

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, the NH and Federal Constitutions.



WEDNESDAY, FEBRUARY 1 REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1449, requiring a search warrant for searches of privately-owned property. **ITL Vote 8-5**

HRA Analysis: We represent the people against an overreaching government. The NH Constitution guarantees protections of liberty: [Art.] 19, Part I. [Searches and Seizures Regulated.] "Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, ... if the order, in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued; but in cases and with the formalities, prescribed by law." This bill aims to further those rights in statute.

HRA Recommendation: Oppose ITL and Support OTP

EDUCATION

HB 1360, relative to the rulemaking authority of the state board of education. **MAJ: OTPA MIN: INTERIM STUDY Vote 13-4**

HRA Analysis: the Constitution, Part 1, Art. 12 states "Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent." It is our duty to ensure that all rules, which have the effect of law, are approved by the people or their representatives. Most rules go through JLCAR, which checks them for conformance with legislative intent and refers them to the full House in cases of conflict. As of this year, rules based on new laws go to the policy committee for more intensive review. However, the committee on Education, finding that the Board of Education, on more than one occasion, has conned or confused JLCAR, is taking it on themselves to review all educational rules.

HRA Recommendation: Support OTPA

HB 1383, relative to residency status for purpose of receiving in-state tuition status within the university system of New Hampshire. **MAJ: OTPA MIN: ITL Vote 11-5**

HRA Analysis: A simple bill that requires those receiving in-state tuition at USNH be legal residents of the United States. Since our platform supports "Strengthening national border security, enforcing immigration laws, and opposing any form of amnesty for illegal aliens", this is an easy call.

HRA Recommendation: Support OTPA

HB 1433, relative to instruction for pupils on the issues of HIV, AIDS, and sexually transmitted diseases. **OTPA Vote 13-3**

HRA Analysis: Directs the state Board of Education to evaluate the effectiveness of instruction on STDs, and report to the House and Senate education committees by May 1, 2012. The bill implies that there exists statewide "curriculum frameworks" that determine what is taught in schools. Our platform advocates a different system of locally determined education policy.

HRA Recommendation: No recommendation

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1274-FN, abolishing the department of cultural resources. **OTPA Vote 15-0**

HRA Analysis: The original bill would have broken up the cultural resources department, keeping some pieces elsewhere and losing others. This is already the House position as it was part of HB2, that was subsequently rejected by the Senate and the committee of conference. We would continue to support that as promoting limited government and efficiency,

however it may be fruitless to send the same concept to the Senate for a second try. The committee's amendment completely changes the bill into a plan for the McAuliffe-Shepard Discovery Center. The current budget gave them increased funding in FY12 and only \$227,000 in FY13 as they transitioned to a private entity. This amendment gives them much more: free rent and maintenance for 10 years, state assumption of all debts, and an extra \$386,000 from the general fund in FY13. It's fun spending other people's money, isn't it?

HRA Recommendation: Oppose the amendment; if it fails support OTP, otherwise oppose OTPA

HB 1285-FN, repealing the state art fund. **MAJ: OTP MIN: ITL Vote 8-7**

HRA Analysis: The Constitution, Part 2, Art 83 “ it shall be the duty of the legislators and magistrates ... to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts ...”. Opponents of this bill are insistent that, without a dedicated fund to bond 0.5% of the cost of state buildings for commissioned art, we are not encouraging art. Proponents believe that the legislature, forced to consider and fund art as a specific item, will encourage and cherish it appropriately.

HRA Recommendation: Support OTP

JUDICIARY

HB 1181, relative to offers of judgments. **MAJ: OTP MIN: ITL Vote 14-3**

HRA Analysis: This bill creates a formal procedure where one side (A) to a lawsuit can offer to settle (with B). If B rejects that offer and the final judgment is less favorable to B than the offer, and if the judge rules that B was unreasonable in rejecting the offer, then B can be made to pay for A's attorney fees and other costs from the time the offer was made. The point is to create added incentive to settle lawsuits and avoid trials. The platform states “We will work to maintain a legal system that provides every citizen prompt and impartial justice by ... Recognizing that frivolous lawsuits are burdensome to our legal system, a detriment to the New Hampshire economy, and an abuse of the judicial process.” Close enough.

HRA Recommendation: Support OTP

HB 1397, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. **MAJ: ITL MIN: OTP Vote 13-4**

HRA Analysis: A similar bill on the subject of jury nullification passed the House last year and the Senate recently passed it without any significant change. Therefore, HB 1397 is unnecessary.

HRA Recommendation: No recommendation

HB 1565, establishing a committee to study landlord-tenant law and practice. **ITL Vote 13-4**

HRA Analysis: No platform issues identified.

HRA Recommendation: No recommendation

MUNICIPAL AND COUNTY GOVERNMENT

HB 1242, relative to membership dues paid by towns. **MAJ: ITL MIN: OTP Vote 16-1**

HRA Analysis: the Constitution, Part 1, Art. 8 states “the public’s right of access to governmental proceedings and records shall not be unreasonably restricted.” This bill has no 28-a issue; it merely asks that the information be made easily available. Posting on the “town's website, if any” imposes no costs, and posting in the clerk's office is standard for a lot of information, from opening hours to meeting times. Since this bill asks for the amount of dues the town chooses to pay for its employees and officials, it is, as the majority report indicates, within the public's right to know.

HRA Recommendation: Oppose ITL and support OTP

HB 1711, relative to the use of cooking fires. **MAJ: ITL MIN: OTP Vote 16-1**

HRA Analysis: The Platform, Part V, states “New Hampshire's government and its elected officials must, above all else, preserve and protect individual liberty. ... The preservation of the rights of our people should always constrain the actions of government.” Peaceful enjoyment of one's property without needing a permit is the quintessence of individual liberty.

HRA Recommendation: Oppose ITL and support OTP

PUBLIC WORKS AND HIGHWAYS

HB 1165, naming a bridge in the town of Meredith the POW/MIA Vigil and Freedom Ride bridge. **OTPA Vote 11-0**

HRA Analysis: No platform issues identified.

HRA Recommendation: No recommendation

HB 1400-FN-A, allowing the department of transportation to sell naming rights for certain structures. **INTERIM STUDY Vote 13-0**

HRA Analysis: This bill lets the DOT Commissioner issue RFPs to sell naming rights to structures like bridges, exits, toll booths, etc to benefit the highway fund. No platform issues identified.

HRA Recommendation: No recommendation

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 32, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. **MAJ: OTP MIN: ITL Vote 9-1**

HRA Analysis: Our platform states that we "... oppose centralization of power" and reject "... the imposition on the citizens of New Hampshire of law contrary to our founding principles and documents and our system of government." This resolution suggests to Congress that we withdraw from the UN for similar reasons.

HRA Recommendation: Support OTP

HCR 34, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. **MAJ: OTP MIN: ITL Vote 9-2**

HRA Analysis: NAFTA is really a managed trade scheme, not simple free trade. This is evidenced by its sheer length, 2,000 pages. While some of this resolution is valid, its first sentence, "...millions of jobs have been lost by Americans due to NAFTA..." is at best misleading. In fact, NAFTA was an improvement over previous tariffs, has made a small net positive contribution to the US GDP, and the number of US jobs has not declined as a result.

HRA Recommendation: No recommendation

WAYS AND MEANS

HB 1652-FN-A, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account.

MAJ: OTP MIN: ITL Vote 14-5

HRA Analysis: This bill takes the surplus from FY11, thought to be about \$26M, and puts it in the rainy day fund, which is down to a minimal \$9M. The main argument for the bill is that it will help to get us a better bond rating. As President Washington said, "As a very important source of strength and security, cherish public credit." Clearly, as fiscal conservatives, this bill is better than spending the surplus, but tax cuts would be better yet. Maybe next year...?

HRA Recommendation: Support OTP

BILLS REMOVED FROM THE CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 445-FN, relative to the regulation of electronic tracking devices. **INTERIM STUDY 14-0**

HRA Analysis: This bill, with the Kurk floor amendment, bans the use of electronic tracking devices such as RFID cards and GPS locators, with some exceptions. The platform, Section V, affirms "New Hampshire's government and its elected officials must, above all else, preserve and protect individual liberty," so we support the intent of this bill.

HRA Recommendation: Oppose Interim Study, support the Kurk floor amendment and support OTPA

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 138-FN, relative to the cold case homicide unit. **OTP 16-1**

HRA Analysis: This bill removes the sunset provisions of the State Police's Cold Case Unit, and allows the department to seek grants or other funds to try to continue the program which costs roughly \$350,000 annually. While punishing murderers is surely one of the core functions of government, the committee apparently thinks so little of the performance of the Cold Case Unit that they are only willing to fund it with other people's money. Several different platform principles seem to be in conflict here. For example, on the one hand "we support increased efforts to enforce penalties against those who commit crimes" and on the other we want government that is "effective and efficient."

HRA Recommendation: No recommendation

JUDICIARY

HB 574, relative to the taking of private property during a state of emergency. **OTP 16-0**

HRA Analysis: This bill repeals RSA 4:46 with gives the state the ability to seize property in declared emergencies. That section was hastily adopted in the wake of 9/11. The problem is that so-called "emergency" powers end up becoming normal operating procedure. For example, the federal government declared 729 disasters in 2011, including three in New

Hampshire. If the government can arbitrarily take property during an emergency, what incentive do people have to prepare for those emergencies? The platform supports property rights: “The Republican Party recognizes that private ownership of property is fundamental to a free and well ordered society.”

HRA Recommendation: Support OTP

MUNICIPAL AND COUNTY GOVERNMENT

HB 121, establishing a committee to study eligibility for property tax exemptions for the permanently and totally disabled.

OTPA 16-0

HRA Analysis: Note that the title would be completely replaced by the committee's amendment. This bill allows a property tax exemption that currently applies to disabled social security recipients to also apply to those disabled who happen not to be part of the social security system. As our platform clearly states, we “support initiatives that lower property taxes for those in need.”

HRA Recommendation: Support OTPA

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HCR 26, declaring that the Claremont case’s mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches. **INTERIM STUDY 14-1**

HRA Analysis: At the risk of sounding grandiose, HCR 26 is akin to the Declaration of Independence. There, the king had usurped the rights of the states and the people, and the Declaration was written to say, 'No more, we will no longer allow a tyrant to trample our rights'. Though the Declaration, in and of itself, had no legal standing, it became an educational tool and the rallying cry for all colonial patriots, and the rest is history. HCR 26 is the legislature's declaration that the judicial branch of our state government has, through their Claremont education funding decisions, usurped the constitutional authority of the other two branches to enact law, set education policy, and funding. HCR 26 specifies several grievances where the judiciary overstepped its constitutional bounds and legislated from the bench. Our party platform strongly supports educational control by localities and the people's elected representatives rather than the courts.

HRA Recommendation: Oppose Interim Study and support OTP

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 2, in support of the Arizona immigration law. **OTPA 10-0**

HRA Analysis: Our platform advocates “strengthening national border security, enforcing immigration laws, and opposing any form of amnesty for illegal aliens” and these things are the subject of the Arizona law.

HRA Recommendation: Support OTPA