



## Regular Calendar

### HB 1125-FN, repealing the crime of adultery.

Committee recommendation: Children and Family Law: OTP 15-0

This bill, making adultery a civil matter, is **pro-liberty**:

- Adultery is a violation of a marriage contract—a private contract between two parties—and should not be punished criminally.
- This law has gone unenforced for decades. Leaving such laws on our books creates confusion and disrespect for the law.
- “These laws harken back to an earlier period, where a majority of citizens claimed the right to impose their values and morals on their neighbors. The notion of a government policing immorality runs against the grain of our constitutional system. That is more often associated with countries like Iran, where morality police roam the streets.” --Jonathan Turley, legal scholar, 2011

**HB 1125**  
**YEA**  
**ON**  
**OTP**

### HB 1369, adopting the Uniform Marital Property Act.

Committee recommendation: Children and Family Law: ITL 14-2

This bill, which protects property rights, is **pro-liberty**:

- Strengthens your right to contract with your property, not have it divided at a judge's whim.
- Limits federal tax payments.

**HB 1369**  
**NAY**  
**ON**  
**ITL**

### HB 1341, relative to grounds for divorce for persons with minor children.

Committee recommendation: Children and Family Law: ITL 14-0

This bill, which would harm parent- child relationships, is **anti-liberty**:

- This bill has many unintended consequences:
  - One of the parents would be identified as the cause of the divorce potentially eliminating any ability for the parties to co-parent agreeably and negatively impact parent – child relationships.
  - It would require longer and more costly court hearings.
  - Moreover, intolerable marriages may be forced to stay intact and could also encourage perjury to dissolve an intolerable marriage, e.g. one inflicted with drug abuse or financial recklessness.

**HB 1341**  
**YEA**  
**ON**  
**ITL**

### HB 1217, allowing wholesale distributors to purchase beverages from nano brewery licensees.

Committee recommendation: Commerce and Consumer Affairs: OTP 12-6

This bill, allowing distributors from New Hampshire to buy from nano breweries, is **pro-liberty**:

- Allows distributors from New Hampshire to do what distributors from other states can already do - directly support NH nano breweries.

**HB 1217**  
**YEA**  
**ON**  
**OTP**

### HB 1288, requiring bottled water labels to indicate the source of water.

Committee recommendation: Commerce and Consumer Affairs: ITL 17-1

This bill, which would create a mandate on beverage manufacturers, is **anti-liberty**:

- This bill would mandate that every container of bottled water sold or offered for sale to a consumer in this state shall have a source of water indicated on the label. This would be especially burdensome on manufacturers.

**HB 1288**  
**YEA**  
**ON**  
**ITL**

**HB 1137-FN, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape.**

Committee recommendation: Criminal Justice and Public Safety: OTP 14-2

This bill, which redefines and reclassifies felony escape, is **pro-liberty**:

- Reducing penalties for lesser crimes, and in the case of the new misdemeanor escape, relatively victimless crimes, will simplify the process of a person getting on with their lives. A felony on one's record makes one difficult to hire, in fact there are many jobs that strictly prohibit hiring felons. Simple escape, when there is no malice, forethought, or harm should not be classified as a felony.
- Would classify non-violent escape as a Class A misdemeanor while providing a clearer definition of felony escape. Those convicted of the more serious crime would still be barred from appealing for annulment under section 651:5 V.
- Keeping people out of prison for lesser crimes will save the taxpayer money.

**HB 1137**

**YEA  
ON  
OTP**

**HB 1204-FN, relative to perjury by a law enforcement officer.**

Committee recommendation: Criminal Justice and Public Safety: Interim Study 11-7

This bill, making clear that a badge does not excuse perjury, is **pro-liberty**:

- Perjury is a felony, compared to other forms of official falsification which are misdemeanors. Would it be in the best interest to the citizens of New Hampshire to have police officers continue in their position as convicted felons?
- Police officer testimony is virtually always given more weight than the testimony of private citizens. That some cops take advantage of this and openly lie on the stand is so well known among criminal defense attorneys that they even have a term for this: "Testilying."
- "For anyone who has practiced criminal law in the state or Federal courts, the disclosures about rampant police perjury cannot possibly come as a surprise. "Testilying" -- as the police call it -- has long been an open secret among prosecutors, defense lawyers and judges." -- Alan Dershowitz, New York Times <http://www.nytimes.com/1994/05/02/opinion/controlling-the-cops-accomplices-to-perjury.html>
- The existence of the threat of "testilying" is a massive injustice. This threat is such a real possibility that innocent citizens are counseled into "taking the plea deal" rather than taking a chance on the officer's honesty.
- This bill would restore the people's trust in their judicial system. It would alleviate the threat of "testilying" during pre-trial negotiations, and it will encourage the innocent to prove their innocence in court.
- **NHLA supports YEA on OTP**

**HB 1204**

**NAY  
ON  
STUDY**

**HB 1237, prohibiting residency restrictions for registered sex offenders and offenders against children.**

Committee recommendation: Criminal Justice and Public Safety: OTP 18-1

This bill, which would repeal residency restrictions, is **pro-liberty**:

- Courts in New Hampshire have already repealed sex offender residency restrictions in Franklin and Dover; this will codify court decisions consistently throughout the state.
- Residency restrictions can backfire by driving people on the registry underground, where they are harder to track and monitor.
- Limitations on residency can force people on the registry further from the support networks they need the most: jobs, therapy, and public transportation, making it more difficult to re-assimilate into society.

**HB 1237**

**YEA  
ON  
OTP**

**HB 1301, relative to transportation of alcoholic beverages by a minor.**

Committee recommendation: Criminal Justice and Public Safety: OTP 13-4

This bill, allowing a minor to transport an adult and liquor at the same time, is **pro-liberty**:

- The state should not be criminalizing the harmless behavior of minors transporting unopened alcohol.
- Current liquor laws provide penalties for underage consumption or providing alcohol to minors.

**HB 1301**

**YEA  
ON  
OTP**

**HB 1436, relative to unlawful possession of alcoholic beverages.**

Committee recommendation: Criminal Justice and Public Safety: Without Recommendation

This bill, allowing minors to possess alcohol for limited reasons, is **pro-liberty**:

- This bill restores parental responsibility and family choice in allowing a minor to possess alcohol for religious, medical or other reasons. This is more properly a role of parents, not law enforcement.
- A teenager sipping wine under parental supervision during a religious ceremony should not be deemed a criminal by the state.

**HB 1436**  
**YEA**  
**ON**  
**OTP/A**  
**(0369)**

**HB 1506, relative to student identification cards used to satisfy voter identification requirements.**

Committee recommendation: Election Law: ITL 10 - 6

This bill, which would make it harder for eligible voters to cast a ballot, is **anti-liberty**:

- Violates Article 11 Part 1 of the NH constitution “ All elections are to be free to all inhabitants of the state...”.
- There is no credible evidence that impersonation fraud is a problem in New Hampshire.

**HB 1506**  
**YEA**  
**ON**  
**ITL**

**CACR 16, relating to the nomination and appointment of officers. Providing that judicial officers shall be confirmed by the legislature.**

Committee recommendation: Judiciary: ITL 16 - 2

This bill, which provides a check on the executive branch, is **pro-liberty**:

- This bill allows the Legislature to vet judicial appointments. It is very difficult to remove problematic judges currently; this bill would allow the Legislature to head off this problem by refusing to confirm judges that are already known to be a problem.

**CACR16**  
**NAY**  
**ON**  
**ITL**

**HB 1405, prohibiting an employer from using credit history in employment decisions.**

Committee recommendation: Labor, Industrial, and Rehabilitative Services: OTP/A 12-6

This bill, which would limit an employers' hiring practices, is **anti-liberty**:

- Government should not be dictating hiring practices for businesses.
- This would increase the risks involved in hiring, making firms more reluctant to bring on new employees.
- Like many other well-intentioned measures this could result in detrimental effect on the people it seeks to help.
- Credit reports are a less subjective criteria for evaluating the potential of new employees. Without the use of a pre-employment credit check, many employers will likely use other more arbitrary means in making a selection.
- Only 13% of employers conduct credit checks on all job candidates, while 47% do for certain jobs. Typically those jobs are for senior personnel in critical positions. This bill is attempting to address a perceived problem, not a real one.

**HB 1405**  
**NAY**  
**ON**  
**OTP/A**

**HB 1266, relative to the appointment of the town clerk**

Committee recommendation: Municipal and County Government: ITL 11-8

This bill, which would permit a town to authorize the board of selectmen or the town manager to appoint the town clerk, is **anti-liberty**:

- This bill would reduce local control of the voters in the election of town clerks; which has been the tradition for more than 300 years.
- This is a “solution” looking for a problem.

**HB 1266**  
**YEA**  
**ON**  
**ITL**

**HB 1573-FN, discontinuing regional planning commissions and requiring the election of municipal planning board members.**

Committee recommendation: Municipal and County Government: ITL 15-0

This bill, which would allow more local control of municipal planning board membership, is **pro-liberty**:

- By requiring planning boards to be elected by the people, this bill will prevent town governments (e.g., the selectmen or city councils) from stacking the planning board with people who will do as they demand.
- Regional planning commissions promote top-down, centralized planning, in direct conflict with New Hampshire's tradition of decentralized, local control. In particular, regional planning commissions are one of the primary ways that the federal government and supranational bodies like the U.N. bypass elected town government in order to implement central planning such as Agenda 21.

**HB 1573**  
**NAY**  
**ON**  
**ITL**

**HB 1360, prohibiting impeded driving and use of certain electronic devices while driving.**

Committee recommendation: Transportation: OTP/A 13-3

This bill, fining citizens for cell phone use in vehicles, is **anti-liberty**:

- Driving fatalities have been on a downward trend despite massive cell phone adoption over the last ten years. In states where cell phone restrictions have been instituted there has not been a significant change in fatal accidents.
- This law is redundant, outlawing something that is already covered by existing law. RSA 265:79-b, the offense of negligent driving, already exists and is quite sufficient.

**HB 1360  
NAY  
ON  
OTP/A**

**HB 1476, exempting proprietorship from taxation under the business enterprise tax.**

Committee recommendation: Ways and Means: ITL 18-2

This bill, which would exempt non-franchised enterprises (proprietorships) from BET, is **pro-liberty**:

- Incorporated enterprises (Inc., LLC, PLC, PCC, type-S) are technically franchises of the State. A franchise is defined as the power granted by the State to do business in a manner not available to the general public (without liability). In 1903, the people of the State authorized the expansion of taxation to include additional forms of property such as franchises. If the business enterprise tax is lawful, it is because it is a franchise tax.
- The business enterprise tax is a franchise tax, it cannot be levied on non-franchises. Proprietorships are not franchises. A proprietorship is legally identical to its owner(s), owners are fully liable for the actions of the proprietorship.
- The business enterprise tax cannot be levied on individuals, therefore, it cannot be levied on the proprietorships with whom they are identical. This is entirely consistent with supreme court decisions as the distinction is solely in the class of property, franchise or proprietorship, and not upon the any distinction in the owners.
- This is a distinction in classes of property (franchise or proprietorship), not a distinction between the taxpayers who own the property.

**HB 1476  
NAY  
ON  
ITL**

**HB 1477, exempting proprietorships from taxation under the business profits tax.**

Committee recommendation: Ways and Means: ITL 17-3

This bill, which would exempt non-franchised enterprises (proprietorships) from BPT, is **pro-liberty**:

- The BPT is only constitutional if it is a franchise tax (a tax on an incorporated enterprise).
- Franchise taxes cannot be levied on non-franchised enterprises (proprietorships)
- This is a distinction in classes of property (franchise or proprietorship), not a distinction between the taxpayers who own the property.

**HB 1477  
NAY  
ON  
ITL**

**HB 1597, reducing the rate of tax on meals under the meals and rooms tax.**

Committee recommendation: Ways and Means: ITL 9-8

This bill, which reduces the meals tax by about 1%, is **pro-liberty**:

- People should not be forced to pay more for the necessity of eating meals.
- Reduction in tax rates can lead to increased consumer spending which would help NH businesses

**HB 1597  
NAY  
ON  
ITL**