

# 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, APRIL 28

### CHILDREN AND FAMILY LAW

**SB 384**, authorizing the department of health and human services to provide private adoption agencies access to founded reports of abuse and neglect maintained by the department. **MAJORITY: OTP. MINORITY: ITL. Vote 9-4.**

**HRA Analysis:** This bill allows private companies in the adoption business to have access to allegations of child abuse and neglect contained in state records. The title to the bill is deceptive as there is no mention or requirement that the allegations be verified or “founded,” whatever meaning the bill’s proponents would now seek to attached to the concept of a report being “founded.” The bill also does not in any way control the use or dissemination of these reports once made available to private companies. It should be opposed by Republicans at all sensitive to the constitutional and practical requirements of privacy.

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

### COMMERCE AND CONSUMER AFFAIRS

**SB 419**, relative to conversion of convertible lands under the condominium act. **ITL. Vote 11-7.**

**HRA Analysis:** This Republican-sponsored bill that would extend from 5 to 10 years the period before land in a developing condominium project that has not been built on would automatically be converted into common land (and then taxed to the individual condominium owners). The bill should be supported. It appropriately reflects the current economic conditions that have slowed condominium developments and would allow for housing to be developed as needs, and not government over-regulation, dictates. The bill reflects the commitment in our state party platform “*to making New Hampshire the best place in the nation to live, to visit and to do business...*” [Party Platform, Art. VI].

**HRA Recommendation: Oppose ITL.**

**SB 515**, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics. **OTP. Vote 16-1.**

**HRA Analysis:** This bill reflects that statist fiction that it is government and not private business that creates private sector jobs. Moreover, there is no language in the bill that limits the amount or detail of information that can be provided to the federal census bureaus or which requires confidentiality for the information that is disclosed. Indeed, on that last point, the bill merely states that “[i]nformation ... shall only be provided upon a finding by the commissioner [of the department of employment security] that sufficient guarantees of continued confidentiality are in place.” The bill does not state who is prohibited access to the information to be released to the census bureau, what specific information can be provided, where the information can be further disseminated, or how long it can be stored. There is nothing in the bill about what would be sufficient use or privacy guaranties, other than what a commissioner’s subjective considerations of privacy, if any, dictate from time to time and commissioner to commissioner. Private information gathered by the state on individuals should not be so loosely circulated.

**HRA Recommendation: Oppose OTP.**

### ENVIRONMENT AND AGRICULTURE

**SJR 1**, urging the secretary of agriculture to review the Federal Milk Market Order system. **OTP. Vote 11-0.**

**HRA Analysis:** One can hope that the federal agricultural secretary will study how reliance on the free market will achieve balanced supply and demand, rather than how the government can continue, through price supports funded by taxes compelled from citizens, the financial support of an industry that apparently is producing more product than the market can absorb.

**HRA Recommendation: No Recommendation.**

## JUDICIARY

**SB 330**, relative to the court accreditation commission and the interbranch criminal and juvenile justice council. **MAJORITY: OTP. MINORITY: ITL. Vote 11-7.**

**HRA Analysis:** It is so inconvenient for the people's representatives to have a meaningful place at the judicial table that their voice needs to be drowned out by those oriented to the judicial branch's institutional goals and not the needs of the consumers of its services. The NH Constitution recognizes the supremacy of the General Court; this legislation seeks to diminish it.

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

**SB 438**, relative to procedures in small claims actions. **OTP/A. Vote 14-3.**

**HRA Analysis:** This Senate bill does two things: it requires (1) defendants removing small claim cases to superior court to pay the removal fee, subject to reimbursement if they win, and (2) small claims plaintiffs to prove that defendants received mailed notice if the defendants merely say notice wasn't received and then want to start the case over again. The committee amendment removes that presumption of non-receipt, because it violates due process by requiring plaintiffs to prove a fact as to which only defendants would have the evidence. With the amendment, this is a bill that allows for the fair processing of small claims cases; without the amendment, this bill violates due process traditions in NH.

**HRA Recommendation: Support the Committee Amendment and thereafter OTP/A. Otherwise Oppose OTP and Support ITL.**

## MUNICIPAL AND COUNTY GOVERNMENT

**SB 406**, relative to merger of lots or parcels. **MAJORITY: INTERIM STUDY. MINORITY: OTP/A. Vote 10-8.**

**HRA Analysis:** The minority of the committee is correct that the amendment, by prohibiting involuntary merger of private property, violates Part I, Article 12 of the NH Constitution, which states that "*no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people .....*"

**HRA Recommendation: Oppose Interim Study; Support the Amendment and Support OTP/A.**

**SB 447**, relative to the residence requirement for assistant town moderators and assistant town clerks. **MAJORITY: ITL. MINORITY: OTP. Vote 11-6.**

**HRA Analysis:** The state GOP platform recognizes the importance of local control issue. Taking away the flexibility of allowing municipalities to appoint qualified assistants within the community, rather than from the specific voting district, reduces local control.

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

## TRANSPORTATION

**SB 477**, relative to driver education school applicants. **MAJORITY: OTP. MINORITY: ITL. Vote 10-2.**

**HRA Analysis:** By inviting the penalization of individuals based on arrests rather than on convictions, this bill does indeed violate the presumption of innocent until proven guilty, contrary to the liberty principles of our state and federal constitutions and our state party platform. The lack of adequate controls over the use and dissemination of fingerprints also violates important privacy concerns.

**HRA Recommendation: Oppose OTP; Support ITL. [Roll call]**

## SENATE AMENDMENT

[NOTE: SENATE AMENDMENTS COME UP AT A DATE AND TIME, AS WELL IS IN AN ORDER, CHOSEN BY THE SPEAKER. THEY ARE LISTED HERE SEQUENTIALLY]

**HB 629**, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

**HRA Analysis:** The Senate amendment implements the federal Unified Carrier Registration Act in NH state law, thus eliminating any need for the federal government to rely on its own constitutional authority to control truck registration in NH under the law or, in the absence of such authority, NH citizens being free from such regulations. It appears that this federal carrier registration law came out the Patriot Act. NH should consistently refuse to have its sovereignty abandoned whenever the federal government uses its spending ability to offer some revenue if our state government agrees to convert itself into just another federal law enforcement agency.

**HRA Recommendation: Oppose Both Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence. [Roll call]**

[SENATE AMENDED BILLS CONTINUE ON THE NEXT PAGE]

**HB 630**, relative to live racing in New Hampshire.

**HRA Analysis:** A Democrat majority passed this bill outlawing live racing on March 24, 2010 in the face of a majority of Republicans voting in opposition to the bill. The Senate amendment allows simulcast dog and horse racing under license and grandfathers in old dog racing facilities for such licenses. For the same reason that the HRA recommended against OTP on March 24, 2010, we recommend using the Senate amendment to kill the bill.

**HRA Recommendation: Oppose Both Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence.**

**HB 1314**, relative to approval of changes to a capital budget project.

**HRA Analysis:** In a startling cynical move, the Senate amendment takes a bill that was intended to control budgetary spending and added to it \$1,379,529 in earmark spending. The amendment also would require the state to borrow the money needed to fund that spending. Republicans stand for fiscal prudence. This bill is not fiscally prudent.

**HRA Recommendation: Oppose Both Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence. [Roll call]**

**HB 1518**, relative to increasing registration fees for certain OHRV and OHRV trails maintenance vehicles, and for transfer of registration of an OHRV or snowmobile.

**HRA Analysis:** This bill passed the House on the March 3, 2010 Consent Calendar and the Senate on April 7, 2010 by a voice vote. It increases antique and transfer registrations of ATVs and trail bikes, and sends the funds to the department of fish and game. The Senate amendment would one-up the House by also increasing the registration fee for trail maintenance vehicles. Republicans understand that increased fees are increased taxes and we stand in opposition to increasing yet another fee to add to the 80+ new and increased fees of the past three years. We further understand that dedicated funds hide the true cost of government from the people and should be opposed.

**HRA Recommendation: Oppose Both Concurrence with the Senate Amendment and a Request for Committee of Conference; Support Non-concurrence. [Roll call]**

**“Liberty, then, is the sovereignty of the individual, and never shall man know liberty until each and every individual is acknowledged to be the only legitimate sovereign of his or her person, time, and property, each living and acting at his own cost.”**

**- Josiah Warren**