



"TRUST BUT VERIFY"

# NHHRA

## RECOMMENDATION SHEET

The purpose of the NHHRA caucus 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.

**Thursday, February 22, 2018**

### Regular Calendar

HB1360 Support ITL	HB1790 Support ITL	HB1283 Support OTP
HB1288 Support OTPA or OTP	HB1298 Oppose ITL Support OTP	HB1300 Oppose ITL Support OTP
HB1413 No recommendation	HB1416 Oppose amendment Support OTPA or OTP	HB1420 Support OTP
HB1425 Support OTP	HB1467 Support OTPA	HB1477 Support OTPA
HB1542 Oppose ITL Support OTPA	HB1709 Oppose Int Study Support OTP	HB1217 Support OTP
HB1474 No Recommendation	HB1441 Support OTPA	HB1446 No Recommendation
HB1565 No Recommendation	HB1638 No Recommendation	HB1676 Support ITL

HB1526 Oppose ITL Support OTP	HB1367 No Recommendation	HB1659 Support ITL
CACR12 Support OTP	CACR16 Support OTPA	HB1576 Support ITL
HB1301 Support ITL	HB1227 Support OTP	HB1524 No Recommendation
HCR11 Support OTPA	HB1554 Support OTP	HB1808 No Recommendation
Amend House Rule 12 OTP	HB1637 (from consent) Oppose ITL - Support OTP	

## COMMERCE AND CONSUMER AFFAIRS

**HB 1360, prohibiting the use of certain information to underwrite insurance coverage. ITL. Vote 13-7.**

**HRA ANALYSIS:** The bill would prohibit using credit scores as a means to set automobile or homeowner insurance rates. Credit scores are a good metric for an individuals responsibility. As the bill would prohibit insurers from using actual consumer data to support their rates, the ITL is a good motion: Platform: Foster an attitude of assistance and cooperation with business and increase responsiveness

**HRA RECOMMENDATION: Support ITL**

**HB 1790-FN-A, establishing a New Hampshire health access corporation. ITL. Vote 11-9.**

**HRA ANALYSIS:** This bill would set up a corporation that would be legally and politically separate from the State, yet put into law government mandates concerning the corporation. The bill would mandate the corporation to have in its board of directors politically appointed members and members from various State agencies. This corporation would be empowered to collect premiums and spend them without any Legislative control. The bill would hold the members of this private corporation blameless and not liable for any actions taken as the board. Platform: Allow free market driven health care plans...free from government mandates

**HRA RECOMMENDATION: Support ITL**

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 1283, prohibiting sobriety checkpoints. MAJ: OTP. MIN: ITL. Vote 12-8.**

**HRA ANALYSIS:** Sobriety checkpoints are ineffective and intrusive. Testimony showed less than 1% of drivers stopped were DUI. A large number of police are required and would be better used on patrol actually stopping suspected DUI. Art 19 on NH Constitution states "Every subject hath a right to be secure from all unreasonable searches and seizures..."

**HRA RECOMMENDATION: Support OTP**

**HB 1288, relative to petitions for annulment. OTPA. Vote 20-0.**

**HRA ANALYSIS:** As amended, the bill would give a person whose arrest resulted in a finding of not guilty or whose case was dismissed or not prosecuted, may petition for the annulment of the court or arrest record. A person who has been found not guilty should not be punished with a criminal or arrest record. The fifth amendment to the US Constitution states that no person shall be deprived of life, liberty, or property without due process. Art 15 of the NH Constitution states that no subject

shall be ...deprived of his property, immunities, or privileges... or deprived of his life, liberty , or estate , but by the judgement of his peers. Also in our platform: "Support the constitutional right of citizens to petition the general court for redress of grievances"

**HRA RECOMMENDATION: Support OTPA or OTP**

**HB 1298, relative to unalienable rights of inhabitants. MAJ: ITL. MIN: OTP. Vote 14-6.**

**HRA ANALYSIS:** Our natural rights are unalienable and those privileges are protected from trespass by government as a whole, this would include public servants. This legislation addresses a lack of adherence to existing and established protections. The NH constitution in [Art.] 2. [Natural Rights.] All men have certain natural, essential, and inherent rights.."

**HRA RECOMMENDATION: Oppose ITL - Support OTP**

**HB 1300, relative to probable cause supported by a sealed affidavit. ITL. Vote 15-5.**

**HRA ANALYSIS:** No one should be held accountable for a crime that is hidden behind a sealed envelope. While the proposed change in the bill is not perfect, as the bill leaves the decision in the hands of the court, it is better than the current status. The report needs to be overturned to insure that citizens, even in preliminary hearings, know what they have been accused of. Constitution states: [Art.] 15. [Right of Accused.] No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him;

**HRA RECOMMENDATION: Oppose ITL, Support OTP**

**HB 1413-FN, relative to false reports of protective order violations. ITL. Vote 14-7.**

**HRA ANALYSIS:** this bill would make it illegal to file a false report. However, that a redundant since the filing of a false report is already covered in statute.

**HRA RECOMMENDATION: No Recommendation**

**HB 1416-FN, repealing the prohibition on bottle rockets. MAJ: OTPA. MIN: ITL. Vote 12-8.**

**HRA ANALYSIS:** This bill as amended, would allow the purchase of bottle rockets provided that the purchaser also buys a rocket launcher that would increase the safety of its use. Platform states: "Minimize business regulations, permits, licenses and paperwork."

**HRA RECOMMENDATION: Oppose Comm Amendment - Support OTPA or OTP**

**HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender. OTP. Vote 18-2.**

**HRA ANALYSIS:** The change allows some judicial discretion. Constitution [Art.] 33. Prohibits "excessive Bail, Fines, and Punishments."

**HRA RECOMMENDATION: Support OTP**

**HB 1425-FN, relative to simple assault. MAJ: OTP. MIN: ITL. Vote 17-3.**

**HRA ANALYSIS:** The bill simply states that absent any harm or injury, the charge will be a violation, not a misdemeanor, [Art.] 33. Prohibits "excessive Bail, Fines, and Punishments"

**HRA RECOMMENDATION: Support OTP**

**HB 1467, relative to the penalty for driving after revocation or suspension. OTPA. Vote 12-7.**

**HRA ANALYSIS:** Allows sentence to be served on weekends. Again [Art.] 33. Prohibits “excessive Bail, Fines, and Punishments.”

**HRA RECOMMENDATION: Support OTPA**

**HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less. OTPA. Vote 15-4.**

**HRA ANALYSIS:** This bill provides for older convictions to be annulled consistent with current laws. Again [Art.] 33. Prohibits “excessive Bail, Fines, and Punishments.”

**HRA RECOMMENDATION: Support OTPA**

**HB 1542, relative to carrying a pistol or revolver on university system and community college system property. MAJ: ITL. MIN: OTPA. Vote 15-5.**

**HRA ANALYSIS:** This is contrary to existing law and basically imposes a gun ban on college campuses. The right to protection of one’s self is guaranteed in the Constitution and should be respected by college administrations and the General Court. Our Constitution’s “[Art.] 2-a. [The Bearing of Arms.] All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state.”

**HRA RECOMMENDATION: Oppose ITL - Support OTPA (w/ Minority amendment)**

**HB 1709-FN, relative to physical force in defense of a person. MAJ: INTERIM STUDY. MIN: OTP. Vote 13-7.**

**HRA ANALYSIS:** This bill makes explicit the current law which permits the use of deadly force upon another person when that other person is physically aiding or abetting another person who is committing or about to commit kidnapping or a forcible sex offense. The NH Constitution: Art 2 Natural Rights states “...the enjoying and defending life and liberty...” The state should not infringe.

**HRA RECOMMENDATION: Oppose Interim Study - Support OTP**

## **EDUCATION**

**HB 1217, amending the certification requirements for school nurses. MAJ: OTP. MIN: INTERIM STUDY. Vote 13-7.**

**HRA ANALYSIS:** This bill undoes the restrictive requirements for school nurses that were put into place by 2016 legislation that never had a public hearing. These requirements for a Bachelor’s Degree, certification, and 3 years pediatric experience have resulted in school nurse shortages and higher costs. Undoing those requirements will still require a school nurse to be a registered nurse licensed in NH. Platform: Justify expenditures against measurable benefits and Prioritize programs to ensure effective spending.

**HRA RECOMMENDATION: Support OTP**

## **ENVIRONMENT AND AGRICULTURE**

**HB 1474, designating the New Hampshire Red as the official state poultry. OTP. Vote 13-0.**

**HRA ANALYSIS:** The NH Red chicken has been a leader in poultry production in NH since 1935. Many of the large poultry farms raised NH Reds up until the decline in the poultry business in the 1970's. There is no constitutional or platform issue with this bill.

**HRA RECOMMENDATION: No Recommendation**

## **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 1441-FN, establishing the office of the ombudsman in the department of state. MAJ:**

**OTPA. MIN: ITL. Vote 15-4.**

**HRA ANALYSIS:** HB1441 creates the part-time position of Ombudsman to receive complaints regarding officers, employees or contractors of state or local governments for referral to the AG. They will also oversee investigations of voter fraud. The committee amendment requires the nominee to get unanimous support from the Senate President, Speaker, minority leaders and then a vote of the General Court. Platform: Protect the privacy of individuals from government agencies & employees who abuse their power & position.

**HRA RECOMMENDATION: Support OTPA**

**HB 1446, relative to childhood cancer awareness month. OTP. Vote 13-0.**

**HRA ANALYSIS:** No Constitutional or platform issue.

**HRA RECOMMENDATION: No Recommendation**

**HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital. OTPA. Vote 20-0.**

**HRA ANALYSIS:** This bill seeks to have secure psychiatric unit be accredited as a psychiatric hospital as the preferred solution for persons who are violently psychotic. No Constitution or platform issue, however.

**HRA RECOMMENDATION: No Recommendation**

**HB 1638, declaring April 7, 2018 as tabletop gaming day in New Hampshire. OTP. Vote 12-2.**

**HRA ANALYSIS:** This bill is designed to promote tabletop games. No Constitution or platform issue.

**HRA RECOMMENDATION: No Recommendation**

**HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables. MAJ: OTP. MIN: ITL. Vote 12-7.**

**HRA ANALYSIS:** Repeals the need for a license to have a billiard table or to conduct an open air show. NHGOP platform: Minimize business regulations, permits, licenses and paperwork

**HRA RECOMMENDATION: Support OTP**

## **FISH AND GAME AND MARINE RESOURCES**

**HB 1526, relative to fish and game authority to adopt rules to set fees. MAJ: ITL. MIN: OTP. Vote 13-2.**

**HRA ANALYSIS:** HB1526 would confine the department's ability to set fees to those provided for in statute thus returning power to the General Court. From Article 28 of 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, or authority derived from that body."

**HRA RECOMMENDATION: Oppose ITL - Support OTP**

## **HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

**HB 1367, removing tetanus from the law requiring certain immunizations. MAJ: ITL. MIN: OTP. Vote 17-5.**

**HRA ANALYSIS:** This bill represents an academic debate over the extent to which the State should intrude in parental decisions involving the Tetanus vaccination. From a purely practical aspect, it is infeasible to remove Tetanus because it comes as part of the Diphtheria and Pertussis vaccinations which are both communicable diseases (DPT). While no rational parent would avoid giving the Tetanus shot to their kid, it isn't a communicable disease between children. The State has an interest in requiring kids to be vaccinated for communicable diseases prior to entering public school. In this instance, the State is mandating parental actions beyond its interest in protecting students from communicable diseases. Given the impracticality of separating Tetanus from the Diphtheria and Pertussis vaccination would make the bill moot from the outset however.

**HRA RECOMMENDATION: No Recommendation**

**HB 1659, establishing a committee to study possible health and safety impacts of the alkali-silica reaction on the seacoast. MAJ: ITL. MIN: OTP. Vote 14-5.**

**HRA ANALYSIS:** This bill is duplicative of ongoing oversight by the Nuclear Regulatory Commission. Further, the short time frame of the proposed committee is highly unlikely to accomplish anything of significance before the November 2018 expiration. The bill therefore violates planks to "Justify expenditures against measurable benefits" and "Prioritize programs to ensure effective spending".

**HRA RECOMMENDATION: Support ITL**

## **JUDICIARY**

**CACR 12, relating to the election of judges. Providing that judges be elected for specific terms. MAJ: OTP. MIN: ITL. Vote 9-8.**

**HRA ANALYSIS:** The platform says: "Implement reasonable and periodic oversight of judicial officers, including term limitations." and "We believe that we the people are strongest when we stand together, that it is our responsibility to hold government accountable and that it is through the integrity of the ballot box that we do so."

**HRA RECOMMENDATION: Support OTP**

**CACR 16, relating to privacy. Providing that an individual's right to live free of governmental interference is fundamental. MAJ: OTPA. MIN: INTERIM STUDY Vote 15-2.**

**HRA ANALYSIS:** This Constitutional amendment establishes the individual's right to be free from government intrusion into their private or personal information. Our platform states: "liberty of the people must be protected above the power of the government," and our Constitution says: "all government of right originates from the people, is founded in consent, and instituted for the general good."

**HRA RECOMMENDATION: Support OTPA**

**HB 1576, creating managed asset trusts for real property. MAJ: ITL. MIN: OTP. Vote 8-7.**

**HRA ANALYSIS:** This bill sets up a complex trust structure for holding real estate.

Platform: "Minimize business regulations, permits, licenses and paperwork."

**HRA RECOMMENDATION: Support ITL**

## **LEGISLATIVE ADMINISTRATION**

**HB 1301-FN, including the legislature as a public employer under the public employee labor relations act. ITL. Vote 6-2.**

**HRA ANALYSIS:** This bill establishes the legislature as a public employer under the public employee labor relations act and establishes procedures for collective bargaining by nonpartisan employees. The bill would remove the authority of the presiding officers to deal with hiring and firing and would give that authority to various subcommittees. Additional and unknown costs would be incurred by petitions to form bargaining unit, grievance procedures and any unfair labor complaints. The prime sponsor stated that no one asked him to submit the bill. Platform; Justify expenditures against measurable results.

**HRA RECOMMENDATION: Support ITL**

## **SCIENCE, TECHNOLOGY AND ENERGY**

**HB 1227, relative to an unattended idling vehicle on private property. MAJ: OTP. MIN: ITL. Vote 13-6.**

**HRA ANALYSIS:** Current law states that only those people with remote car starters may idle their cars on their own private property. This Bill will allow all other people to now legally , warm up their vehicles. Platform: Private property owners...have a fundamental right to freely use and enjoy their property.

**HRA RECOMMENDATION: Support OTP.**

## **STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS**

**HB 1524, relative to election-related amendments to the United States Constitution. ITL Vote 10-7.**

**HRA ANALYSIS:** This bill would put into state law a request for an Article V Constitutional Convention. Such a request to Congress should have been presented as a resolution. From the House Rules: Resolutions are formal expressions of the opinions and wishes of the legislature. No platform or Constitutional issues.

**HRA RECOMMENDATION: No Recommendation**

**HCR 11, urging a pardon of Gerald “Jerry” DeLemus. MAJ: OTPA. MIN: ITL. Vote 9-8.**

**HRA ANALYSIS:** This House Resolution urges a pardon for Jerry DeLemus as he has been denied the ability to change his plea of guilty to conspiring after others were found not guilty of conspiring. The Government waited over a year to begin prosecution. Others were found not guilty of conspiring but Jerry was found guilty of conspiring with them. Jerry has been denied the change his original plea. US Constitution: “...In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed,” And from our Platform: “... 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: Support OTPA**

## **WAYS AND MEANS**

**HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes. MAJ: OTP. MIN: ITL. Vote 13-10.**

**HRA ANALYSIS:** The bill increases the Interest and Dividend (I&D) exemption amounts from \$2,400 to \$3,500 or just over 45%. The change reduces the amount to be collected by the I&D tax by about \$5 million dollars. The bill is intended to be revenue neutral by reducing the research and development tax credit by about \$5,000,000. This legislation cuts the I&D tax which inhibits enterprise, earnings and savings and investment. The measure supports both free markets and free enterprise by reducing the NH’s tax burden and by reducing the picking of winners and losers by the government. The bill aids in capital formation while allowing those who have invested in order to have retirement savings to retain more of the income stream they have worked so hard to build. This legislation is a tax cut. Platform: “Cut or eliminate taxes which inhibit enterprise, earnings and savings and investment, such as the Interest and Dividends Tax...”

**HRA RECOMMENDATION: Support OTP**

**HB 1808, repealing certain inactive dedicated funds. OTPA. Vote: 23-0**

**HRA ANALYSIS:** The bill requested by the joint committee on dedicated funds repeals certain inactive funds identified by the joint committee. It is a housekeeping measure the identified funds lapse. No Constitution or platform issue.

**HRA RECOMMENDATION: No recommendation**

## **FROM CONSENT**

**HB1637, relative to the interest charged on late and delinquent property tax payments. ITL Vote 23-0**

**HRA ANALYSIS:** The legislature set the interest charged on late payment of property taxes at 12% in 2001 and the property lien interest rate at 18% in 1992. These rates have remained fixed. HB1673 proposes to base interest and lien rates on property taxes on the same system the DRA has used since 1998 for taxes it collects. The rate is reset yearly and that covers the cost of borrowing and includes a healthy safety margin (current DRA rate is 6%). If a taxpayer is having difficulties and falls behind in their taxes, the higher interest rate further punishes those least able to



pay. The interest rates specified in law are so much higher than the actual cost of borrowing they represent a taking without due process. Article 18 of the Constitution states that "...penalties ought to be proportional to the nature of the offense".

**HRA RECOMMENDATION: Oppose ITL - Support OTP**

## **AMEND HOUSE RULE 12**

**HRA ANALYSIS:** This amendment is intended to make sure no member is denied the right to speak from the floor. Article 8 of our Constitution states: Government, therefore, should be open, accessible, accountable and responsive. This should also apply to the Representatives of the people.

**HRA RECOMMENDATION: Support OTP**