

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

Bill Number	Committee	Committee Vote	HRA recommends
CACR 10	Ways & Means	ITL 15-1	Support ITL
CACR 12	Judiciary (from consent)	ITL 16-2	Oppose ITL
CACR 16	Judiciary	ITL 16-2	Oppose ITL
HB 227	Commerce (from consent)	OTP/A 20-0	No Recommendation
HB 366	Election (from consent)	OTP/A 15-0	Oppose OTP/A
HB 456	Commerce (from consent)	Interim Study 20-0	No Recommendation
HB 566	Commerce (from consent)	ITL 19-1	No Recommendation
HB 1108	Judiciary	OTP 14-3	Support OTP
HB 1127	ED&A	ITL 18-1	Support ITL
HB 1135	Transportation	OTP/A 11-5	Support OTP/A
HB 1144	Commerce	OTP/A 10-7	No Recommendation
HB 1165	Judiciary	ITL 16-2	Oppose ITL
HB 1172	Criminal Justice	ITL 16-2	Support ITL
HB 1201	Judiciary	ITL 17-0	No Recommendation
HB 1234	Municipal & County	ITL 15-4	No Recommendation
HB 1237	Criminal Justice	OTP 18-1	No Recommendation
HB 1255	Education	ITL 14-5	Oppose ITL
HB 1266	Municipal & County	ITL 11-8	Support ITL
HB 1267	Judiciary	ITL 18-0	No Recommendation
HB 1302	Public Works	ITL 16-0	Oppose ITL
HB 1375	Municipal & County	ITL 16-3	No Recommendation
HB 1455	Science	ITL 12-3	Support ITL
HB 1475	Ways & Means	ITL 9-8	Oppose ITL
HB 1476	Ways & Means	ITL 18-2	Oppose ITL
HB 1477	Ways & Means	ITL 17-3	Oppose ITL
HB 1509	Ways & Means	ITL 12-8	Oppose ITL
HB 1556	Ways & Means	ITL 17-3	No Recommendation
HB 1573	Municipal & County	ITL 15-0	Oppose ITL
HB 1581	Public Works	OTP/A 15-0	Oppose OTP/A
HB 1590	Science	OTP 14-1	No Recommendation
HB 1597	Ways & Means	ITL 9-8	Oppose ITL

SB 3	Public Works (from consent)	ITL 15-0	No Recommendation
SB 116	ED&A (from consent)	OTP/A 17-2	No Recommendation

BILLS REMOVED FROM CONSENT (1/8/14)

COMMERCE AND CONSUMER AFFAIRS

HB 227, relative to property and casualty insurance. **OTP/A. Vote 20-0.**

HRA Analysis: This bill makes a number of what look like minor technical corrections to the insurance statutes. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 456-FN, relative to liquor manufacturers. **INTERIM STUDY. Vote 20-0.**

HRA Analysis: As written, this bill allows liquor manufacturers to distribute samples, sell at farmers' markets, and wholesale to licensed retailers. Since they are restricted to their own products, they have no significant advantage over other wholesalers, as the wineries did in HB331. The Hunt floor amendment allows limited wholesaling and sampling, so it reduces regulation on liquor manufacturers. The Platform, Part I, urges us to "minimize business regulations."

HRA Recommendation: No Recommendation on Interim Study, support Hunt amendment, support OTP/A.

HB 566, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or LPG. **ITL. Vote 19-1**

HRA Analysis: This bill would replace the option of futures contracts to limit prices for prepaid oil contracts with escrow accounts, which are difficult to manage and enforce. The recent problems with fuel delivery brought this issue to the attention of some members, so expect speeches on this bill. There are no Platform issues; either way, it's micromanaging regulation of businesses.

HRA Recommendation: No Recommendation.

ELECTION LAW

HB 366-FN, relative to showing a ballot. **OTP/A. Vote 17-0.**

HRA Analysis: This bill adds to the current prohibition on showing a marked ballot to another person a new ban on photographing and posting it via email or social media. This would probably be considered "showing" the ballot. In addition, the bill requires a new poster explaining this to be provided by the Secretary of State and posted by local election officials, which violates the Platform goal of "keeping government lean."

HRA Recommendation: Oppose OTP/A.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 116-FN, relative to the licensure of liquefied propane installation and service technicians. **OTP/A. Vote 17-2.**

HRA Analysis: This bill, as amended, corrects an oversight in the mechanical licensing board statute passed last year, which was being interpreted to allow water company employees to do plumbing and gas fitting without needing to have a license, or meet building and safety codes. The McGuire floor amendment implements a clarifying agreement between the plumbers and water companies. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

PUBLIC WORKS AND HIGHWAYS

SB 3-FN, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack. **ITL. Vote 15-0.**

HRA Analysis: This bill eliminates the tolls at exit 12. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

WEDNESDAY, FEBRUARY 5 REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1144, requiring information of a person acquitted of or not charged with a crime be removed from websites. **OTP/A. Vote 10-7.**

HRA Analysis: This bill, as amended, creates a study committee. The initial language was doubtless well-intentioned but unenforceable. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1172-FN, relative to mandatory ignition interlock device installation. **ITL. Vote 16-2.**

HRA Analysis: This bill would require all DWI offenders to have an ignition interlock installed, at the cost of pulling the pay and benefits of 5 monitoring employees from the highway fund. Current law already offers the courts, and the Commissioner of Safety, the opportunity to order one installed. The Platform, Part II, cautions us to “justify expenditures against measurable benefits”, and this change doesn't seem to offer any.

HRA Recommendation: Support ITL.

HB 1237, prohibiting residency restrictions for registered sex offenders and offenders against children. **OTP. Vote 18-1.**

HRA Analysis: The Platform, Part VI, cautions us to “ensure due process rights of those accused of child abuse”, and also to “establish strict laws against sexual predators.”

HRA Recommendation: No Recommendation.

EDUCATION

HB 1255, making students whose name appears on the voter checklist eligible for in-state tuition rates at schools in the university system of New Hampshire. **MAJ: ITL. MIN: OTP. Vote 14-6.**

HRA Analysis: These students have established residency in New Hampshire by registering to vote, and so should be eligible for the in-state tuition rates. The Platform, Part VI, wants us to “ensure voting is done by New Hampshire resident citizens only”, and having one definition of “resident” will make that easier.

HRA Recommendation: Oppose ITL.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1127-FN, relative to fees for certain charitable gaming licenses. **ITL. Vote 18-1.**

HRA Analysis: This bill would increase a licensing fee from \$500 to \$10,000. The Platform, Part II, reiterates our opposition to new fees and fee increases.

HRA Recommendation: Support ITL.

JUDICIARY

CACR 16, relating to the nomination and appointment of officers. Providing that judicial officers shall be confirmed by the legislature. **ITL. Vote 16-2.**

HRA Analysis: This constitutional amendment requires judges to be appointed by the Governor and approved by the legislature. The Platform, Part VII, urges us to “implement reasonable and periodic oversight of judicial officers”, and this does so.

HRA Recommendation: Oppose ITL.

HB 1108-FN, requiring voir dire examination of prospective jurors in all criminal cases. **OTP. Vote 14-3.**

HRA Analysis: The Constitution, Part 1, Article 15, asserts the right of the accused to a trial by jury, to have all evidence favorable to him produced, and to the judgment of his peers. The voir dire process can help to ensure an impartial jury.

HRA Recommendation: Support OTP.

HB 1165-FN-A, relative to the citizen’s petition for redress of grievances by the legislature; establishing a special fund, and making an appropriation therefor. **MAJ: ITL. MIN: OTP. Vote 16-2.**

HRA Analysis: The Constitution, Part 1, Article 32, declares that one of the main duties of the General Court is to hear and address petitions for redress of grievances. Establishing a formal procedure to do so is perfectly appropriate, as is setting aside a small amount of money to deal with those grievances that can be settled with money.

HRA Recommendation: Oppose ITL.

HB 1201-FN, relative to the accountability of public officials. **ITL. Vote 17-0.**

HRA Analysis: This bill expands the acts considered “official oppression.” No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1267, relative to removing public officials for cause. **ITL. Vote 18-0.**

HRA Analysis: This bill allows a standing committee to petition the governor and council for removal of a state employee, and adds failure to perform duties as a reason for removal. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1234, relative to municipal contracts for police chief. **MAJ:ITL. MIN: OTP. Vote 15-4.**

HRA Analysis: This bill clarifies that appointed police chiefs may have a fixed term. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1266, relative to the appointment of the town clerk. **MAJ: ITL. MIN: OTP. Vote 11-8.**

HRA Analysis: This bill would enable towns to vote to have an appointed, rather than elected, town clerk. The Constitution, Part 2, Article 5, ensures election of officials, and the town clerk is one of the primary officials in most towns.

HRA Recommendation: Support ITL.

HB 1375, permitting a municipal law enforcement agency to collect unwanted or illegal firearms. **ITL. Vote 16-3.**

HRA Analysis: Collecting and disposing of unwanted or illegal firearms, anonymously, at the local level, would offer criminals a lovely opportunity to dispose of evidence. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1573-FN, discontinuing regional planning commissions & requiring electing planning board members. **ITL. Vote 15-0.**

HRA Analysis: This bill would eliminate regional planning commissions (paid for by dues from localities, funded by local property taxes). Any centralized planning desired would be done by the governor's office of energy and planning (general fund). In addition, planning board members would need to be elected, rather than appointed. Regional planning boards gather most of their power from being able to distribute federal grants of one sort or another. The Platform, Part IX, warns us against accepting federal largess for rights and powers that belong to the states and the people.

HRA Recommendation: Oppose ITL.

PUBLIC WORKS AND HIGHWAYS

HB 1302, relative to certain driveway permits. **ITL. Vote 16-0.**

HRA Analysis: Current law has DOT issue driveway permits for property on state roads, and planning boards issue driveway permits on local roads. DOT sets their procedures in rules, which includes a limit on the number of driveways per lot using a 1971 map. This can cause a problem when a large lot (such as a farm) that existed in 1971 is subsequently broken up into smaller lots, each of which may need a driveway. DOT is effectively creating limits on growth and development via its rules. HB 1302 requires DOT to issue driveway permits to any lot created by a planning board which is only accessible via a state road, subject only to sight distance and drainage issues. The platform states that private property owners "have a fundamental right to freely use and enjoy their property." Arbitrary rules enforced by unelected bureaucrats stifle those property rights. At least elected planning boards are more accountable and can act on a case-by-case basis.

HRA Recommendation: Oppose ITL.

HB 1581-FN-A, relative to the bonding of project costs for certain DOT bridge capital projects. **OTP/A. Vote 15-0.**

HRA Analysis: This bill gives the DOT, together with the Governor and Council, the ability to issue up to \$50M in bonds, ostensibly for fixing bridges, to be paid back out of the highway fund. The bill cuts out the normal process of getting legislative approval in HB 25 for such borrowing. By way of comparison, last year's HB 25 had less than \$17M of such borrowing. The bill is repugnant to the spirit of the constitution, both in part 1 article 37, Separation of Powers, and part 2 article 56, Disbursements from Treasury. Both imply that the executive branch should not have borrowing and spending authority on their own; the legislature should be involved as well.

HRA Recommendation: Oppose OTP/A.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1455-L, authority of municipalities on agreements for payments in lieu of taxes. **MAJ: ITL. MIN: OTP. Vote: 12-3**

HRA Analysis: This bill eliminates the ability of municipalities to agree with renewable power generators to make payments in lieu of taxes, rather than simply pay their property taxes like everyone else. The Platform, Part II, asserts our support for "local control of spending and taxes designed to support local services" and the property tax is a local tax.

HRA Recommendation: Support ITL.

HB 1590-L, payments in lieu of taxes for renewable generation facilities in unincorporated places. **OTP/A. Vote 14-1.**

HRA Analysis: This bill clarifies that counties may agree on payments in lieu of taxes with facilities in unincorporated places, which have no town to do so. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

TRANSPORTATION

HB 1135-FN, relative to penalties for driving without a license. **OTP/A. Vote 11-5.**

HRA Analysis: This bill, as amended, sets limits on the fines for driving without a license and distinguishes driving with a recently expired license from driving with no license or a long-expired one. The Constitution, Part 1, Article 18 : "All penalties ought to be proportioned to the nature of the offense."

HRA Recommendation: Support OTP/A.

WAYS AND MEANS

CACR 10, Providing that all state moneys shall belong to a defined revenue class. **MAJ: ITL. MIN: OTP/A. Vote 15-1.**

HRA Analysis: This constitutional amendment would enshrine the accounting fiction of a dedicated fund. While we support maintaining the distinction between a fee and a tax, in the long run the budgeting process determines state spending. And since dedicated funds receive far less scrutiny than general fund spending, this amendment would create a higher level of protected expenditures. The Platform, Part II, requires us to “prioritize programs to ensure effective spending” and this amendment would hamper that process.

HRA Recommendation: Support ITL.

HB 1475, expanding the R&D tax credit as a reinvestment tax credit. **MAJ: ITL. MIN: INTERIM STUDY. Vote 9-8.**

HRA Analysis: This bill would expand the research and development tax credit to include other types of business than manufacturing, and other forms of reinvestment in profitable businesses. As the Supreme Court decided, “Distinctions in tax treatment must rest upon reasonable classifications of property, not upon classifications of taxpayers owning a common class of property” and business development property for non-manufacturers is more variable than for manufacturers. The Platform, Part II, urges us to “cut or eliminate taxes which inhibit enterprise” and this broad based credit does that.

HRA Recommendation: Oppose ITL.

HB 1476-FN, exempting proprietorships from taxation under the business enterprise tax. **ITL. Vote 18-2.**

HRA Analysis: Incorporated enterprises (Inc., LLC, PLC, PCC, type-S) are technically franchises of the State. A franchise is defined as the power granted by the State to do business in a manner not available to the general public (without liability). In 1903, the people of the State authorized the expansion of taxation to include additional forms of property such as franchises. If the business enterprise tax is lawful, it is because it is a franchise tax. If the business enterprise tax is a franchise tax, it cannot be levied on non-franchises such as proprietorships. A proprietorship is legally identical to its owner(s), and the owners are fully liable for the actions of the proprietorship. If the business enterprise tax cannot be levied on individuals, how can it be levied on the proprietorships with whom they are identical? This is entirely consistent with supreme court decisions as the distinction is solely in the class of property, franchise or proprietorship, and not upon any distinction in the owner

HRA Recommendation: Oppose ITL.

HB 1477-FN-A, exempting proprietorships from taxation under the business profits tax. **ITL. Vote 17-3.**

HRA Analysis: As with HB1476, proprietorships are not franchises and therefore taxation is not lawful.

HRA Recommendation: Oppose ITL.

HB 1509-FN-A, relative to including nonprofit charitable enterprises in the business enterprise tax and lowering the rate of the tax.

MAJ: ITL. MIN: INTERIM STUDY. Vote 12-8.

HRA Analysis: This bill would tax the “unrelated business activity” of large charities under the BET and lower the rate of the BET tax from 0.75% to 0.68%, saving state businesses \$21 million, less that collected from the charities. These “unrelated business activities” include things like the doctors' practices owned by hospitals, which when independent paid both BET and BPT. The Platform, part II, urges us to “cut or eliminate taxes which inhibit enterprise”, and this bill would cut the BET by almost 10%.

HRA Recommendation: Oppose ITL.

HB 1556-FN, defining poker as a game of skill. **ITL. Vote 17-3.**

HRA Analysis: This bill would remove poker from the jurisdiction of the Racing & Charitable Gaming Commission, and largely eliminate charitable gaming in the state. On the other hand, private enterprises might offer for-profit poker games. No Platform or Constitutional issues identified.

HRA Recommendation: No Recommendation.

HB 1597-FN-A, reducing the rate of tax on meals under the meals and rooms tax. **MAJ: ITL. MIN: OTP. Vote 9-8.**

HRA Analysis: This bill would set a separate, lower rate for meals, which is largely paid by New Hampshire citizens. With the economy recovering, increased revenues are projected to make this change revenue neutral to the state and a saving to everyone buying meals in the state. The Platform reminds us that “low taxes are the result of low spending”, and preventing a growth in revenue will help restrict a growth in spending.

HRA Recommendation: Oppose ITL.

BILLS REMOVED FROM CONSENT

CACR 12, Providing that judges and the attorney general shall be elected. **ITL. Vote 16-2.**

HRA Analysis: This constitutional amendment requires judges to be elected. The Platform, Part VII, urges us to “implement reasonable and periodic oversight of judicial officers”, and electing them does so.

HRA Recommendation: Oppose ITL.