

HOUSE REPUBLICAN ALLIANCE RECOMMENDATION SHEET



“TRUST BUT VERIFY”

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, MARCH 30 REGULAR CALENDAR

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs. **MAJORITY: OTP MINORITY: ITL Vote 12-2.**

HRA Analysis: This bill proposes to establish a legislative study committee to examine New Hampshire RSAs to identify the statutory authority for each federal grant-in-aid program. The committee will solicit information from the legislative budget assistant's office, dept of health and human services, dept of education, dept of environmental services, and other agencies and individuals with information and expertise relevant to the study. The study committee will recommend legislation to the general court to repeal or amend federal grant-in-aid programs. HB 590 is clearly constitutional per NH Constitution, [Art.] 7. [State Sovereignty].

HRA Recommendation: Support OTP

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **MAJORITY: OTP MINORITY: ITL Vote 11-3.**

HRA Analysis: This bill is a resolution to reaffirm state constitutional rights vs. federal powers. It was the consensus of the committee that there has been a usurpation of powers reserved to the states, violating the 9th and 10th amendments of the federal Constitution and that this resolution addresses that concern. With the exception of the 18 enumerated powers to the federal government in article 1, section 8 of the Constitution for the United States, all other powers are un-delegated and are reserved for the states or the people. This resolution will help in reestablishing states' sovereignty.

HRA Recommendation: Support OTP

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 292-FN, relative to securities regulation. **MAJORITY: OTPA MINORITY: ITL Vote 10-6.**

HRA Analysis: This bill increases penalties for violations of certain sections of Chapter 421-b, Securities. It changes some infractions that are currently misdemeanors into felony offenses. For example, representing to a customer that a prospectus filed with the state is true and complete, simply because it has been properly registered with the secretary of state, would now be felony, even if the customer doesn't buy the security. There are already laws against fraud and the department can revoke somebody's license for such misdeeds; these changes are unnecessary. The bill also empowers the secretary of state to overturn the findings of a presiding officer in administrative hearings, including the freedom to substitute his own findings of fact and conclusions of law for those of the hearing officer. We believe this bill violates the spirit of Art. 18, Part I of the state constitution: "All penalties ought to be proportioned to the nature of the offense. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason."

HRA Recommendation: Either Support Motion to Table, or Support the amendment, Oppose OTPA, then Support ITL

EDUCATION

HB 375, relative to immunity for school personnel using reasonable force to protect pupils. **OTPA Vote 12-0.**

HRA Analysis: Adds legal protection for teachers and others in charge of children who are forced to administer discipline. Doesn't change the nature of the allowed discipline, but does make subsequent lawsuits less likely. This is in keeping with the platform: "Recognizing that frivolous lawsuits are burdensome to our legal system, a detriment to the New Hampshire economy, and an abuse of the judicial process."

HRA Recommendation: Support OTPA

FINANCE

HB1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. **MAJORITY: OTPA MINORITY: ITL Vote 18-7.**

HRA Analysis: As Gov. Thomson so eloquently said, “Low taxes are the result of low spending.” This is an historic budget which reduces general fund spending compared to the last biennium by 10%, and overall spending by about 7%. Only once in the last sixty years has any budget spent less than the previous one, and that was by 1%. This bill does not raise a single tax or fee, and eliminates a number of them from last year, the largest being the vehicle registration surcharge (\$90M for the biennium). It is impossible for a bill this size to completely satisfy everyone. Because of our preference, stated in the platform, for local control of spending, we did not reduce payments to schools and towns for education and other aid. Instead the cuts were in programs and to a lesser extent, state workers.

HRA Recommendation: Support OTP

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. **MAJORITY: OTPA MINORITY: ITL Vote 18-7.**

HRA Analysis: See HB1

HRA Recommendation: Support OTPA

HB 160, relative to decisions and actions of the joint committee on legislative facilities. **ITL Vote 17-3.**

HRA Analysis: This bill contains two sections. One changes one word so that the facilities committee would control the “operation” of the facilities rather than their “use.” The other adds an extremely cumbersome process allowing individual Representatives to impede the work of the committee. This second part is contrary to “effective and efficient” government advocated by the platform. We understand that Rep. Renzullo will be bringing a good floor amendment that will change the entire bill to what it should have been in the first place, which is to prevent the facilities committee from making gun policy.

HRA Recommendation: Oppose ITL, Support the Renzullo Floor Amendment, Support OTPA

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. **OTPA Vote 20-4.**

HRA Analysis: Part 1, article 17 of the constitution instructs us to keep trials close to where the crimes were committed. This bill instructs the courts to keep open specific locations, but does not allocate any money for that purpose. Presumably these courts are lightly used and/or costly, which is why they were scheduled for closure.

HRA Recommendation: No Recommendation

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. **OTP Vote 24-0.**

HRA Analysis: No platform issue identified.

HRA Recommendation: No Recommendation

HB 490-FN, adopting the interstate compact for juveniles. **OTP Vote 24-0.**

HRA Analysis: Allows the state to cooperate with other states in the event that runaways cross state lines. No platform issue identified.

HRA Recommendation: No Recommendation

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. **MAJORITY: OTP MINORITY: ITL Vote 17-6.**

HRA Analysis: RGGI is still an unconstitutional cartel of states that tax electricity to no purpose.

HRA Recommendation: Support OTP

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. **OTP Vote 17-0.**

HRA Analysis: In line with the platform's support of efficient government. We recommended this the first time.

HRA Recommendation: Support OTP

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. **OTPA Vote 16-8.**

HRA Analysis: We previously supported the policy behind the resolution. The amendment substantially reduces the costs involved, by greatly reducing the number of copies of the resolution that need to be produced and mailed. They will be sent to those most likely to respond, including our own congressional delegation.

HRA Recommendation: Support OTPA

FISH AND GAME AND MARINE RESOURCES

HB 651, allowing the sale and possession of monk parakeets. **MAJORITY: OTPA MINORITY: OTP Vote 12-1.**

HRA Analysis: The issue is over regulation of business and personal affairs vs. potential harm to business and the environment from a non-native species. The amendment bans the bird, but grandfathers pets that are currently here. Part 1, article 2 of the New Hampshire Constitution, guarantees the rights of liberty, property and pursuit of happiness. These rights are definitely being infringed by the monk parakeet ban. Part 1, article 3, allows for some rights to be relinquished, but only to protect others. The question here is whether the potential danger to others from these birds justifies giving up fundamental rights. We are not convinced that the possible harm outweighs the actual loss of rights.

HRA Recommendation: Oppose the Committee's Amendment, Support OTP

MUNICIPAL AND COUNTY GOVERNMENT

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits.

MAJORITY: OTP MINORITY: ITL Vote 9-7.

HRA Analysis: The purpose of SB133 is to reinstate the property tax exemption on telephone poles owned by telecommunication companies. The committee believes that it is not in the best interest of businesses and consumers of New Hampshire to assess property taxes on communication poles and conduits. This would result in new costs to telephone companies that would undoubtedly be passed on to those who rely on land-line phones. However, net property taxes would not change (they are based on spending), so this bill just shifts costs from one group of property owners to another. Property tax exemptions for one group cause others to line up at the State House door for their own exception.

HRA Recommendation: No Recommendation

PUBLIC WORKS AND HIGHWAYS

HB 25-FN-A, making appropriations for capital improvements. **OTPA Vote 16-0.**

HRA Analysis: HB 25 sets this biennium's capital (bonded) expenditures. By our estimate, it contains about \$33M (30%) less spending than HB 25 did two years ago. "Low taxes are the result of low spending", and members thought that some specific items were unnecessary.

HRA Recommendation: No Recommendation

SCIENCE, TECHNOLOGY AND ENERGY

HB 648, relative to eminent domain petitions by public utilities. **OTPA Vote 11-4.**

HRA Analysis: This bill, as amended, will prohibit public utilities from petitioning the Public Utilities Commission (PUC) for permission to take private land or property rights for construction or operation of an electric transmission facility so long as the transmission facility is not needed for system reliability. This brings RSA 371:1 more in line with Part I, Article 12-a of New Hampshire's constitution and bill of rights.

HRA Recommendation: Support OTPA

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

HB 580-FN-L, relative to the New Hampshire retirement system. **MAJORITY: OTPA MINORITY: ITL Vote 10-4.**

HRA Analysis: This bill makes comprehensive changes to the New Hampshire Retirement System. These changes will ensure that the current employees as well as retirees will in fact be able to receive their pensions. The changes include increased employee contributions, changes in age to receive benefits, maximum benefit entitled to, and years worked to receive the benefit. We feel that this is good public policy, and will help strengthen the New Hampshire Retirement System. The Republican platform, VII, Government says "Benefits: Public employee benefits should be similar to those of the private sector."

HRA Recommendation: Support OTPA

WAYS AND MEANS

HB 83, relative to vessel registration. **MAJORITY: ITL MINORITY: OTP Vote 14-7.**

HRA Analysis: This bill would have allowed Marine Patrol to issue a ticket to a boat that was essentially parked at a person's slip or in the water at a marina even though it was not underway. Current law requires vessels underway to be registered. While done for the convenience of the Dept of Safety, it is a fee increase. We promised to hold the line on taxes and fees.

HRA Recommendation: Support ITL

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. **OTPA Vote 21-0.**

HRA Analysis: The committee reduced the off-site mitigation programs administrative fee rate to 10% to stimulate the use of this program which may encourage building, the preservation of wetlands and to promote the economy. The Republican platform says we favor "keeping state government lean to minimize its burden on taxpayers and businesses."

HRA Recommendation: Support OTPA