

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.



REGULAR CALENDAR WEDNESDAY, MARCH 24

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. **OTP. Vote 15-2.**

HRA Analysis: This bill original was referred to the House by the Commerce and Consumer Affairs committee with an OTP/A recommendation. That recommendation was passed on a January 6, 2010 on a 242-104 division vote. At that time the HRA recommendation, which we continue to assert, was the following: “*The Platform says we are “Working to prevent over-regulation of business.” Mandating a specific aversion agent, with no protection for manufacturers if it is ineffective or has other deleterious effects, is over-regulation. Let the market decide.*” There are very few accidental deaths resulting from ingesting anti-freeze, however left on resolved are what the aversive (bitting) agent would be and how it would affect engines and, most importantly, the environment. This is a solution looking for a problem and finding unintended consequences.

HRA Analysis: Oppose OTP

HB 1544-FN, relative to penalties for forestry violations. **OTP. Vote 17-0.**

HRA Analysis: This bill originally came out of the Resources, Recreation and Development Committee. The Committee’s OTP report was adopted on January 17, 2010 on a voice vote when the bills on the consent calendar were adopted. A review of the law does not indicate any platform or constitutional issues.

HRA Analysis: No Recommendation.

HB 1579-FN, relative to electioneering by public employees. **OTP. Vote 17-0.**

HRA Analysis: This ED&A bill was on the February 10, 2010 consent calendar where it was removed, it appears, for reasons other than substantive objections to the bill. It was passed on a voice vote. The latest amendment appears to further strengthen the prohibition of publicly compensated electioneering by public officials and the use of public resources for electioneering. The bill itself strengthens criminal sanctions against public official electioneering. NH Republicans support “[e]nforcing the prosecution of perpetrators of voter fraud and election tampering.” [Platform, Art. IX.] This bill supports that goal.

HRA Analysis: Support OTP.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 218-FN, relative to the state park fund. **REFER FOR INTERIM STUDY. Vote 11-5.**

HRA Analysis: The State Parks Division had been found to be using this fund as a checkbook, contrary to its statutory definition. The bill attempted to redefine the fund to its actual use, but eliminated the appropriate controls for managing the people’s money. The Platform, Section V, affirms that state government must be lean and responsible to the people.

HRA Analysis: Support Interim Study.

HB 1471, requiring the governor's office of energy and planning and the board of home inspectors to develop a document relative to home energy efficiency for home buyers. **MAJORITY: OTP. MINORITY: ITL. Vote 9-8.**

HRA Analysis: The minority blurb clearly states the problems with this nanny state program. We have reassigned the systems benefit charge funds to home heating subsidies this year, so using any of the remainder of energy efficiency funds for this sort of forced "education" is foolish, wasteful and redundant. The committee debate was a striking example of the philosophical difference between the parties.

HRA Recommendation: Oppose OTP, support ITL

FINANCE

HB 646-FN-L, relative to caps on total billings to counties for nursing home care services. **ITL. Vote 22-3.**

HRA Analysis: This bill is seeking to clarify the downshifting of costs from the state to the county. There does not seem to be a Constitution or Platform issue here.

HRA Recommendations: No Recommendation

HB 1226, relative to caregiver support services for the elderly. **MAJORITY: OTP/A. MINORITY: REFER FOR INTERIM STUDY. Vote 13-9.**

HRA Analysis: This bill puts into statute what is currently being done by the department of health and human services using federal funds under Title III. There is concern that this bill will create legal rights and put the state at risk of yet another class-action lawsuit. This bill would make permanent a state service. Section VII of the Platform recognizes that low taxes are the result of low spending.

HRA Recommendations: Oppose OTP/A; Support Interim Study.

HB 1428-FN, relative to death benefits for surviving spouses of a New Hampshire retirement system member. **MAJORITY: OTP. MINORITY: ITL. Vote 14-11.**

HRA Analysis: Current retirement system law terminates the pension of a surviving spouse on his or her remarriage. The bill would eliminate that restriction and allow a surviving spouse to continue to receive a pension even after remarriage. This would increase costs to a system that is already broken. Section VII of the Platform recognizes that low taxes are the result of low spending.

HRA Recommendations: Oppose OTP and Support ITL.

HB 1495, relative to approval of chartered public schools from July 1, 2009 through June 30, 2011. **OTP/A. Vote 23-2.**

HRA Analysis: This bill removes the moratorium on state board of education approval of new public charter schools. Section XI of the Platform encourages School Choice.

HRA Recommendations: Support OTP/A.

HB 1537, allowing primary care providers to provide preventive oral health services to children between 0 and 3 years of age under the state Medicaid program. **MAJORITY: OTP. MINORITY: REFER FOR INTERIM STUDY. Vote 14-8.**

HRA Analysis: This is an expansion of health services in the Medicaid program. Section VII of the Platform recognizes that low taxes are the result of low spending.

HRA Recommendations: Oppose OTP and Support Interim Study or better yet ITL.

HB 1598-FN, relative to the use of Temporary Assistance to Needy Families (TANF) funds. **ITL. Vote 21-4.**

HRA Analysis: This bill seeks to retain surpluses in the TANF program exclusively for that purpose. There does not appear to be a Constitution or platform issue here.

HRA Recommendations: No Recommendation

HB 1664-FN, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures. **OTP/A. Vote 24-0.**

HRA Analysis: This bill cuts \$47 million in spending. Section VII of the Platform recognizes that low taxes are the result of low spending.

HRA Recommendations: Oppose Any Tabling Motion; Support OTPA; Oppose ITL.

HB 1672-FN, making appropriation additions and revenue reductions for fiscal year 2011. **MAJORITY: ITL. MINORITY: OTP/A. Vote 14-10.**

HRA Analysis: This bill reduces revenue. Section VII of the Platform recognizes that low taxes are the result of low spending.

HRA Recommendations: Oppose ITL and Support OTP/A.

LEGISLATIVE ADMINISTRATION

HB 1693, relative to the powers of the joint committee on legislative facilities. **MAJORITY: ITL. MINORITY: OTP. Vote 10-7. ITL. MINORITY: OTP. Vote 10-7.**

HRA Analysis: This bill fundamentally restores the rights of people to carry weapons in the State House and complex buildings. Section IX in the Platform supports the right to keep and bear arms.

HRA Recommendations: Oppose ITL and Support OTP.

PUBLIC WORKS AND HIGHWAYS

SB 305, naming a bridge in Lisbon in honor of Specialist Alan J. Burgess. **OTP/A. Vote 13-0.**

HRA Analysis: U.S. Army Specialist Alan J. Burgess died on October 15, 2004 while defending our country and our state in Mosul, Iraq. He was 24 at the time of his death and resided in Landaff. He was assigned to 2nd Battalion, 197th Field Artillery Brigade, Army National Guard, Woodsville, New Hampshire. Spec. Burgess died when an I.E.D. detonated near his patrol vehicle. His service and his sacrifice have brought great honor to himself, his family and his state. All we have to offer in return are small and inadequate gestures such as this naming of a bridge, but in doing so we will remind future generations that Alan J. Burgess, a New Hampshire warrior and hero, once lived among us.

HRA Recommendation: Support OTP/A

HB 2010, relative to the state 10-year transportation improvement program. **OTP/A. Vote 18-0.**

HRA Analysis: This bill authorizes the “State of New Hampshire Ten Year Transportation Improvement Plan 2011-2020,” which itself contains many good projects, but is fundamentally not fiscally responsible. One preliminary note: it appears that the reference in the Majority Report to SB 450 was in error. The reference should be to HB 450, which was adopted and signed by the Governor on February 2, 2010. HB 450, which substantially amended RSA 240:3, requires the Department of Transportation to obtain approval from the Legislature before removing any project from the Ten Year Plan. The Ten Year Plan and therefore HB 2010 is fiscally irresponsible, however, because the included projects are not all funded, but that appears to be business as usual for ten year plans. One positive aspect of the bill is that it appears that the unnecessary, uneconomical rail project that would be a constant drain on the state treasury and therefore taxpayers is further controlled by the bill, because the Legislature is obtaining budgeting oversight of the expansion of passenger railway service into the state. No such expansion can take place without legislative approval. This provision of the bill recommends it as more responsible than the current lack of oversight. Given the conflicting provisions of this bill, no recommendation is provided. Each member should weigh for themselves the irresponsibility of not making hard decisions now against the benefits of the Legislature having an opportunity to control the wasteful expansion of passenger railways.

HRA Recommendation: No Recommendation.

WAYS AND MEANS

HB 271, relative to relevant information in a workers' compensation claim. **OTP. Vote 10-3.**

HRA Analysis: This bill was adopted on a 180 to 141 division vote on a Labor, Industrial and Rehabilitative Services Committee Report before it was sent to Ways and Means. Going into that vote, HRA's analysis and recommendation, which it maintains, were as follows: *“Our platform supports the privacy of individuals. This bill was filed for an isolated incident where personal information was mistakenly released. While the intent of the bill was noble, the end result was overly punitive to one segment of the industry, while not holding others responsible for their part of the process. In this regard, the bill is not ready for prime time.”*

HRA Recommendation: Oppose OTP; Support ITL

HB 507-FN, relative to taxes, fees, and credits under the insurance laws. **MAJORITY: OTP/A. MINORITY: ITL. Vote 10-9.**

HRA Analysis: This Commerce and Consumer Affairs Committee bill was adopted on a 208-146 division vote before it was sent to Ways and Means. The HRA's analysis at that time was that this was yet another tax increase and we opposed OTP/A. We join with the drafter of the minority report in maintaining this recommendation.

HRA Recommendation: Oppose OTP/A; Support ITL.

HB 558-FN, establishing a procedure for leasing state parks. **OTP. Vote 10-6.**

HRA Analysis: On January 13, 2010 an OTP/A motion for this bill out of Resources, Recreation and Development Committee lost on a division vote of 157-171. Thereafter it was recommitted despite an ITL motion by Rep. Chandler. The recommitment won on a roll call of 172-158, with only eight Republicans supporting recommitment. The bill reached the House floor again on February 10, 2010 with an OTP/A recommendation that passed on a 213-131 vote, supported by 26 Republicans and opposed by the rest. The HRA recommendation the last time this bill appeared before the House was: *“Several objectionable parts were removed. However, it still adds additional costs and red tape to any effort to lease a state park. It creates a distinct commission for every proposed lease. Part of the GOP Platform is to encourage business. This bill does the opposite. It is not needed.”* The Ways and Means committee did not change the bill and did not address concerns over protecting the memorial to veterans at Veterans Memorial Park on Echo Lake in Franconia Notch; we see no need to change the recommendation.

HRA Recommendation: Oppose OTP; Support ITL.

HB 630-FN-A, relative to live racing in New Hampshire. **MAJORITY: OTP. MINORITY: ITL. Vote 12-5.**

HRA Analysis: This Local and Regulated Revenue bill passed the House on January 13, 2010 on a voice vote before being referred to the second committee. It is now back with the same recommendation. Republicans cannot meet their commitment to making New Hampshire *“the best place . . . to do business. . .”* and a state *“having a supportive business climate. . .”* when we are outlawing a legitimate business that is not particularly harmful to animals, because industry practices violate some peoples’ sensibilities [Platform, Art. VI.] If you don’t like to see animals run around in a circle, don’t go to a track. If you don’t like don’t like to smoke, don’t go to a cigar bar. If you don’t like people making a lot of money and then using it in evil ways, then don’t stop by the headquarters of George Soros’ hedge fund. In the meantime, leave those businesses and their legitimate activities alone.

HRA Recommendation: Oppose OTP; Support ITL.

HB 1239, relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements.

MAJORITY: OTP/A. MINORITY: ITL. Vote 17-3.

HRA Analysis: This Resources, Recreation and Development Committee bill passed on a 186-124 division vote in its last appearance before the House. At that time the HRA analysis was: *“Our party platform opposes over-regulation. We recognize that exorbitant fines become taxation of a particularly pernicious kind. Moreover, permitting bureaucrats to enforce their unreviewed and therefore unrestrained rulings by denying governmental services is certainly a step toward the soft tyranny that we, as Republicans and representatives of a free people, should oppose wherever, as in HB 1239, it surfaces.”* There is no need to change the analysis or the resulting recommendation.

HRA Recommendation: Oppose OTP/A; Support ITL.

HB 1286, requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers.

OTP/A. Vote 15-3.

HRA Analysis: On February 10, 2010, this Education Committee bill passed on a 225-61 division vote during its journey to Ways and Means. The bill was not reviewed for an HRA recommendation at that time because it came off of the consent calendar. The additional fee that was in the original bill has been removed, thereby removing a fiscal objection to the bill. Absent that objection, this bill should be supported by Republicans because it establish a *“strict law[] to protect our children from sexual predators. . .”* [Platform, Art. IX.]

HRA Recommendation: Support OTP/A

HB 1520, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development. **MAJORITY: OTP/A. MINORITY: ITL. Vote 12-8.**

HRA Analysis: This bill came out of the Resources, Recreation and Development Committee and was voted OTP/A by the House on January 27, 2010 by a roll call of 218-121, with only 5 Democrats joining the 116 Republicans opposing the bill. Thirty-six Republicans joined 182 Democrats to support the bill. At that time the HRA’s analysis was the following: *“Our party platform mandates us to work for a government that will “preserve and protect individual liberty [and that is] founded upon the people’s consent.” [Platform, Article V.] Ceding to a state agency rule making power that includes the right to designate behavior that will result in \$2000 administrative fines and transferring to that agency a power to define new misdemeanor crimes, and then incentivizing local police to become revenue agents collecting those fines so their towns and cities will get half, neither respects the liberty of our fellow citizens nor ensures the criminal laws they live under will be founded upon their consent exercised.”* This analysis continues to define the bill. Our party’s platform commits to the public that we will oppose bills such as HB 1520. Let’s hope that 36 more Republican members begin to understand what the vast majority of our caucus knows: we are a party that is for liberty and not for fine-tuning a large government run by an empowered executive branch.

HRA Recommendation: Oppose OTP/A; Support ITL.

HB 1534, relative to the issuance of air permits and certain fees relative to air permits. **OTP/A. Vote 12-5.**

HRA Analysis: This Science, Technology and Energy committee bill came off of the consent calendar on January 27, 2010 and passed the House on a voice vote. The HRA had the following analysis leading into that vote: *“Those who are fans of new licensing and broad agency regulations and rule making authority, will surely appreciate HB 1534, for this bill will requires that “[t]he construction, installation, operation, or modification of any device ... shall be prohibited unless the source possesses a temporary permit or operating permit whether a permit-by-notification, general permit, or an individual operating permit issued by the commissioner [of the Department of Environmental Services].” What are or are not such air devices and what the conditions will be required for permits to use them are left to the discretion of state employees, subject to, most likely, only the most cursory oversight. We can legislate more competently for our constituents than this and certainly can do more to avoid violating our party’s goal to avoid unnecessary regulation of business [Platform, Article V.]”* We can only add that if you like new fees, you will have an additional basis to be pleased with HB 1534. There is no reason to change the original recommendation.

HRA Recommendation: Oppose OTP/A.

HB 1613-FN, relative to the general banking laws of the state. **MAJORITY: OTP. MINORITY: ITL. Vote 14-5.**

HRA Analysis: The Commerce and Consumer Affairs committee sent along this bill on the consent calendar and it passed on March 3, 2010 on a voice vote passing consent calendar bills. We join with the minority report out of Ways and Means in the concern that fee increases of \$1500 to \$10,000 in one instance, and \$5000 to \$10,000 in another instance, are excessive and will dissuade banks from coming into New Hampshire. Republican know that taxes by any other name, include naming them “fees”, are still taxes and that *“promoting lower taxes to attract business development and expand economic opportunities.”* [Platform, Art. 7.] These enormous fee increases are unjustified in this time of recession and would be destructive of business expansion and, therefore, jobs.

HRA Recommendation: Oppose OTP; Support ITL.

The inherent vice of capitalism is the unequal sharing of blessings; the inherent virtue of socialism is the equal sharing of misery.

Winston Churchill

Freedom Matters, Freedom Works

Following the April 17th Annual Republican State Committee Annual Meeting

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U.S. Congressman Connie Mack

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