

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.

THURSDAY, JANUARY 31

CHILDREN AND FAMILY LAW

HB 333, mental health professionals in private custody matters. MAJ: ITL. MIN: OTP. Vote 11-3.

HRA Analysis: In a minority of divorce cases, parents and entire families are required by court order to undergo therapy. The therapist is chosen by the judge and costs are hundreds of dollars per week. The result is that families undergoing the trauma of divorce are being forced into bankruptcy. The standard for determining parenting in divorce is “the best interests of the children”. Bankrupting their families can’t be in their best interest. The Constitution of the State of New Hampshire, Bill of Rights, Article 10 states quite boldly that government is not for the private interest or emolument (enrichment) of any one man, family, or class of men. Currently, whether by design or happenstance, the family courts are on occasion being used for the emolument of therapists at the expense of children and their families, denying them equity.

HRA Recommendation: Oppose ITL, support OTP.

HB 354, establishing a committee to investigate whether modification should be made to the time frame for determining permanency pursuant to RSA 169-C:24-b. OTP/A. Vote 17-1.

HRA Analysis: This bill creates a study committee. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

EDUCATION

HB 131, commission on mental health education programs. MAJ: OTP/A. MIN: ITL. Vote 11-8.

HRA Analysis: This bill creates a study committee. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

HB 169, requiring school districts to submit an annual report concerning gifted students. MAJ: ITL. MIN: OTP. Vote 18-2.

HRA Analysis: This bill requires a report, but leaves content and format up to the district. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

HB 176, relative to grants for school building aid. OTP. Vote 18-0.

HRA Analysis: This bill makes the current \$50M maximum for building aid a minimum, subject to the operating budget. Building aid has been a state responsibility for generations, but is currently dominated by paying off the bonds taken out in 2009. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

HB 222, relative to criteria for teachers in charter schools. MAJ: ITL. MIN: OTP. Vote 15-5.

HRA Analysis: This bill would require that 75%, rather than 50%, of teachers in a charter school be certified by the Department of Education, instead of meeting the qualifications set by the charter. The Platform:”Promote

education freedom.”

HRA Recommendation: Support ITL.

HB 327, making an appropriation to the community college system to continue the math learning communities program in partnership with New Hampshire high schools. OTP. Vote 20-0.

HRA Analysis: This bill appropriates \$200,000 to fund this successful program, which was started with grants. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

ELECTION LAW

HB 374, prohibiting certain state officers from forming political action committees. MAJ: ITL. MIN: OTP. Vote 12-7.

HRA Analysis: This bill prohibits candidates for treasurer or secretary of state from forming political committees. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 110, the cost of fiscal analysis of legislation relating to the retirement system. OTP. Vote 18-0.

HRA Analysis: This bill requires that the retirement system be reimbursed for the cost of actuarial analyses due to proposed legislation. The Constitution, Article 36-a, requires all funds be held in trust for the beneficiaries, and “not be encumbered for, or diverted to, any other purposes.”

HRA Recommendation: Support OTP.

HB 116, relative to the job classification of positions in the retirement system. OTP/A. Vote 16-2.

HRA Analysis: This bill, as amended, allows the retirement system to classify positions in corrections as Group II without specific legislative authorization as long as the department of personnel certifies that they meet the statutory requirements for Group II. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

HB 220, relative to licensing requirements for septic system evaluators. ITL. Vote 16-3.

HRA Analysis: This bill extends the deadline to qualify for “grandfathering” as a licensed septic system evaluator. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

HB 497, relative to payment by the state of a portion of retirement system contributions of political subdivision employers. MAJ: OTP. MIN: OTP/A. Vote 15-5.

HRA Analysis: This bill attempts to provide property tax relief by paying a portion of the employer share of retirement payments. On the one hand, the Platform urges us to “Oppose “downshifting” of costs ... from state to local government” and this is a way to step back from previous downshifting; on the other hand, “Maintain local control of spending and taxes designed to support local services” and municipalities have full control of how many employees they hire and what they are paid. This bill requires thrifty municipalities to subsidize spendthrift ones. The minority amendment provides uniform tax relief by reducing the state wide property tax.

HRA Recommendation: Support the minority amendment, vote your conscience on OTP or OTP/A.

HB 524, relative to child day care agencies compliance with local codes. OTP/A. Vote 14-4.

HRA Analysis: This bill, as amended, creates a study committee to examine legal obstacles to child day care businesses. The Platform: “Remove barriers to business formation and encourage small businesses.”

HRA Recommendation: Support OTP/A.

FISH AND GAME AND MARINE RESOURCES

HB 322, relative to reporting the taking of a turkey. MAJ: ITL. MIN: OTP. Vote 11-8.

HRA Analysis: This bill directs the Fish and Game Department to develop and implement electronic or telephonic methods to register and report the taking of turkey during the season. This allows the department to implement the method they feel is best, collect whatever data about the turkey and hunter they deem necessary, and does not prohibit personal check-in for those who prefer it. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 304, policies required for health facilities and special health care licenses. ITL. Vote 15-5.

HRA Analysis: This bill simply repeals the requirement that providers take all comers, regardless of their ability to pay. Providers could choose to take only cash payments, no insurance, which will allow providers to reduce their overhead, provide more competitive forces to the medical marketplace, and ultimately reduce costs to consumers. Platform: Increase the use of market forces to improve health care.

HRA Recommendation: Oppose ITL.

HB 587, relative to organ donation on a driver's license. MAJ: OTP/A. MIN: ITL. Vote 18-1.

HRA Analysis: This bill ensures that someone's choice to donate organs cannot be revoked after that person's death. Platform: "We believe in free people." One's decision on the disposition of one's body should not be overruled by another.

HRA Recommendation: Support OTP/A.

JUDICIARY

HB 270, commencement of foreclosure by civil action. MAJ: ITL. MIN: OTP. Vote 13-5.

HRA Analysis: This bill would change the State's foreclosure process adding costs and delays. The Platform commands; "Government Structure: Justify expenditures against measurable benefits."

HRA Recommendation: Support ITL.

HB 295, establishing a special marriage officiant license. MAJ: OTP. MIN: ITL. Vote 11-8.

HRA Analysis: This bill links marriage to domestic violence in order to fund a special account. Platform: Recognize marriage as the legal and sacred union between one man and one woman as ordained by God, encouraged by the State, and traditional to humankind, and the core of the Family

HRA Recommendation: Oppose OTP.

HB 410, allowing all state agencies and political subdivisions to have access to enhanced 911 information.

MAJ: OTP/A. MIN: OTP. Vote 15-8

HRA Analysis: This bill provides E911 location/address data to Department of Environmental Services. The amendment specifically limits the expanded access to the DES. Platform: Protect the privacy of individuals from government agencies and employees who abuse their power and position.

HRA Recommendation: Support committee amendment; Oppose OTP/A.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 211, inquiries by employers concerning salary history. MAJ: OTP/A. MIN: ITL. Vote 12-8.

HRA Analysis: Some businesses may use past salary to evaluate an applicants historical performance. When this is appropriate or even when it is unhelpful, it should be up to the employers to decide how to run their own businesses. Our platform seeks to minimize business regulations and prefers incentives to penalties. This bill takes the opposite approach. The committee amendment removes preamble unrelated to content of the bill.

HRA Recommendation: Support committee amendment, oppose OTP/A, support ITL.

HB 253, criminal records checks in the application process. MAJ: OTP/A. MIN: ITL. Vote 12-8.

HRA Analysis: In its list of exceptions, this language of the bill acknowledges that there are cases where criminal history might be needed on an application. The Legislature should not presume to know better than business owners need or want on their application forms. The law allows, with a little extra effort or cost, business to collect the same information in other ways (for example, via phone screening or background checks). Our platform asks us to minimize regulations, not increase them. The committee amendment appropriately removes language that would tell employers what to "consider" before rejecting an applicant.

HRA Recommendation: Support committee amendment, oppose OTP/A, support ITL.

HB 272, relative to temporary workers. MAJ: OTP/A. MIN: ITL. Vote 12-8.

HRA Analysis: This bill increases the paperwork required from a businesses seeking to contract temporary workers. This creates extra work for the businesses, opens the opportunity for Department of Labor violations, and disincentivizes filling even temporary positions with temporary workers. Our platform seeks to minimize business regulations and prefers incentives to penalties. This bill takes the opposite approach. The committee amendment removes some particularly difficult requirements.

HRA Recommendation: Oppose OTP or OTP/A, support ITL.

LEGISLATIVE ADMINISTRATION

HB 419, relative to the position of house clerk. OTP. Vote 12-2.

HRA Analysis: This bill clarifies that the clerk is a full time employee, and so eligible for benefits. No Platform or Constitutional issues identified.

HRA Recommendation: No recommendation.

MUNICIPAL AND COUNTY GOVERNMENT

HB 143, relative to incompatibility of offices. MAJ: OTP. MIN: ITL. Vote 14-5.

HRA Analysis: This bill forbids a person from serving on two boards simultaneously if the decisions of one are appealed to the other. No platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 206, eliminating timber taxes for certain properties. ITL. Vote 18-0.

HRA Analysis: This bill exempts residential properties from paying any timber tax. Since current law exempts most uses of timber (firewood, 10,000 board feet for personal use, Christmas trees, and landscaping), any further exemptions requires other taxpayers to pick up the slack. The Constitution requires uniform taxes.

HRA Recommendation: Support ITL.

HB 210, civil actions against public officials in cities or towns. NO RECOMMENDATION Vote 9-9.

HRA Analysis: This bill grants standing to sue local government to "any person, entity, or organization," and requires the government body to pay attorney's fees if a regulation is found unlawful. Platform: "it is our responsibility to hold government accountable," and attorney fees are an obstacle to private action.

HRA Recommendation: Support OTP.

HB 288, relative to notice of county convention meetings. MAJ: ITL. MIN: OTP. Vote 18-1.

HRA Analysis: This bill changes the notice requirement from published in a newspaper to posted by each of the towns in the county. No platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 334, relative to disposition of certain municipal records. OTP/A. Vote 17-2.

HRA Analysis: This bill requires retention of these records for 20 years, similar to other record retention requirements. No platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 392, requiring the northern New Hampshire correctional facility to make a payment in lieu of taxes to the city of Berlin. ITL. Vote 18-0.

HRA Analysis: This bill would require the state department of corrections to pay the school portion of local property taxes to the city of Berlin. Platform: “Maintain local control of spending and taxes designed to support local services.”

HRA Recommendation: Support ITL.

HB 407-FN, clarifying the non taxability of certain devices and equipment. OTP. Vote 18-0.

HRA Analysis: This bill puts a court case decision into statute. No platform or Constitutional issues.

HRA Recommendation: No Recommendation.

HB 636, state reimbursement of local property tax credits and exemptions. ITL. Vote 18-0.

HRA Analysis: This bill would repay localities for any tax credits and exemptions. While providing property tax relief, it would require frugal towns to subsidize spendthrift ones. Platform: Maintain local control of spending and taxes designed to support local services

HRA Recommendation: Support ITL.

SCIENCE, TECHNOLOGY AND ENERGY

HB 635, enabling a payment in lieu of taxes for a combined heat and power agricultural facility. MAJ: OTP. MIN: ITL. Vote 13-4.

HRA Analysis: This bill allows Berlin to agree with a facility to set its property taxes flat for 5 years, relying on the other taxpayers to cover any variances. The Constitution, Part 2, Article 5, gives the government the right to “levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants.” Different rates for different taxpayers violates that provision. On the other hand, the Platform urges us to support business by:

- * Remove barriers to business formation and encourage small businesses
- * Foster and attitude of assistance and cooperation with businesses and increase responsiveness
- * Work with municipalities to streamline planning and zoning barriers to business
- * Support cost-efficient means to develop and market agricultural, forest and high value natural resource products

HRA Recommendation: Vote your conscience.

TRANSPORTATION

HB 391, relative to permits for vehicle registration. MAJ: OTP. MIN: ITL. Vote 14-4.

HRA Analysis: This bill requires that a photo ID be presented to the town or city clerk to obtain a registration. Many towns require photo ID now and this bill will make the requirement uniform to limit unauthorized and fraudulent registrations. No platform or Constitutional issues.

HRA Recommendation: No Recommendation.

HB 401-FN, relating to youth operator’s licenses. MAJ: ITL. MIN: OTP. Vote 13-7.

HRA Analysis: This bill allows youth to apply for an overnight license, limited to specific routes. No platform or Constitutional issues.

HRA Recommendation: No Recommendation.

WAYS AND MEANS

HB 185, relative to contingently reducing the rate of the interest and dividends tax and repealing the tax in 5 years. MAJ: ITL. MIN: OTP/A. Vote 11-8.

HRA Analysis: This bill decreases the interest & dividend tax rate by 1% per year, then totally repeals it in 5 years. The Platform: “Cut or eliminate taxes which inhibit enterprise, earnings and savings and investment, such as the Interest and Dividends Tax”.

HRA Recommendation: Oppose ITL.

HB 438-FN, removing the exemption for premium cigars. MAJ: ITL. MIN: OTP. Vote 16-3.

HRA Analysis: This tax exemption supports a flourishing business sector. Platform: Remove barriers to business formation and encourage small businesses

HRA Recommendation: Support ITL.