support the floor amendment and OTPA