

# 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.



## WEDNESDAY, FEBRUARY 17 SPECIAL ORDER

### COMMERCE AND CONSUMER AFFAIRS

**HB 1364**, relative to Medicare unfair trade practices. **OTP. Vote 13-5.**

**HRA Analysis:** This appears to prevent individuals selling Medicare insurance from using deceptive tactics.

**HRA Recommendation: No Platform or Constitution Issue.**

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 1373**, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs. **OTP. Vote 11-6.**

**HRA Analysis:** The funding of committees often waste taxpayer money for little in usable information results or the committees reach conclusions reflecting more their composition than careful analysis. In this case, however, the focus of the committee could provide usable information for legislating in an area where current laws are ineffectual. No platform issue was identified, however.

**HRA Recommendation: No Recommendation.**

**HB 1644-FN**, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. **MAJORITY: ITL. MINORITY: OTP. Vote 14-5.**

**HRA Analysis:** This recognizes that the loss of an unborn child is also a separate crime. There have been instances that parents hopes and dreams were dashed by a perpetrator only to see them let off with very little punishment because NH law does not cover the unborn. Our platform takes a strong stand against crime and strengthening prosecution.

**HRA Recommendation: Oppose ITL and Support OTP.**

### FINANCE

**HB 1516-FN-A**, making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011. **OTP/A. Vote 23-1.**

**HRA Analysis:** The platform, Section V, encourages state government be accessible and responsive to the citizens. On the other hand it needs to keep lean and efficient.

**HRA Recommendation: Vote your conscience.**

### HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 1326**, relative to the use of long-term antibiotics for the treatment of Lyme disease. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OTP. Vote 18-1.**

**HRA Analysis:** This bill enables patients with Lyme disease to be treated with long term antibiotics which has proven to be successful in many cases. Our platform supports higher quality health care and prescription drugs. As this helps alleviate suffering it is common sense to pass this bill and not waste time studying it further.

**HRA Recommendation: Oppose Interim Study and vote OTP.**

## JUDICIARY

**HB 1185**, relative to retired judges over 70 years of age. **OTP. Vote 12-6.**

**HRA Analysis:** The Constitution Part II, Article 78 is clear that judges on reaching the age of 70 years cannot hold office. Each session were are presented a bill in which the Judicial Branch, for the sake of convenience , desires legislation to allow the branch to bring back retired judges over 70 years of age to sit on selected cases. Hopefully this bill, clearly in support of the Constitution, will put nails in the coffin as to this issue and stop further requests.

**HRA Recommendation: Support OTP**

**HB 1213**, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians. **MAJORITY: OTP. MINORITY: ITL. Vote 10-8**

**HRA Analysis:** This bill would require HHS to receive notification from the courts where one spouse desired to allocate income to another when one spouse is applying for medical assistance. Generally the parties seeking assistance are lower income citizens. This bill would allow the state to deprive the receiving spouse from the income. It is an example of over regulating by the state.

**HRA Recommendation: Oppose OTP and vote ITL**

**HB 1347**, relative to the right of jury nullification. **MAJORITY: ITL. MINORITY: OUGHT TO PASS. Vote 13-7**

**HRA Analysis:** Since the institution of the jury system, juries have had the authority to determine the outcome of a specific case. Some refer to this as a *right* others as a *power*. This bill describes it as a right and provides a specific and mandatory jury instruction sentence be given to a jury as to their ability to judge both the facts and the law. Since the 13<sup>th</sup> century juries have had this ability. The majority believes that this is, in fact, a power the jury has, but not a right, and that the mandating of a specific sentence exceeds the separation of power of the branches and improperly intrudes in the rights of the Judicial Branch to determine jury instructions.

**HRA Recommendation: Oppose ITL; Support OTP.**

## LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**HB 1645-FN**, relative to freedom of choice on whether to join a labor union. **ITL. Vote 12-1.**

**HRA Analysis:** The platform, Section VI, supports individual's Right to Work.

**HRA Recommendation: Oppose ITL, Support OTP.**

## RESOURCES, RECREATION AND DEVELOPMENT

**HB 1434**, relative to exemptions from sewage disposal systems approval. **ITL. Vote 16-3.**

**HRA Analysis:** This bill is not necessary and the remedy could be accomplished by rule. It would result in over-regulation.

**HRA Recommendation: Support ITL.**

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 1202**, relative to renewable energy credits. **ITL. Vote 11-4.**

**HRA Analysis:** This would allow water turbine's to hook up to the electric grid.

**HRA Recommendation: No Platform or Constitution Issue.**

**HB 1401-FN**, limiting corn-based ethanol as an additive to gasoline sold in New Hampshire. **ITL. Vote 8-4.**

**HRA Analysis:** This bill limits the corn ethanol in gasoline.

**HRA Recommendation: No Platform or Constitution Issues.**

## WEDNESDAY, FEBRUARY 17 REGULAR CALENDAR

### COMMERCE AND CONSUMER AFFAIRS

**HB 1268-FN**, prohibiting the use of a person's occupation when obtaining insurance coverage. **ITL. Vote 16-2.**

**HRA Analysis:** The Platform, Section VI, charges us with "Working to prevent over-regulation of business", and this bill would be over-regulation.

**HRA Recommendation: Support ITL.**

**HB 1493**, establishing a committee to study comprehensive mental health parity. **OTP/A. Vote 12-5.**

**HRA Analysis:** The Platform, Section XIII, states "We support efforts for higher quality health care", however this bill would create a study committee that will focus on business regulation, particularly on how to impose costly health care insurance mandates on small business. Hasn't the Legislature done enough this year to hobble NH small business?

**HRA Recommendation: Oppose OTP/A**

**HB 1505**, establishing a commission to study state-imposed burdens on unregulated businesses. **ITL. Vote 16-1.**

**HRA Analysis:** The Platform, Section VI, charges us with “Working to prevent over-regulation of business. Knowing of that mandate and knowing where this majority-appointed committee will go, nothing good can come out of the proposed commission. Business is over-regulated in NH and those who recognize that know what regulations to target.

**HRA Recommendation: Oppose ITL.**

**HB 1541-FN**, prohibiting the sale of e-cigarettes to minors. **OTP/A. Vote 15-4.**

**HRA Analysis:** The Platform, Section VI, charges us with “Working to prevent over-regulation of business”. Yet it is equally clear in our platform that we should protect our children from harmful products.

**HRA Recommendation: Vote your conscience.**

**HB 1627-FN**, relative to the regulation of manufactured housing and modular buildings. **REFER FOR INTERIM STUDY. Vote 16-1.**

**HRA Analysis:** The Platform, Section VI, charges us with “Working to prevent over-regulation of business”.

**HRA Recommendation: Support Interim Study or ITL.**

## ENVIRONMENT AND AGRICULTURE

**HB 1278-FN**, relative to milk producer-distributors. **MAJORITY: OTP. MINORITY: ITL. Vote 12-1.**

**HRA Analysis:** The Republican state party platform recognizes that working to reduce the “over-regulation of business, particularly with respect to small businesses” will foster economic development and increase the quality of life in our state. Allowing NH farmers to increase the quantity of raw milk they can sell to consumers will increase the economic viability of those farmers and benefit consumers. Experience with the sale of raw milk has resulted in any problems and as the majority report indicates any problems can be dealt with directly rather than through the continued, more extensive ban.

**HRA Recommendation: Support OTP.**

## FINANCE

**HB 1674-FN-L**, relative to the calculation of total education grants to municipalities and the calculation of excess education tax payments. **ITL. Vote 24-0.**

**HRA Analysis:** This bill will promote local control by keeping property taxes within the community where they are collected.

**HRA Recommendation: Oppose ITL.**

## FISH AND GAME AND MARINE RESOURCES

**HB 1201**, including loaded muzzle-loading firearms in the prohibition of hunting from a vehicle. **MAJORITY: OTP/A. MINORITY: ITL. Vote 14-1.**

**HRA Analysis:** The Platform, Section IX, states our support for second amendment rights.

**HRA Recommendation: Oppose OTP/A as the bill would be amended solely by the committee amendment, Support the amendment by Rep. Hopper (2010-0623H) and the bill if the Hopper amendment is adopted.**

**HB 1514-FN**, prohibiting the sale of raw skins or unskinned carcasses of fur-bearing animals. **ITL. Vote 15-0.**

**HRA Analysis:** The Platform, Section XII, states we shall “Preserve sensitive ecosystems and effectively manage wildlife”. This bill would make it harder to do so.

**HRA Recommendation: Support ITL.**

## JUDICIARY

**CACR 21**, relating to judges and sheriffs. Providing that judges and sheriffs may serve after the age of 70 years. **ITL. Vote 14-3.**

**HRA Analysis:** Part II, Art. 78 of the NH Constitution states, “[n]o person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.” One need not delve into the competing arguments of originalism versus a living constitution to correctly interpret those words and understand that the current practice of the judiciary of recalling judges is unconstitutional. Thus, the need for a constitutional amendment such as this CACR is required if the current practice is to continue. Unfortunately, merely repealing the CACR and allowing judges to continue to serve into their dotage with only impeachment and bills of address to remedy the inevitable cases that we see on the U.S. Supreme Court where justices such as William O. Douglas should have stepped down years before they were carried out, is not the remedy. Any change in Article 78 should include language that ensures judges remain competent as they serve past the age of 70. Ideally, such language would be applicable to judges of all ages. One possible solution would be to establish a set term for all judges.

**HRA Recommendation: Support ITL.**

**CACR 28**, relating to the definition of marriage. Providing that the state shall only recognize the union of one man and one woman as marriage. **MAJORITY: ITL. MINORITY: OTP. Vote 12-8.**

**HRA Analysis:** Let NH vote. The vote just might be to recognize “marriage as the legal union between one man and one woman.” [Platform, Article VIII.]

**HRA Recommendation: Oppose ITL; Support OTP.**

**HB 1307**, relative to appointments and reappointments of marital masters. **WITHOUT RECOMMENDATION.**

**HRA Analysis:** Within the Judiciary Committee and the meetings of the Caucus on Petitions for Address there have been account after account of individuals serving as marital masters who should at the very least be subject to performance reviews and reappointment hearings to ensure they are willing and able “to serve the people's needs by expediting justice and ensuring fairness.” [Platform, Article X.] HB 1307, by requiring a public hearing before the executive council before the reappointment of marital masters, will ensure the people have the opportunity to be heard concerning the effectiveness and temperament of state employees who can have such complete and intimate control of their lives and that experience has shown those individuals are up to the job.

**HRA Recommendation: Support OTP.**

**HB 1330**, relative to the preservation of religious freedom. **MAJORITY: ITL. MINORITY: OTP. Vote 12-6.**

**HRA Analysis:** In its discussion concerning the discrimination against religious schools [Platform, Art. XI], our party’s platform recognizes that the role of government should not be to promote religion, but to respect religion and, where necessary, protect religion. As the minority report so aptly states, freedom of religion is under attack in NH. HB 1330 will work to thwart that attack.

**HRA Recommendation: Oppose ITL; Support OTP.**

**HB 1590-FN**, repealing same sex marriage. **MAJORITY: ITL. MINORITY: OTP. Vote 12-8.**

**HRA Analysis:** New Hampshire Republicans recognize “marriage as the legal union between one man and one woman.” [Platform, Article VIII.]

**HRA Recommendation: Oppose ITL; Support OTP.**

**HCR 26**, reaffirming the state's religious heritage and constitutional rights to practice religion and free speech. **MAJORITY: ITL. MINORITY: OTP. Vote 11-7.**

**HRA Analysis:** Again, as with HB 1330, reference to our constitutions, our party platform and the analysis of the minority blurb will demonstrate why this House Concurrent Resolution should be supported by Republican representatives. HCR 26 is a reaffirmation of Art. 5, Pt. I of the N.H. Constitution and the Bill of Rights enshrined in our federal constitution.

**HRA Recommendation: Oppose ITL; Support OTP.**

## **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**HB 1385-FN**, relative to appeals under the workers' compensation law. **ITL. Vote 15-2.**

**HRA Analysis:** No Platform or constitutional issues identified.

**HRA Recommendation: Vote your conscience.**

## **LOCAL AND REGULATED REVENUES**

**HB 1276-FN-L**, relative to investment of capital reserve funds. **OTP. Vote 17-0.**

**HRA Analysis:** No Platform or constitutional issues identified.

**HRA Recommendation: Vote your conscience.**

**HB 1439-L**, relative to tax exemptions for water and air pollution control installations. **OTP/A. Vote 17-0.**

**HRA Analysis:** No Platform or constitutional issues identified.

**HRA Recommendation: Vote your conscience.**

**HB 1489**, allowing municipalities to adopt a volunteer incentive property tax credit. **ITL. Vote 18-0.**

**HRA Analysis:** No Platform or constitutional issues identified.

**HRA Recommendation: Vote your conscience.**

**HB 1504**, establishing a liquor commission oversight committee. **ITL. Vote 17-0.**

**HRA Analysis:** The Platform, Section XII, stresses that low taxes are the result of low spending. Why spend on a new commission when the legislature already oversees the liquor commission?

**HRA Recommendation: Support ITL.**

## **SPECIAL ORDER**

**HB 1522**, relative to local spending caps. **MAJORITY: ITL. MINORITY: REFER FOR INTERIM STUDY. Vote 12-6.**

**HRA Analysis:** Why is it that Democrats so hardily mistrust the voters? Why is it that they don't want voters to control their own destinies? By contrast, NH Republicans know "that controlling spending and minimizing taxes are the best ways to protect the economic and civic well being of New Hampshire residents" and that we can do it by "[s]upporting local control of spending and taxes." [Platform, Art. VII.]

**HRA Recommendation: Oppose ITL; Support OTP or, if necessary to preserve the issue, Interim Study.**

## **TRANSPORTATION**

**HB 1247**, establishing a speed limit for vehicles traveling through a toll booth or gate. **MAJORITY: OTP/A. MINORITY: REFER FOR INTERIM STUDY. Vote 12-1.**

**HRA Analysis:** There are no platform issues with this bill.

**HRA Recommendation: Vote Your Conscience.**

## **WAYS AND MEANS**

**HB 1679-FN-A**, establishing a soft drinks tax. **MAJORITY: ITL. MINORITY: OTP/A. Vote 13-5.**

**HRA Analysis:** The Platform, Section VII, reiterates our opposition to new taxes, especially those that harm our small businesses.

**HRA Recommendation: Support ITL.**

# **BILLS OFF OF THE CONSENT CALENDAR**

## **RESOURCES, RECREATION AND DEVELOPMENT**

**HB 1239**, relative to department of environmental services field citations and cease and desist orders. **OTP/A. Vote 16-1.**

**HRA Analysis:** This bill says if the violation exists the DES can forbade an applicant from doing anything. What if someone had done something 25 years ago before you bought the property. Even in the anti-business, anti-freedom environment of this session of the legislature, should we appoint DES as judge, jury and executioner?

**HRA Recommendation: Oppose OTP/A.**

## **WAYS AND MEANS**

**CACR 22**, relating to taxation. Providing that taxes imposed by the state of New Hampshire or its subdivisions may be graduated. **ITL. Vote 18-1.**

**HRA Analysis:** NH Republications oppose new forms of taxation.

**HRA Recommendation: Oppose ITL.**

**HB 1490**, establishing a commission to analyze revenues and expenditures in the state budget. **OTP/A. Vote 17-2.**

**HRA Analysis:** We know where this majority party-appointed commission will go: how can NH be taxed in more and varied ways? The problem is not that we are taxed too little; rather it is the state government spends too much. Low taxes are the result of low spending.

**HRA Recommendation: Oppose OTP/A.**

**HB 1611-FN-A-L**, establishing a sales and use tax. **ITL. Vote 17-2.**

**HRA Analysis:** NH Republicans oppose a sales tax.

**HRA Recommendation: Oppose ITL.**

*Is it just or reasonable, that most voices against the main end of government should enslave the less number that would be free? . . . They who seek nothing but their own liberty, have always the right to win it, whenever they have the power, be voices never so numerous that oppose it."*

*~ John Milton (1927)*