

# 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.

Bill Number	Committee	Committee Vote	HRA recommends
SB 120	Election Law	OTP/A 13-5	Oppose OTP/A
SB 202	Criminal Justice	OTP/A 14-4	No Recommendation
SB 207	Criminal Justice	OTP/A 16-2	Oppose OTP/A
SB 220	Ways & Means	OTP/A 11-8	Oppose OTP/A
SB 232	Fish & Game	OTP/A 12-3	No Recommendation
SB 245	Finance	OTP/A 20-3	No Recommendation
SB 264	Finance	OTP/A 22-1	Support OTP/A
SB 307	State Federal Relations	OTP/A 8-5	No Recommendation
SB 308	Finance	OTP/A 13-10	Oppose OTP/A
SB 319	Judiciary	OTP/A 12-7	Oppose OTP/A
SB 336	Fish & Game	ITL 12-3	No Recommendation
SB 355	Education	OTP/A 19-0	Support OTP/A
SB 368	Ways & Means	OTP 11-8	No Recommendation
SB 369	Ways & Means	OTP/A 14-4	No Recommendation
SB 374	Election Law	OTP/A 10-7	Oppose OTP/A
SB 388	Resources	OTP 9-2	No Recommendation
SB 389	Fish & Game	OTP 13-2	Oppose OTP
SB 390	Criminal Justice	OTP 11-7	Oppose OTP
SB 395	Finance	ITL 18-5	Support ITL
SB 400	Criminal Justice	Interim Study 10-8	No Recommendation
SB 409	Finance	OTP 23-0	No Recommendation
SB 415	Finance	Interim Study 12-10	Support OTP
SB 416	Finance	ITL 20-3	Oppose ITL

## WEDNESDAY MAY 14 REGULAR CALENDAR

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**SB 202**, relative to the elements of the crime of burglary. **OTP/A. Vote 14-4.**

**HRA Analysis:** This bill simply clarifies that remaining in a building, beyond your invitation, is part of burglary. The committee

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amendment repeals the death penalty. No constitutional or platform issues identified.

**HRA Recommendation: No Recommendation.**

**SB 207-FN**, relative to paycheck equity. **MAJ OTP/A. MIN: INTERIM STUDY. Vote 16-2.**

**HRA Analysis:** This bill is unnecessary because wage discrimination based on gender is already statutorily prohibited under the federal Equal Pay Act of 1963, as well as in RSA 275:37. Additionally, the bill prohibits the employers from making rules, signing agreements or disciplining employees for disclosing their salary, wages or benefits. Our Platform, Part I, requires us to “minimize business regulations.” This bill adds more regulation, causing further government intrusion into business management practices.

**HRA Recommendation: Oppose OTP/A.**

**SB 390**, (New Title) prohibiting discrimination against employees who are victims of domestic violence and establishing a committee to study the protection of employees from domestic violence. **MAJ: OTP. MIN: OTP/A. Vote 11-7.**

**HRA Analysis:** This bill creates yet another protected class that can sue for imagined discrimination in employment. Employers do not need any further restrictions on who they choose to hire, they need the best person they can find. The Constitution, Part 1, Article 10, prohibits laws for the benefit of “any one man, family, or class of men.” The minority amendment simply creates a committee to study how to protect employees from the crimes of domestic violence, stalking, etc, and should be supported.

**HRA Recommendation: Support the minority amendment, oppose OTP.**

**SB 400-FN**, relative to the penalty for violations of the taking of American eels. **INTERIM STUDY. Vote 10-8.**

**HRA Analysis:** No constitutional or platform issues identified.

**HRA Recommendation: No Recommendation.**

## **EDUCATION**

**SB 355**, relative to access to social media by educational institutions. **OTP/A. Vote 19-0.**

**HRA Analysis:** This bill, as amended, forbids schools from demanding information about students' social media accounts on their private computers. The Platform, Part II, requires us to “protect the privacy of individuals from government snooping.”

**HRA Recommendation: Support OTP/A.**

## **ELECTION LAW**

**SB 120**, contributions, expenditures & reporting by political committees. **MAJ: OTP/A. MIN: INTERIM STUDY. Vote 13-5.**

**HRA Analysis:** This bill, as amended, attempts to increase transparency in political activities by requiring registration and reporting by non-political groups and organizations who chose to speak on a particular issue. However, the new definitions are confusing and in conflict with federal laws; requiring registering and reporting by advocacy groups might well blur the distinction between political organizations and others. The Constitution, Part 1, Article 22, states; “Free speech and liberty of the press are essential to the security of freedom in a state. They ought, therefore, to be inviolably preserved.” Political speech is the very essence of free speech.

**HRA Recommendation: Oppose OTP/A.**

**SB 374**, a commission to standardize the definitions of “domicile” and “residency” in statutes. **MAJ: OTP/A. MIN: ITL. Vote 10-7.**

**HRA Analysis:** This bill creates a commission to study the multiple uses of these not exactly interchangeable words in our statutes, which is worthwhile. The committee amendment redefines “resident” by deleting “domicile” from the definition, in only one statute, and therefore is liable to unintended consequences. The Constitution uses “domicile” to define voting rights in Part 1, Article 11.

**HRA Recommendation: Oppose the committee amendment and OTP/A, no recommendation on OTP.**

## **FINANCE**

**SB 245-FN**, (New Title) relative to the siting of energy facilities. **OTP/A. Vote 20-3.**

**HRA Analysis:** This is a complicated bill that restructures the Site Evaluation Committee (SEC) which approves applications for new energy facilities throughout the state. The committee currently has 13 members who are all commissioners of various departments or designees. They have no staff and don't directly charge fees. Instead applications are forwarded to each of the involved departments for their own reviews. SB 245 reduces the committee to nine members, including two new paid public members, one of whom must be an attorney. It gives the committee a paid administrator, and allows them to charge fees. In effect this committee will become a mini-PUC, and more independent from the rest of state government. The Finance Committee's amendment cuts their initial funding in half, adds detailed language on financial matters, and cleans up the transition period from the old structure to the new. It is hard to say whether the old or new structure is better for energy development; the new structure more explicitly protects the property rights of neighbors.

**HRA Recommendation: Support the committee amendment, no recommendation on OTP/A.**

**SB 264-FN**, requiring the election of benefits by certain members of the judicial retirement plan. **OTP/A. Vote 22-1.**

**HRA Analysis:** This bill requires judges appointed before January 1, 2005 to elect whether they wish to be in the old judicial retirement scheme or the new one. This will help the system's actuary. The amendment requires that a detailed explanation of the options be provided to judges, and gives them 90 days to choose. This minor bill improves government efficiency.

**HRA Recommendation: Support OTP/A.**

**SB 308**, relative to innovation in the delivery of health care. **MAJ: OTP/A. MIN: ITL. Vote 13-10.**

**HRA Analysis:** The original bill set up an involved mechanism for state-level anti-trust review of proposed hospital mergers and cooperative ventures. This would give them some protection against possible prosecution by the Federal Trade Commission. This is a very complex issue where it is unclear whether the cure is better than the disease. The committee's amendment turns the bill into a study committee, but it also adds a one-time \$300,000 tax on hospitals that would be spent on writing a state health plan. The Platform, Part I, reiterates our opposition to new taxes.

**HRA Recommendation: Oppose the committee amendment and OTP/A, no recommendation on the basic bill.**

**SB 395**, the retirement classification of the director of the division of forests and lands. **MAJ: ITL. MIN: OTP. Vote 18-5.**

**HRA Analysis:** This bill changes one position's pension from Group I (employees/teachers) to Group II (police/fire.) Group II pensions allow earlier retirement, higher payout rates, and no Social Security offset, so it's a much better deal for the recipient. The Platform, Part II, urges us to "ensure public employee benefits are similar to and do not exceed those of the private sector," and Group II style pensions are a benefit impossible for private sector managers to obtain.

**HRA Recommendation: Support ITL.**

**SB 409-FN-A-L**, making an appropriation to the department of safety for disaster assistance grants. **OTP. Vote 23-0.**

**HRA Analysis:** FEMA pays 75% of disaster costs after a 25% state or local match. Historically, the state pays half the match and towns the other half. This bill allocates the state's match for some recent disasters. No constitutional or platform issues identified

**HRA Recommendation: No Recommendation.**

**SB 415-FN**, transferring surplus to the revenue stabilization reserve account. **MAJ: INTERIM STUDY. MIN: OTP. Vote 12-10.**

**HRA Analysis:** This bill would put the remaining \$15 million surplus from the last biennium into the rainy day fund. Recently bond rating agencies criticized the state for an inadequate surplus and underfunded pension funds. This would be a small step to alleviate those problems. When the current budget was written it was anticipated that the previous biennium's Republican budget would produce a \$57 million surplus. Rather than send it to the rainy day fund, as required by statute, all that money was spent in the current budget. However, last biennium actually produced a \$72 million surplus, thus leaving us with \$15 million. As the platform says "Low taxes are the result of low spending." Saving is the opposite of spending!

**HRA Recommendation: Oppose Interim Study, support OTP.**

**SB 416**, relative to highway fund appropriations and establishing a committee to study the effectiveness and efficiency of the department of transportation. **MAJ: ITL. MIN: OTP. Vote 20-3.**

**HRA Analysis:** Every budget, the legislature suspends RSA 9:9-b which requires that at least 73% of the highway fund be spent by the DOT and no more than 26% by the dept. of safety. This bill would add specific language to exclude the judicial branch, dept. of justice and certain parts of the dept. of safety from getting any highway funds. It would also establish two temporary committees, one to look into how to maintain the integrity of the highway fund, and the other to look into DOT's efficiency. The latter committee was also established by SB 367, the bill that increased the road toll. The majority basically sees the bill as ineffective, which may be true, but the minority would like to draw attention to the problem of highway fund diversion. The platform says we should "Improve highways and reduce traffic congestion..." We can't do that if Safety is grabbing a substantial part of the highway fund.

**HRA Recommendation: Oppose ITL.**

## **FISH AND GAME AND MARINE RESOURCES**

**SB 232**, relative to speed limits for off highway recreational vehicles and snowmobiles. **MAJ: OTP/A. MIN: ITL. Vote 12-3.**

**HRA Analysis:** This legislation increases the speed limit for OHRV and snowmobiles from 10 to 20 MPH on town roads and decrease the speed limit on trails for OHRVs from 45 to 35. No constitutional or platform issues identified

**HRA Recommendation: No Recommendation.**

**SB 336-FN**, prohibiting the taking of deer from baited areas on state-owned lands. **ITL. Vote 12-3.**

**HRA Analysis:** This bill amends the director's rulemaking authority to forbid baiting for deer on state land. No constitutional or platform issues identified

**HRA Recommendation: No Recommendation.**

**SB 389**, relative to the enforcement of motor vehicle laws by officers of fish and game. **MAJ: OTP. MIN: ITL. Vote 13-2.**

**HRA Analysis:** This bill authorizes game wardens to enforce the motor vehicle laws, using their existing police powers to enforce the hunting and fishing laws. However, their current authority allows them to search without a warrant on “reasonable suspicion” of violating game laws; police need “probable cause.” The Constitution, Part 1, Article 19, requires a warrant for all searches. The Burt floor amendment requires “probable cause” for warrantless searches and should be supported, but the bill still has two many issues with the authority and responsibility of game officers to support..

**HRA Recommendation: Support the Burt floor amendment, Oppose OTP and OTP/A.**

## **JUDICIARY**

**SB 319-FN**, relative to access to reproductive health care facilities. **MAJ: OTP/A. MIN: ITL. Vote 12-7.**

**HRA Analysis:** The Bill of Rights guarantees our freedom of speech and freedom of religion, even the public expression of religion. The First Amendment of the US Constitution, and Part 1, Article 22 of the NH Constitution prohibits our state and federal governments from creating laws that restrict speech based on its content. This hits at the heart of our liberty. Without freedom of speech, all our other rights are at risk.

**HRA Recommendation: Oppose OTP/A.**

## **RESOURCES, RECREATION AND DEVELOPMENT**

**SB 388**, study committee on land conservation and the state’s role in encouraging voluntary protection of land. **OTP. Vote 9-2.**

**HRA Analysis:** This bill creates a study committee. No constitutional or platform issues identified

**HRA Recommendation: No Recommendation.**

## **STATE FEDERAL RELATIONS AND VETERANS AFFAIRS**

**SB 307**, a committee to review Citizens United amendments to the United States Constitution. **MAJ: OTP/A. MIN: ITL. Vote 8-5.**

**HRA Analysis:** This bill creates a study committee. No constitutional or platform issues identified.

**HRA Recommendation: No Recommendation.**

## **WAYS AND MEANS**

**SB 220-FN**, relative to the regulation of electricians by the electricians’ board. **MAJ: OTP/A. MIN: ITL. Vote 11-8.**

**HRA Analysis:** This bill allows the electricians' board to charge when requested to perform an electrical inspection and adopts the 2014 version of the electrical code. The Platform, Part 1, reiterates our opposition to new taxes and fees.

**HRA Recommendation: Oppose OTP/A.**

**SB 368-FN**, increasing the maximum fine for lead remediation. **OTP Vote 11-8.**

**HRA Analysis:** No constitutional or platform issues identified

**HRA Recommendation: No Recommendation.**

**SB 369-FN-A**, relative to the Medicaid enhancement tax. **MAJ: OTP/A. MIN: ITL. Vote 14-4.**

**HRA Analysis:** This bill, as amended, reasserts the logic behind the Medicaid enhancement tax (MET), as is hoped the Supreme Court will agree. If the tax as currently exists is found unconstitutional, a second part of the bill expands the tax to specific Medicaid eligible activities, no matter who performs them, and lowers the tax rate so that the effect is revenue neutral (more or less). Since this is seen more as a platform for negotiation than as a finished bill, it has not been thoroughly vetted and the fiscal impact is unknown.

**HRA Recommendation: No Recommendation until the final bill is available.**