

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"

Wednesday, February 15, 2017
Regular Calendar

Children and Family Law

HB646, rel to the placement and detention of a minor in a secure facility. OTP/A Vote: 14-0

HRA Analysis: As amended the Bill reduces the approved capacity of the Sununu Center from 144 to 72 which is commensurate with the population that is now sent there. It limits commitment to violent offenses or where there have been previous violent offenses. This preserves the investment made in the Sununu Center 10 years ago. Unamended the Bill would have eventually closed the Sununu Center. This will allow the facility to be moved to a system that is more conducive to rehabilitation, commensurate with Part 1, Article 18 of the Constitution of the State of New Hampshire. The remainder of the Bill works the Juvenile Justice system toward treatment of non-violent offenders nearer their homes. This would be an implementation of the successful "Missouri" system, which has lower recidivism.

HRA Recommendation: Support OTP/A, do not support OTP without the amendment.

Criminal Justice and Public Safety

HB350, prohibiting possession of a firearm at a polling place. Maj. ITL; Min. OTP Vote: 9-7

HRA Analysis: This bill attempts to limit the Natural and Inherent rights of men, as recognized in the Constitution of New Hampshire among which are the right to keep and bear arms in defense of themselves, their families, their property and the state.

HRA Recommendation: Support ITL

**HB643, mandating the wearing of body cameras by certain law enforcement officers. ITL
Vote: 13 -3**

HRA Analysis: On the one hand, creating a separate class to be treated differently is against the party platform, but equally weighted is the objective analysis and freedom to record public officials in the line of their work.

HRA Recommendation: No Recommendation

Education

HB354, making an appropriation to the department of education to provide additional adequate education grant payments to certain municipalities. OTP/A Vote: 18-0

HRA Analysis: As a result of the Dover suit over capped education funding, the court also ruled that an additional 24 municipalities were entitled to the difference between the funds received and the amount they would have received if not capped. This bill makes that appropriation. No platform issue identified.

HRA Recommendation: No Recommendation

**HB 386-FN, relative to technical corrections to the education tax credit statute. MAJ: OTP.
MIN: ITL. Vote 11-6.**

HRA Analysis: This bill makes minor changes to the education tax credit statutes to remove some restrictions and allow for additional uses of the scholarship funds. The platform states "Expand education tax credits".

HRA Recommendation: Support OTP

HB 597-FN-LOCAL, relative to calculating the cost of an opportunity for an adequate education and providing fiscal capacity disparity aid. MAJ: ITL. MIN: OPA. Vote 11-7.

HRA Analysis: An old education funding formula would be reinstated but what is needed is analysis for a new, fair formula – not a return to the past inequities. Platform issues: Promote local control of education policy and funding in order to create the best-managed school systems.

HRA Recommendation: Support ITL

HB 603-FN-A, establishing the John and Molly Stark student debt reduction program and making an appropriation therefor. MAJ: ITL. MIN: OTP. Vote 10-8.

HRA Analysis: This bill would appropriate funds for grants to students who agree to stay and work in NH after graduation. There are administrative problems and better ways to reduce the cost of higher education. Platform issues are "Justify expenditures against measurable benefits" and "Support innovative measures to reduce tuition costs".

HRA Recommendation: Support ITL

HB 604-FN-A, establishing the John and Molly Stark workforce opportunity program and making an appropriation therefor. MAJ: ITL. MIN: OTP. Vote 10-8.

HRA Analysis: Another of a series of well-intentioned attempt to reduce college costs for students but with the administrative issues, just handing out more money is not the answer. Platform issues are “Justify expenditures against measurable benefits” and “Support innovative measures to reduce tuition costs”.

HRA Recommendation: Support ITL

HB 641-FN-A, relative to high school students participating in New Hampshire’s dual & concurrent enrollment program & making an appropriation therefor.

MAJ: OTPA. Vote 17-0.

HRA Analysis: There are some commonly agreed upon ways of reducing college costs and student debt. One method is dual enrollment programs where high school students can take STEM courses to receive both high school credit and college credits. There is an appropriation that will cover the course cost for the student but is a better means of reducing college costs and student debt that just more scholarships. The platform says “Emphasize marketable skills at the high school and postsecondary levels” and “Support innovative measures to reduce tuition costs”.

HRA Recommendation: Support OTP/A

HB 647-FN-LOCAL, establishing education freedom savings accounts for children with disabilities. MAJ: OTP. MIN: ITL. Vote 11-7.

HRA Analysis: The bill provides education choice for parents with special needs children. State funds that would be provided to the school district for their child would instead be placed in an account for the parents to purchase allowable education expenses. There are similar programs in several states that have proven results and parental satisfaction. Platform issues: “Encourage education freedom to allow all parents to choose the best public, private, charter or home school program for their children” and “Expand ... education savings accounts”.

HRA Recommendation: Support OTP

Election Law

HB203, est an independent redistricting commission. Maj. ITL; Min. OTP Vote: 11-9

HRA Analysis: This bill removes the initial stages of the redistricting process from the elected members of the General Court (us) and spends significant money for staff, rent, payments to consultants, and so on. The platform says, “Justify expenditures against measurable benefits.”

HRA Recommendation: Support ITL

Environment and Agriculture

HB101, relative to certification for solid waste operators. Maj. OTP; Min. ITL Vote: 13-6

HRA Analysis: This bill reduces excessive regulations and costs on small businesses by lengthening the time a solid waste operator certificate lasts. The platform says, "Minimize business regulations, permits, licenses and paperwork."

HRA Recommendation: Support OTP

Executive Departments and Administration

HB97, relative to the use of drones. OTP/A Vote: 15-3

HRA Analysis: This bill restricts the use of drones over private property protecting people's privacy. The bill allows for commercial use such as power line and property surveys such as what a real estate agent may use for marketing purposes. The bill also addresses use of drones above critical infrastructure such as prisons and county jails among other things. The bill specifies that except in rare circumstances, such as an emergency or when swift action is required, law enforcement must obtain a warrant to use a drone over private property. The platform states that we should protect the privacy of individuals from government agencies and employees who abuse their power and position.

HRA Recommendation: Support OTP/A

HB171, prohibiting the state or its political subdivisions from assisting a federal agency in the collection of electronic data without a warrant. Maj. OTP; Min. ITL Vote: 10-9

HRA Analysis: This bill simply states that our state agencies cannot use their resources to assist the federal government in gathering a person's electronic or metadata such as cell phone records among other things without first obtaining a warrant based upon probable cause. Our platform states that we should protect the privacy of individuals from government agencies and employees who abuse their power and position.

HRA Recommendation: Support OTP

HB413-FN, relative to payment by the state of a portion of retirement system contributions of political subdivision employers. Maj. OTP; Min. ITL Vote: 10-9

HRA Analysis: The bill would upshift 15% of the cost of retirement benefits from local taxpayers to state taxpayers. This bill will cost the state 40.8 million dollars in FY 2018 and 42.1 million dollars in FY 2019. No funding source for these monies was identified during testimony so it is unclear how the state would pay for this. The platform says, "Maintain local control of spending and taxes designed to support local services."

HRA Recommendation: Oppose OTP; support Table motion

Health, Human Services and Elderly Affairs

HB469, establishes a continuous quality improvement program for pharmacies. OTP

Vote: 13-7

HRA Analysis: Every licensed pharmacy will be required to implement a CQI program to access medication errors including written records or a database. There is no requirement to destroy old information that may contain confidential information. Platform states “all people are created equal, endowed by our Creator with the right to life, liberty and the pursuit of happiness, unimpeded by intrusive government regulation and control”.

HRA Recommendation: Oppose OTP

HB602, prohibiting placement of certain persons with mental illness in the secure psychiatric unit, establishing a secure psychiatric hospital oversight commission, and appropriating funds to develop plans for a secure therapeutic psychiatric hospital facility. ITL Vote: 14-3

HRA Analysis: This bill was rendered unnecessary with passage of HB208, which establishes a commission to study these issues.

HRA Recommendation: No Recommendation

Resources, Recreation and Development

HB452-FN, establishing the office of the business advocate in the department of resources and economic dev and making an appropriation therefor. OTP/A Vote: 13-4

HRA Analysis: The NHGOP Platforms declares we should “minimize business regulations, permits, licenses and paperwork.” This bill presents the typical big government response. Grow Government without any focus on actually minimizing business regulations, permits, licenses and paperwork. This bill proposes to hire an additional person (at a cost of \$106,000 and up) to “assist businesses with state licensing, permitting, and regulatory requirements.” In addition, this individual would “communicate the interests of the business community before state agencies and the legislature.” These activities are currently handled by lobbyists.

HRA Recommendation: Oppose OTP/A

HB463-FN, regulating groundwater pollution caused by polluting emissions in the air. OTP Vote: 10-3

HRA Analysis: This bill gives authority to DES to regulate airborne emissions, and things emitting these emissions, that the DES deems contaminates groundwater. The NHGOP platform declares “oppose all laws, programs, and mandates from local, national, and international organizations and governments contrary to our principles: including, ...punitive environmental controls.” President Trump is already moving to rein-in the out-of-control overreach of the EPA at the federal level. This bill has the potential to be a substantial power grab by DES.

HRA Recommendation: Oppose OTP

HB470, relative to storm water or sewage penalties. Maj. ITL; Min. OTP Vote: 9-8

HRA Analysis: This bill modifies the penalties for violations of municipal ordinances and by-laws concerning sewage or stormwater. While present law allows for up to \$10,000/day for a violation, this bill also requires that each day a violation continues shall be a SEPARATE offense. Now the New Hampshire Constitution [Art.] 20. [Jury Trial in Civil Causes.], states, "In all controversies concerning property, and in all suits between two or more persons ...except those in which the value in controversy does not exceed \$1,500..., the parties have a right to a trial by jury." Thus a fact situation (confirmed by case law) is possible whereby the town may institute a fine of \$1000/day and, after 34 days, be entitled to an award of \$34,000 (\$1000 for each separate violation). This is a violation of the New Hampshire Constitution in that the defendant would be denied a trial by jury as mandated by Article 20. In addition, it is a basic tenet of a just and free society that the punishment fit the crime. That a homeowner must risk impoverishment in order to defend their property rights against the full force of government is unjust and inequitable. And finally, this bill would allow the town to recover its costs and attorney's fees if the town prevails. It does not allow the defendant the same right.

HRA Recommendation: Support ITL

Science, Technology and Energy

HB547, rel to the recycling and disposal of electronic waste. Maj. ITL; Min. OTP Vote: 12-8

HRA Analysis: This bill would increase costs and regulations for electronic manufacturers that sell in NH, as well as the costs to implement the program. Most municipalities already have recycling programs for electronic recycling. The Platform clearly states: "Strongly oppose new taxes and fees."

HRA Recommendation: Support ITL

State-Federal Relations and Veterans Affairs

HB435, relative to funding of the national guard scholarship fund. OTP/A Vote: 16-2

HRA Analysis: No Constitutional/Platform Issue.

HRA Recommendation: No Recommendation

HB652, establishing a veterans track within the court system and relative to the inclusion of veterans benefits in the calculation of gross income for purposes of determining child support. OTP/A Vote: 18-0

HRA Analysis: One part of the bill deals with child support calculations and does not appear to have a Platform issue. Because the second part permits courts to establish a veterans track, this bill will go to House Judiciary Committee where we welcome further analysis.

HRA Recommendation: No Recommendation.

Transportation

HB579, relative to registration of semi-trailers. Maj. OTP; Min. ITL Vote: 9-7

HRA Analysis: This bill provides an incentive for out of state trailer owners to register in NH. This is not a unique program, other states have similar programs. We heard testimony that there are 5.7 million semi-trailers registered in the country. This bill gives a discounted registration fee for multi-year registrations. This bill is setting up the program to collect revenue for the state from out of state semi-trailers few of which will actually be used on NH highways. Registrations by nonresidents for out of state semi-trailers would be handled by nongovernmental registering trailer agents. The business of these agents would be to attract out of state trailers to register in NH. The Party platform states "Privatise programs and functions that can be handled more effectively by the private sector."

HRA Recommendation: Support OTP

Ways and Means

HB415, reducing business taxes, repealing certain taxes, establishing an income tax, and requiring payment by the state of a portion of retirement system contributions of political subdivision employers. ITL Vote: 21-0

HRA Analysis: This bill establishes an income tax. The Platform clearly states: "Strongly oppose new taxes and fees, including an income, sales and capital gains tax".

HRA Recommendation: Support ITL

HB569, requiring the reimbursement of dedicated funds transferred for other purposes. ITL; Min. OTP Vote: 12-9

HRA Analysis: Dedicated funds sometimes have collected excess revenue, which have been taken for higher priorities. This bill requires that money be put back into those funds first, instead of the rainy day fund. A key principle in the Platform States: "...government has a moral obligation to the people to be as cost effective as possible, to always limit spending and growth of government, and to cut spending and cost of government at every turn". Replenishing the rainy day fund, and not spending it on questionable priorities, is consistent with the Platform.

HRA Recommendation: Support ITL

HB621, establishing a road usage fee & making an appropriation therefor. OTP Vote: 20-1

HRA Analysis: This bill establishes a new fee on fuel efficient vehicles. The Platform clearly states: "Strongly oppose new taxes and fees..."

HRA Recommendation: Oppose OTP

HB644, extending the interest and dividends tax to capital gains, increasing exemptions from the tax, and providing for retirement system contributions on behalf of employers other than the state. Maj. ITL; Min. OTP Vote: 11-8

HRA Analysis: The bill proposes a capital gains tax. The Platform clearly states: "Strongly oppose new taxes and fees, including an income, sales and capital gains tax."

HRA Recommendation: Support ITL

Wednesday, February 15, 2017

Part 2 - Special Ordered

Criminal Justice and Public Safety

HB201, requiring background checks for commercial firearms sales. Maj. ITL; Min. OTP Vote: 12-4

HRA Analysis: This bill adds unnecessary regulations and will make it harder for law-abiding citizens to own firearms. The platform states "Protect the rights of law-abiding individuals to own and carry firearms to defend themselves."

HRA Recommendation: Support ITL

HB558, prohibiting private and for-profit prison contracts, and relative to immigration detention facilities. ITL Vote: 12-3

HRA Analysis: This is an overreach in limiting all levels of government as well for detention facilities for immigration detainees. Platform states "Privatize programs and functions that can be handled more effectively be the private sector."

HRA Recommendation: Support ITL

Education

HB554, relative to the assessment of deaf and hard-of-hearing children. Maj. ITL; Min. OTP Vote: 10-7

HRA Analysis: This bill involves shared responsibility for services between (HHS for birth to 3) and DOE for deaf and hard of hearing children. Both departments testified about programs and support already in place but there could be communication issues in some cases. No Constitution/platform issue.

HRA Recommendation: No Recommendation

Election Law

HB235, allowing the use of an assisted living facility photo identification card for voter identification purposes. Maj. ITL; Min. OTP Vote: 11-9

HRA Analysis: Since some people in assisted living facilities would use the photo ID card for address purposes and others only for identification, this could create confusion at the polls.

HRA Recommendation: No Recommendation

HB389, relative to voters with physical disabilities. Maj. OTP; Min. ITL Vote: 12-8

HRA Analysis: This bill clarifies how absentee ballots can be used.

HRA Recommendation: No Recommendation

Fish and Game and Marine Resources

HB126, prohibiting hunting on Willand Pond in Strafford County. Maj. ITL; Min. OTP Vote: 16 -4

HRA Analysis: This bill would create a No Hunting zone around a specific pond in Strafford County where Fish and Game has determined there are no grounds to ban hunting of waterfowl, and no safety concerns. No Platform or Constitutional/Platform Issue.

HRA Recommendation: No Recommendation

HB381, relative to cruelty to non-captive wildlife. Maj. ITL; Min. OTP Vote: 12-9

HRA Analysis: This bill would create an additional Felony level crime for anyone considered to be causing cruelty to NH wildlife, but the definition of "cruelty" is too broad and the definition of wildlife is not sufficient. This could make Felons out of people controlling pests and vermin. Fish and Game can already charge an individual under the broad definition of "molesting" wildlife, at a non-felony level. The platform states we should not create unnecessary legislation.

HRA Recommendation: Support ITL

Health, Human Services and Elderly Affairs

HB264, making oral contraceptives available w/out a prescription. Maj. OTP/A Vote: 10-6

HRA Analysis: As amended, this bill creates a study commission. No Constitution/platform issue.

HRA Recommendation: No Recommendation

Judiciary

**HB133, 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 determine 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

**HB365, 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

Labor, Industrial, and Rehabilitative Services

HB444, relative to reports to the public employee labor relations board. ITL Vote: 17-4

HRA Analysis: The platform asks us to expand openness and transparency to employment, expenditures and all recipients of taxpayers' funds. For most employees of the State, their contract mandates that they not only pay a fee (dues or agency fee) to the union, but requires that they withhold that payment through payroll deduction. This bill would publicize the results of that mandate (by bargaining unit, not individual names), using the State's transparency website. Because reports are already generated based on payroll data, this additional transparency can be provided at very little incremental cost.

HRA Recommendation: Oppose ITL.

SB11, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union. Maj. ITL; Min. OTP Vote: 14-7

HRA Analysis: We believe in worker freedom and their right to decide whether to join a union or not. In other states that have implemented similar legislation, there has been no decrease in union membership, but there has been a boost to employment, wages, and the economy. The platform issue is: "Uphold the right to join or avoid labor unions without coercion or intimidation; support "right to work" legislation".

HRA Recommendation: Oppose ITL; Support OTP; Oppose any amendments

Municipal and County Government

HB212, relative to police attendance at public meetings and functions. ITL Vote: 9-4

HRA Analysis: This bill paints with too broad a brush. It requires any individual wishing to conduct a public meeting, no matter how big or small, to notify the local Chief of Police relative to providing a police detail, at the individual's expense. The bill is anti freedom and not consistent with Article 32 of the NH Bill of Rights: "The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good..."

HRA Recommendation: Support ITL

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

HB272, relative to the election of county commissioners in Carroll county. Maj. ITL; Min. OTP Vote: 9-4

HRA Analysis: The county commissioners have always been elected by the entire county and this bill to change to a district vote was a clear attempt for a political solution to elect another Democrat commissioner. The Constitution says "Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men".

HRA Recommendation: Support ITL

Science, Technology and Energy

HB198, relative to the qualifications for the position of consumer advocate. Maj. OTP/A; Min. ITL Vote: 12-8

HRA Analysis: This bill expands the pool of candidates for the position of consumer advocate, which allows more flexibility. No platform issue identified

HRA Recommendation: No Recommendation

HB238, establishing a committee to study broadband access to the Internet. Maj. ITL; Min. OTP/A Vote: 12-8

HRA Analysis: The platform says, "Support the development of a robust telecommunications and technology infrastructure throughout New Hampshire." It also says, "We believe in free people, free markets and free enterprise" and "Keep state government lean to allow lower business taxes." A committee is likely to propose a government solution, not a free market solution. Take your choice.

HRA Recommendation: No Recommendation.

State-Federal Relations and Veterans Affairs

HCR4, urging Congress to propose the Regulation Freedom amendment to the United States Constitution. Maj. OTP; Min. ITL Vote: 11-7

HRA Analysis: The platform says, "Minimize business regulations, permits, licenses and paperwork." The proposed amendment would do that, but it is very unlikely that any HCR will have any effect on Congress.

HRA Recommendation: Support OTP.

Transportation

HB88, 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

HB227, relative to after-market tinting on side windows. Maj. ITL; Min. OTP Vote: 12-6

HRA Analysis: This bill would allow 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 and Means

HB318, relative to a tax on premium cigars. ITL Vote: 21-0

HRA Analysis: The bill places a tax of 15% on the wholesale price of premium cigars. The Platform clearly states: "Strongly opposes new taxes and fees".

HRA Recommendation: Support ITL

HB333, 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

HB357, relative to the appraisal of telecommunications poles and conduits under local property taxation. ITL 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. One plank states: "Cut or eliminate taxes which inhibit enterprise...", another states: "Maintain local control of spending and taxes designed to support local services".

HRA Recommendation: No Recommendation

HB489, est a commission to study the tax structure of the state. OTP/A Vote: 21-0

HRA Analysis: The amended bill proposes a commission to look at NH's top 8 revenue sources in light of demographic and economic changes, and make recommendations. Until there are specific bills to make changes to tax law, there are no Constitution or Platform issues.

HRA Recommendation: No Recommendation

HB566, repealing the community revitalization tax relief incentive. ITL Vote: 21-0

HRA Analysis: Cities and towns are allowed to grant tax relief to certain structures if they determine it's a public benefit. One town has mismanaged this tax relief and now requests that such authority be repealed for all towns. The Platform states: "Maintain local control of spending and taxes designated to support local services". Removing this authority reduces local control.

HRA Recommendation: Support ITL

COMMERCE AND CONSUMER AFFAIRS

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