

# HOUSE REPUBLICAN ALLIANCE RECOMMENDATION SHEET



“TRUST BUT VERIFY”

## *Nostra Culpa!*

**HB 539-FN**, repealing the state enforcement of OBD II requirements for motor vehicles.

**HRA Analysis:** We treated our analysis of this bill too casually last week and after further discussion have changed our recommendation. This bill reduces unnecessary regulation on cars, will save citizens millions in inspection fees and is consistent with our limited government goals.

**HRA Recommendation: Support reconsideration, oppose ITL and support OTP**

## REGULAR CALENDAR WEDNESDAY, MARCH 2

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 29**, permitting a person to petition the superior court for any action pertaining to a pistol or revolver license.

**MAJORITY: ITL. MINORITY: OTP. Vote 11-6.**

**HRA Analysis:** This bill will allow denial of a concealed weapon license to be heard in Superior Court if the plaintiff wishes. Our platform states that we support Part I, Article 2-a of the NH Constitution guaranteeing law-abiding citizens the right to keep and bear arms; further, we “oppose passage of local ... laws and/or regulations that violate this fundamental right or the imposition of any taxation, licensing restrictions....” While it appears that the ability to go to Superior Court is already in the law (159:6-e), the Supreme Court has ruled otherwise.

**HRA Recommendation: Oppose ITL then Support OTP**

**HB 475-FN**, relative to penalties under the consumer protection act. **OTP. Vote 13-1.**

**HRA Analysis:** This changes the penalty from a misdemeanor to a felony for a long list of consumer crimes including holding a going-out-of-business sale for more than 60 days or failing to list a telephone number in an advertisement, when more than \$1,000 worth of goods are involved. While the Platform states that we support “increased efforts to enforce penalties against those who commit crimes...,” we also defend the Constitution’s Art. 18, Part I, which reminds us: “Where the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves....” By making some of these minor crimes a felony, we blur the distinction between them and more injurious crimes. Restitution to the victim would be a much better response to such crimes, and would reduce the costs to taxpayers of incarceration and multiple adjudications. We understand that this bill will be recommitted to work on these issues, which is fine with us.

**HRA Recommendation: Oppose OTP and Support Recommit or ITL**

**HB 572-FN**, relative to official oppression. **OTP. Vote 9-5.**

**HRA Analysis:** This bill revises the offense of official oppression when a public servant acts contrary to his work obligations. It adds a violation when an official knowingly miss-performs, even when it does not personally benefit himself or purposefully harm another. The platform says officials should “... uphold the highest standards of integrity, morality, ethics, responsibility and accountability ... while performing their official duties.”

**HRA Recommendation: Support OTP**

### ELECTION LAW

**HB 240**, allowing voters to vote for multiple candidates for an office. **MAJ: ITL. MIN: OTP. Vote 15-3.**

**HRA Analysis:** This bill makes a small but significant change in the voting procedure. Currently we are limited to choosing one candidate per position. This change would allow the voter to express an opinion, yea or nay, on every candidate individually, regardless of the number of candidates. It is designed to please both voters and candidates: voters by giving them more choices and expressiveness in how they vote and candidates by revealing their true level of support without the gamesmanship and spoilers inherent in the existing system. This change does not affect costs, counting or the look-and-feel of ballots. The platform advocates increased voter participation and allowing more choices should do just that.

*Disclosure: the prime sponsor of this bill is an HRA co-chair.*

**HRA Recommendation: No recommendation**

### FISH AND GAME AND MARINE RESOURCES

**HB 194**, repealing the prohibition on having or carrying certain crossbow, rifles, or shotguns in vehicles. **ITL. Vote 12-4.**

**HRA Analysis:** RSA 207:7, II-IV, relative to the prohibition on having or carrying in motor vehicles, OHRVs, snowmobiles, boats, or aircraft a cocked crossbow, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun, are repealed. There was strong concern about the safety of those in, on or around vehicles containing loaded firearms. The Republican Party platform strongly supports the Constitution, Part 1, Article 2a that guarantees law abiding citizens the right to keep and bear arms. We oppose passage of local, state or federal laws and/or regulations that violate this right. We understand that Rep. Hopper will either move to recommit or put in a floor amendment, either of which strike us as very sensible actions.

**HRA Recommendation: Oppose ITL. Support Rep. Hopper's recommit or floor amendment and OTPA.**

## **JUDICIARY**

**HB 259**, requiring the supreme court to adopt rules of evidence for the judicial branch family division. **OTP. Vote 10-5.**

**HRA Analysis:** This bill requires formal rules of evidence to be followed uniformly in the family division, as opposed to the current informal nature of that court which allows hearsay evidence. The bill is in keeping with the spirit of part 1, article 15 of the constitution: "No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him; ..."

**HRA Recommendation: Support OTP**

## **MUNICIPAL AND COUNTY GOVERNMENT**

**HB 584**, authorizing coastal management provisions in master plans. **ITL. Vote 13-1.**

**HRA Analysis:** This bill would allow a master plan to contain a section on coastal management if there are "... needs resulting from a projected rise in sea level." To the minor extent that a master plan is useful, it ought to be based on reality, not fantasy.

**HRA Recommendation: Support ITL**

## **PUBLIC WORKS AND HIGHWAYS**

**HB 525**, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C. **OTPA. Vote 12-0.**

**HRA Analysis:** This bill does not violate either the NH Constitution or Republican Party platform.

**HRA Recommendation: No recommendation**

## **TRANSPORTATION**

**HB 64-FN**, authorizing medal insignias on special number plates for veterans. **ITL. Vote 14-0.**

**HRA Analysis:** While the platform says we will "respect New Hampshire's honored veterans by ensuring that they receive the benefits that they have rightfully earned and deserve", we are unsure whether that meaningfully extends to license plates.

**HRA Recommendation: No recommendation**

**HB 90**, relative to enforcement of the requirement of boaters to have a safe boater education certificate. **OTPA. Vote 12-3.**

**HRA Analysis:** While a Safe Boater Education Certificate is required of all boaters, it is only enforced as a secondary action, i.e. after a citation for some other violation. This bill would extend that enforcement to cases where warnings are issued, and the amendment would extend it further to primary actions where accidents have occurred or a complaint is received. The whole concept of treating education as punishment does not sit well with us, but the problem seems to lie mostly in a part of the RSAs not affected by HB 90.

**HRA Recommendation: No recommendation**

**HB 441-FN**, relative to muffling devices on boats. **OTP. Vote 14-0.**

**HRA Analysis:** This bill reduces regulation by permitting a greater variety of boat mufflers.

**HRA Recommendation: Support OTPA**

## **CONSENT CALENDAR**

**HB 225-FN**, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. **ITL. Vote 14-2.**

**HRA Analysis:** Part 1, article 15 of the constitution says "No subject shall be ... deprived of his property ... but by the judgment of his peers, or the law of the land;..." This legislation would require the police to promptly return seized property to someone who is acquitted of a crime, without the runaround they sometimes get today.

**HRA Recommendation: Oppose ITL, Support Rep. Giuda's floor amendment and OTPA**