

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



"TRUST BUT VERIFY"

**THURSDAY, FEBRUARY 9
REGULAR CALENDAR**

COMMERCE AND CONSUMER AFFAIRS

HB 112, requiring child resistant packaging for electronic cigarette cartridges. MAJ: ITL Vote: 16-2

HRA Analysis: This bill adds additional regulatory burdens on manufacturers of e-cigarette cartridges. The platform states, "Minimize business regulations, permits, licenses and paperwork."

HRA Recommendation: Support ITL

HB 161-FN, relative to beverage sales at farmers' markets. MAJ: OTP Vote: 14-3

HRA Analysis: This bill is not needed because the state already imposes a fee onto beverage manufacturers for each gallon of beverage sold or provided. However it does provide clarity that beer sold at farmers' markets is also taxable, to be fair to all beverage manufacturers. Since the tax is already imposed, and this bill doesn't change the taxable status, there is no platform issue.

HRA Recommendation: No Recommendation

HB 176, relative to the sale of cigar-related products. MAJ: ITL Vote: 13-4

HRA Analysis: Current statute requires that in order to retain a liquor license, a cigar bar must derive 60% of their sales from cigars and qualifying cigar related products. Restaurants on the other hand only need to achieve 50% of their sales from food to retain their liquor license and

that requirement disappears when they reach \$75,000 in annual food sales. HB 176, along with the floor amendment, relaxes that standard to say that once a cigar bar reaches \$100,000 in cigar sales, they no longer need to maintain the 60%/40% split. Our platform states that we should minimize business regulations, permits, licenses and paperwork and that we should foster an attitude of assistance and cooperation with business and increase responsiveness. Since many cigar bars are having difficulty achieving the current standard and are threatened with the loss of their liquor license, this bill will ease their regulatory burden.

HRA Recommendation: Oppose ITL, Support OTP-A

HB 242, relative to the definition of e-cigarette and the sale of tobacco products. MAJ OTP-A MIN:

ITL Vote: 15-3

HRA Analysis: The bill classifies an e-cigarette as a tobacco product even if it contains nothing tobacco-related. Even a stage prop that merely looks like a cigarette could require a tobacco license to sell. This is regulation for the sake of regulation. The platform says, "Minimize business regulations, permits, licenses and paperwork."

HRA Recommendation: Oppose OTP-A

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 420-FN, relative to ignition interlock requirements in manslaughter cases involving alcohol.

MAJ: OTP MIN: ITL Vote: 16-4

HRA Analysis: To punish an individual with an ignition interlock device in the case of manslaughter where alcohol was involved, an alcohol conviction should be required. Constitution issue: Article 15, Right of Accused, in NH Constitution protects person from being "...deprived of ... life, liberty, or estate, but by the judgment of his peers, or the law of the land.

HRA Recommendation: Oppose OTP

SB 12-FN, repealing the licensing requirement for carrying a concealed pistol or revolver.

MAJ:OTP MIN: ITL Vote: 12-8

HRA Analysis: This bill restores the right of all law-abiding New Hampshire citizens to discretely carry a firearm loaded. Platform says "oppose the requirement to obtain a license to carry a concealed firearm".

HRA Recommendation: Support OTP; Oppose any amendments

JUDICIARY

HB 109, exempting certain building plans from the right-to-know law. MAJ: ITL Vote: 12-5

HRA Analysis: The argument for privacy is weak as the records which would become protected will first be open to public access at hearings. If we want privacy for building plans, we need to remove the requirement of seeking permission for building on our private property.

HRA Recommendation: No Recommendation

HB 133, relative to a jury's determination as to the applicability of law. MAJ:OTP MIN:ITL Vote: 10-8

HRA Analysis: Jurors have an unquestioned right to judge the law as well as the fact in controversy. This right was famously used to acquit people who helped slaves escape. The only question is whether judges should inform jurors of their right. The platform states, "Provide instructions for juries in criminal proceedings that they have the power both to judge the facts and the application of the law to those facts."

HRA Recommendation: Support OTP.

HB 365-FN, relative to awarding attorney's fees under the right-to-know law. MAJ:OTP MIN:ITL Vote: 10-8

HRA Analysis: This bill seeks to require Attorney fees to be paid to the plaintiff if they are successful after filing a Right To Know lawsuit in Superior Court. The judicial council recommends this bill be OTP as it would help to limit the expenses someone has to pay in order to obtain information they are entitled to under the Right to know law. Further, it would encourage governmental entities to provide the required information under the right to know law. There is adequate protection to prohibit abuse of the system by plaintiffs if the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive. Additionally, current law establishes an extreme hurdle for the plaintiff seeking damages: "the court finds that the public body, public agency, or person knew or should have known that the conduct engaged in was in violation of this chapter." By removing that line the plaintiff must still prove his case. This sets an appropriate balance and conforms with our constitutional directive: Art. 8 "Government, therefore, should be open, accessible, accountable and responsive."

HRA Recommendation: Support OTP

MUNICIPAL AND COUNTY GOVERNMENT

HB 108, relative to municipal record retention and conversion. MAJ: OTP-A Vote: 12-1

HRA Analysis: Current law allows for storing electronic documents in PDF/A archival format. This bill expands that to also scanning paper records into this format and disposing of the paper copy if they so choose. No Constitution/platform issue.

HRA Recommendation: No recommendation

HB 118, relative to appropriations in petitioned warrant articles. MAJ: ITL Vote: 10-5

HRA Analysis: This bill deals with petitioned warrant articles and specifies that no notation of recommendation by the governing body is required if submitted by petition. No Constitution/platform issue.

HRA Recommendation: No recommendation

**HB 145, requiring municipal approval for siting high voltage transmission lines. MAJ:ITL
Vote:16-0**

HRA Analysis: This bill has competing platform issues: “Work to reduce energy costs” and “require that all energy and infrastructure projects be constructed in manner which does not negatively affect NH’s natural beauty and personal property values.”

HRA Recommendation: No Recommendation

PUBLIC WORKS AND HIGHWAYS

HB 368-FN-A, relative to the heating of certain state-owned buildings in Concord and making appropriations therefor. MAJ: OTP-A Vote: 19-1

HRA Analysis: The state finds itself without a heat provider because Concord Steam Co is shutting down. This bill takes the appropriate steps to solve the problem. Lower cost of government is a great reason to support this bill. From the platform, “Low Taxes, Low Spending Republicans realize that low taxes are the result of low spending. We believe that controlling spending and minimizing taxes are the best ways to protect the economic and civic well being of New Hampshire residents.”

HRA Recommendation: Support OTP-A

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 3, rescinding all applications by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. MAJ: ITL. MIN: OTP. Vote: 11-6

HRA Analysis: The Constitutions and the Platform are silent about the desirability of calling for a federal constitutional convention.

HRA Recommendation: No Recommendation

HR 7, calling on the United States Senate and House of Representatives to consider a constitutional amendment prohibiting campaign contributions unless the donor is eligible to vote in that federal election MAJ: OTP MIN: ITL Vote: 15-3

HRA Analysis: The Constitutions and the Platform are silent about the desirability of calling for Congress to consider such an amendment.

HRA Recommendation: No Recommendation

TRANSPORTATION

HB 88, relative to the motor vehicle registration fees for disabled veterans. OTP Vote: 18-0

HRA Analysis: This bill allows wounded veterans to apply for free registration and number plates. The platform states, “Respect NH honored veterans.”

HRA Recommendation: Support OTP

HB 124-FN, repealing certain aircraft registration fees. MAJ:OTP Vote: 15-3

HRA Analysis: We should always seek to pass pro-business bills, and reducing the burden on businesses and taxpayers by eliminating unnecessary taxes. The platform states “ minimize business regulations, permits, licenses and paperwork.”

HRA Recommendation: Support OTP

HB 227, relative to after-market tinting on side windows. MAJ: ITL. MIN: OTP Vote: 12-6

HRA Analysis: This bill would have allowed after-market tinting of windows on a vehicle’s front passenger and driver side. NH is one of just three states that do not allow tinting. The platform states, “We believe that individual liberty is guaranteed under the Constitutions of the United States and New Hampshire, that the liberty of the people must be protected above the power of the government.”

HRA Recommendation: Oppose ITL

WAYS & MEANS

HB 333-FN, removing the exemption for premium cigars from the tobacco tax. MAJ: ITL. MIN: OTP. Vote: 18-3

HRA Analysis: This bill creates a new tax on premium cigars of 65%. The platform clearly states “Strongly oppose new taxes and fees.”

HRA Recommendation: Support ITL

HB 357-FN-LOCAL, relative to the appraisal of telecommunications poles and conduits under local property taxation. MAJ: ITL. MIN: OTP. Vote: 20-1

HRA Analysis: This issue was settled by the 2015-16 Legislature to prevent cities and towns from creating disparate property valuations in order to increase taxes on utility poles. The platform has conflicting positions on this matter. While one plank states: “Cut or eliminate taxes which inhibit enterprise...”, another plank states: “Maintain local control of spending and taxes designed to support local services”.

HRA Recommendation: No Recommendation

CONSENT BILLS PULLED

HB 223, prohibiting recipients of county or municipal funds from using such funds for lobbying. MAJ: ITL.

HRA Analysis: State funds are already prohibited from being used to lobby to influence legislation. This bill would simply add county or municipal funds to that prohibition. Platform issue is “We believe that the New Hampshire and United States Constitutions were written by our forefathers to limit our government, not our freedom” and in our Constitution: “No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature...”

HRA Recommendation: Oppose ITL

