



Gold Standard

NHLiberty.org

March 12th & 13th, 2014

Regular Calendar Part I -Continuation March 6

HB 1601, relative to mandatory headlamp use.

Committee recommendation: Transportation: OTP/A 8-3

This bill, which adds an unnecessary mandate, is anti-liberty:

- Current law requiring headlamps only 1/2 hour after sunset and 1/2 hour before sunrise is because that is (approximately) when it actually becomes dark enough to need them. It is not dark at sunset or sunrise.
- This law removes common-sense discretion from motorists as to when rain, snow, or fog is thick enough to require headlamp use.
- This law will only lead to people being ticketed for committing technical violations of the law when no actual harm could have been possible. Headlamps are not needed at sunset or sunrise but now not using them will be a violation. A single patch of fog or a barely noticeable drizzle or snow flurries will be able to be used by police to ticket people needlessly.

**HB 1601
NAY
ON
OTP/A**

Bills Removed From Consent March 5

HB 1323, relative to candidates for state representative.

Committee recommendation: Election Law: ITL 16-0

This bill, which allows constitutionally eligible 17 year olds to file for State Rep, is pro-liberty:

- Article 11, Part First requires that "every inhabitant of the state, having the proper qualification, has equal right to be elected into office." Any inhabitant who is 18 on or before election day meets the age qualification and has an equal right to be elected.
- The Supreme Court has struck down laws like alphabetical listing of candidates as a violation of the equal right to be elected; requiring some 18-year olds—but not others--to use write-in campaigns to qualify for the ballot is not equal!

**HB 1323
NAY
ON
ITL**

Regular Calendar Part II

HB 1625-FN, relative to penalties for possession of marijuana in the amount of one ounce or less and the cultivation of marijuana plants.

Committee recommendation: Criminal Justice and Public Safety: OTP 12-5

This bill, which would decriminalize small amounts of marijuana, is pro-liberty:

- In a free society, individuals should not be harshly punished for peaceful activities which do not harm others. Thus, it is more appropriate to punish simple marijuana possession with a citation and a fine than with a criminal conviction and possible jail time.
- This bill would help avoid the unintended consequences associated with marijuana prohibition. By reducing the extent to which an individual's life is disrupted by a minor marijuana arrest, it would reduce the expense of the criminal justice system and allow law enforcement to focus its efforts on serious crimes.
- Part I, Article 18 of the N.H. Constitution states, in part: "All penalties ought to be proportioned to the nature of the offense. ... Where the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offenses."

**HB 1625
YEA
ON
OTP**

HB 1392-FN-L, removing the restriction on the number of pupils eligible to transfer to a chartered public school.

Committee recommendation: Education: OTP 10-8

This bill, which removes the restriction on the number of pupils eligible to transfer to a chartered public school, is **pro-liberty**:

- HB 1392 removes the current 10% limit per grade currently in law, which discourages charter school opportunities in the North Country.
- This bill will encourage more charters to open and allow greater school choice in areas with smaller populations.

HB 1392
YEA
ON
OTP

HB 1393-FN-L, relative to tuition payments for students attending a chartered public school in the student's district of residence.

Committee recommendation: Education: ITL 11-7

This bill, relative to tuition payments for students attending a chartered public school in the student's district of residence, is **pro-liberty**:

- Some local school districts which do not operate their own full-time elementary or secondary school provide tuition to students so that they can attend nearby public school districts. This bill would allow parents to select a charter school operating within their district as an alternative.
- The resident district would pay the charter school the tuition minus the amount the charter receives from the state (currently \$5498).
- The costs to the resident district would be less and families would have more educational options.

HB 1393
NAY
ON
ITL

HB 1149, relative to the requirements for filing a charter school application.

Committee recommendation: Education OTP/A 14-1

This bill, relative to the requirements for filing a charter school application, is **anti-liberty**:

- This bill would require proposed charters to have 50% of their application based on the educational mission statement. This would devalue the remaining evaluation criteria, such as the budget and financial management, curriculum, and academic goals.
- This proposed change is dramatic and will complicate the approval process and make it more subjective.

HB 1149
NAY
ON
OTPA

Regular Calendar Part III

HB 1626-FN-A-L, establishing up to 6 gambling establishments in the state and a gaming oversight authority and continually appropriating a special fund.

HB 1628-FN-A-L, relative to games of chance and establishing a gaming regulatory commission and video lottery gaming.

HB 1633-FN-A-L, relative to expanded gaming in New Hampshire.

Committee recommendation: Ways and Means: ITL 16-4, ITL 16-4, ITL 11-9

These bills, which promote some form of a government sponsored monopoly on gambling, are **anti-liberty**:

- If one wants to allow of gambling in New Hampshire, simply repeal RSA 338:1-4 related to various prohibitions on gambling contracts and transfers of property due to gambling and RSA 647:2 which criminalizes gambling.

HB 1626
HB 1628
HB 1633
YEA
ON
ITL

HB 1159, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event.

Committee recommendation: Judiciary: OTP 13-6

This bill, relative to immunity when seeking medical assistance for overdoses, is **pro-liberty**:

- This bill would save lives by encouraging people to call 911 or otherwise seek medical attention when someone is having a drug or alcohol overdose.
- This bill would not provide immunity for drug dealing or other serious charges, the bill (as amended) spells out immunity for a few things like possession.
- This is a small-government solution to the problem of drug overdose deaths—unlike the big government prescription drug database passed last term, it focuses on getting help and saving lives at the moment of crisis.

HB 1159

**YEA
ON
OTP**

HB 1452, relative to jury nullification.

Committee recommendation: Judiciary: ITL 13-4

This bill, which requires a judge to notify jurors of their rights to judge the application of a law prior to deciding a case, is **pro-liberty**:

- Jurors have the right to return a not-guilty verdict if they think applying a law in a particular case is fundamentally unjust.
- Most jurors have never been in a courtroom, and jurors who do not understand their rights cannot exercise them.
- Asking our judges to briefly inform jurors of all their rights is not burdensome, time consuming, or expensive.

HB 1452

**NAY
ON
ITL**

HB 1609-FN, relative to forfeiture of personal property.

Committee recommendation: Judiciary: ITL 14-2

This bill, relative to forfeiture of personal property, is **pro-liberty**:

- This bill bans civil forfeiture in the state of New Hampshire.
- Civil forfeiture, unlike criminal forfeiture, occurs without charges, and without a conviction.
- Money seized is often routed through a federal agency, which gives the money back to the police who seize it, bypassing the state entirely, thus creating perverse incentives to seize property.

HB 1609

**NAY
ON
ITL**

HB 1307, prohibiting the state and political subdivisions from acquiring military-equipped vehicles or equipment which are not readily available in an open national commercial market.

Committee recommendation: Executive Departments and Administration: ITL 11-8

This bill, which upholds a community -like atmosphere to towns and municipalities, is **pro-liberty**:

- Restricts towns and municipalities from purchasing or receiving military equipment saving those tax dollars for more important needs
- Prohibits the continual increase in armament of the local police force ensuring they are focused on building better community relations vs. escalating confrontations to the point where citizens are killed.
- Prevents the purchase of equipment that was designed for the battle field, not for community policing.

HB 1307

**NAY
ON
ITL**

HB 1230-FN, relative to imposition of consecutive sentences.

Committee recommendation: Criminal Justice: ITL 13-3

This bill, which creates provisions for the calculation of concurrent and consecutive sentences, is **pro-liberty**:

- This bill would require that judges state in writing the reasons for imposing consecutive sentences.
- This bill could lead to reduced sentences, which would save NH taxpayers.

HB 1230

**NAY
ON
ITL**

HB 1362-FN, prohibiting enforcement of any federal law which bans certain firearms or limits firearm magazine size and establishing a criminal penalty for such enforcement.

Committee recommendation: Criminal Justice: ITL 15-1

This bill, which protects state jurisdiction from the over-reach of federal law, is **pro-liberty**:

- The bill seeks to correct the continued abuse of power by the Federal government in areas not delegated to Congress: The New Hampshire Constitution clearly states: "[Art.] 7. [State Sovereignty.] The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in congress assembled."
- The bill corrects the current restrictions in place from the Federal Government that are not supported by the tenth amendment in the Bill of Rights: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."
- The bill is pro-business as there are a significant number of manufacturers and customers in the state that would benefit from reduced regulation.

HB 1362

**NAY
ON
ITL**

HB 1541-FN, allowing health insurance policies to be sold without mandates.

Committee recommendation: Commerce and Consumer Affairs: ITL 9-5

This bill, which would allow the sale of health insurance without mandates, is **pro-liberty**:

- Insurance mandates add to the cost of policies by requiring purchasing "insurance" for something that the consumer may or may not want. For example, women are required to buy policies that include coverage for midwife services, even if they don't plan on having a child or giving birth outside a hospital. (RSA 420-B:8-p)
- While allowing people to opt out of buying policies with insurance mandates will increase premiums for those who don't, it's only because the higher price more accurately reflects the risk that they are buying insurance for.

HB 1541

**NAY
ON
ITL**

HB 1403, establishes a state minimum wage and increases it with inflation.

Committee recommendation: Labor, Industrial and rehabilitative Services: OTP 10-8

This bill, which establishes a state minimum wage and increases it with inflation, is **anti-liberty**:

- A state set minimum wage prevents individuals from freely agreeing to a lower rate, while they prove their productivity or learn on the job. People who are willing to work for less cash but higher benefits should be able to express this preference in the marketplace.
- Internships and apprenticeships are recognized as the best way to learn a complex profession, but few employers will risk paying a beginner very much.
- The very idea of a minimum wage is patronizing and demeaning, as it implies that citizens don't know how much they're worth and are incapable of negotiating with an employer.

HB 1403

**NAY
ON
ITL**

HB 1409, expanding the law against discrimination to prohibit housing discrimination

Committee recommendation: Judiciary Laid on Table

This bill, which expands the law against discrimination to prohibit housing discrimination to various new categories of individuals, is **anti-liberty**:

- This bill reduces property rights and is contrary to the freedom of association rights of the First Amendment.

HB 1409

**NAY
ON
OTPA**