



GOLD STANDARD

HOUSE SESSION - WEDNESDAY, FEBRUARY 10, 2016

(listed numerically)
HB 668 NAY ITL
HB 1130 NAY OTP/A
HB 1184 NAY ITL
HB 1298 YEA OTP/A
HB 1368 YEA ITL
HB 1416 YEA ITL
HB 1444 YEA ITL
HB 1563 NAY OTP
HB 1564 YEA ITL
HB 1590 NAY OTP/A
HB 1604 NAY OTP/A
HB 1641 YEA ITL
HB 1644 NAY OTP
HB 1647 YEA OTP
HB 1674 YEA ITL
HB 1694 NAY ITL
HB 1696 NAY OTP/A

NHLIBERTY.ORG

HB 1563-FN-LOCAL, relative to funding for full-day kindergarten pupils.

HB 1563

Education Committee Recommendation: OTP 10-9

ANTI-LIBERTY: This bill expands state spending to fund full day kindergarten

NAY OTP

- Full day programs are not appropriate for many 5 year olds, who are often better off spending more time with their family. This bill would discourage the continuation of successful half day programs.
- Communities which choose to offer half day kindergarten should not be forced to subsidize those that choose to offer full day kindergarten. Both the decision, and the funding, should be local.
- Instead of further expanding state spending on schools, and taxes, to the tune of over three million dollars a year, legislators should seek to return decision making power to families.

HB 1604-FN-A-LOCAL, relative to exceptional student education programs and providing funding therefor.

HB 1604

Education Committee Recommendation: OTP/A 19-2

ANTI-LIBERTY: This bill overrides local control of education

NAY OTP/A

- Mandating "instructional methods" at the state level violates, RSA 193-E:2-a,V, which clearly states that the "methods of instruction" are "the responsibility of local teachers, administrators, and school boards."
- Decisions about instruction, as well as "competency" based criteria for advancement, are better made by local school boards, not by state legislators.
- This bill was completely rewritten in exec session and bears no resemblance to the original bill.

HB 1644-FN, relative to screening and treatment for dyslexia and related disorders and establishing a reading specialist in the department of education.

HB 1644

Education Committee Recommendation: OTP 11-8

ANTI-LIBERTY: This bill further increases state level spending on education.

NAY OTP

- This bill creates an entirely new level of specialist within the DOE at more expense to the state.
- Programs already exist to identify students who need additional services; this bill is duplicative of services already in place.

HB 1564-FN-A, establishing an independent redistricting commission.

HB 1564

Election Law Committee Recommendation: ITL 11-8

ANTI-LIBERTY: This bill creates an unaccountable, tax funded redistricting commission.

YEA ITL

- While the stated goals of this bill are laudable, the approach for creating this 'independent' commission are unlikely to result in significant independence. Appointees would be selected from politically connected citizens that the majority and minority parties would count on to counterbalance potential unfair plans from the opposing party.
- The seemingly independent commission would allow the legislature to claim plausible deniability in cases where clearly gerrymandered districts resulted from this process. While this abdication of responsibility may result in improved redistricting in some years or some regions of the state, the reduction of accountability prevents voters from being able to properly influence the process.
- This bill increases state spending by establishing a new state funded election integrity attorney.
- The bill seeks to fund additional spending with a new tax; should the new tax be insufficient to cover the unbounded costs, the commission would be funded from the general fund.

HB 1674-FN, requiring the labeling of genetically engineered foods.

HB 1674

Environment and Agriculture Committee Recommendation: ITL 12-7

ANTI-LIBERTY: This bill increases regulations on food producers and suppliers.

- New labeling requirements would place an undue burden on retailers, wholesalers, and producers throughout the state and region.
- The proper solution would be an independent third-party certification agency, which could freely state whether or not food does or does not contain GMO. Such third party agencies now exist (e.g. nongmoproject.org) and offer certification seals.
- The USDA has developed a "Non-GMO Label" program that allows producers to pay to participate in the Process Verified Program. This voluntary approach allows consumers who choose to avoid GMO foods to support brands that participate in the program.
- The bill notably excludes alcoholic beverages, demonstrating a conflict of interest as the state derives significant income from acting as an alcohol retailer.

YEA ITL

HB 1416-FN, relative to funding for state criminal background checks.

HB 1416

Executive Departments and Administration Recommendation: ITL 11-4

ANTI-LIBERTY: This bill establishes a tax on the exercise of a constitutionally protected right.

- Article 2a of the NH constitution recognizes the inherent right to keep and bear arms. In *Harper v. Virginia Board of Elections*, 383 U.S. 663 the U.S. Supreme Court found that Virginia's poll tax was unconstitutional under the equal protection clause of the 14th Amendment. The Court noted that "a state violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution whenever it makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth." Similarly, affluence has no bearing on a citizen's constitutional right defend him or herself.
- The federal government runs the National Instant Criminal Background Check System (NICS) which is currently used in NH for long gun sales. The existing NH state level point of contact for handguns is simply a pass through position to the NICS system and adds a needless level of bureaucracy with no additional assurance of safety or quality. We should be working toward elimination of the state point of contact for firearms background checks, rather than seeking to expand our existing state level system.

YEA ITL

HB 1696-FN, requesting a modification of the New Hampshire health protection program.

HB 1696

Health, Human Services and Elderly Affairs Committee Recommendation: OTP/A 17-1

ANTI-LIBERTY: This bill extends and expands a massive new entitlement program.

- This bill preserves Medicaid Expansion which is currently set to sunset at the end of 2016 due to reduction in federal funding. Medicaid Expansion provides able-bodied, childless adults in NH, above the poverty line, with free health care.
- Though no general funds are used in this iteration, the bill puts in place a financial transfer mechanism via higher insurance premiums and healthcare costs charged to existing paying customers.
- The "severability clause" in the bill allows CMS to pick and choose which portions of the law will be enforced, such as the work requirement. The NH legislature, in effect, will abrogate its responsibility to this federal agency.
- Federal money always comes with strings attached, and it is not free. The national debt, which is approaching \$20 trillion, is arguably the largest threat to national security.
- The Federal government will not keep its promises. Federal money will dry up and the financial transfer mechanism will break because hospitals and insurance companies will be unable to transfer the entire cost onto paying customers. This will place the costs squarely on the State's General Fund, which will only be able to support it through a new broad based tax, such as a sales or income tax, thereby destroying what remains of the New Hampshire Advantage.
- A free market approach to health care should be the main priority of the legislature. This is the only way to sustainably lower costs and increase access for the majority of Granite Staters.

NAY OTP/A



Warning! HB1696 will be weighted very heavily on the NHLA annual scorecard

HB 1641-FN-LOCAL, relative to requiring prevailing wages on state-funded public works projects.

Labor, Industrial and Rehabilitative Services Committee Recommendation: ITL 10-6

ANTI-LIBERTY: This bill mandates federally determined prevailing minimum wages on state-funded public works projects.

- The bill would result in an estimated 2.6 million dollars annually in direct reoccurring state spending.
- This bill would impose significant additional record keeping and weekly reporting requirements for contractors supporting state projects. These increased overhead costs, which are not directly represented by the fiscal note, would ultimately be borne as additional costs to the taxpayer.
- The bill mirrors similar federal legislation (Davis Bacon Act) which was passed with the deliberate intent to prevent non-unionized, less established, minority laborers from competing with established, unionized, white workers during the depression. While times have changed and the intent of this bill may be somewhat different, the effect will still be to dramatically increase the risk and/or cost of employing workers with potential for growth but with lower demonstrated skill level.
- Small firms may not have the personnel to absorb compliance overhead costs. This bill would have the effect of biasing state contracts towards larger/established firms.

**YEA
ITL**

HB 1298

HB 1298, relative to damage to private property.

Resources, Recreation and Development Committee Recommendation: OTP/A 17-0

PRO-LIBERTY: This bill protects property rights.

- Property owners should not be liable for damage caused by others on their land. This bill ensures they have clear protection against such damage, and a means to obtain fair restitution.
- OHRV owners should be responsible for their actions, and respect the property they are allowed to use.

**YEA
OTP/A**

HB 1130

HB 1130, requiring school districts to permit placement of a memorial honoring those who have died during military service.

State-Federal Relations and Veterans Affairs Committee Recommendation: OTP/A 7-4

ANTI-LIBERTY: This bill overrides local control for no good reason.

- Decisions about education and educational facilities are best made by parents, or local communities, not by the state.
- Communities which do not wish to place military memorials on school grounds should not be forced to do so by state legislators.

**NAY
OTP/A**

HB 1616

HB 1616-FN, relative to drivers' licenses and identification cards that are compliant with federal identification law.

Transportation Committee Recommendation: OTP/A 16-2

ANTI-LIBERTY: This bill assists the federal government in violating the privacy of NH residents.

- The federal REAL ID act establishes a national identification card, and requires holders of REAL ID-compliant identification to allow their photos and social security numbers to be held in government databases. These requirements open New Hampshire citizens up to identity theft and privacy violations.
- Currently, 28 states do not comply with REAL ID. For almost a decade, the Department of Homeland Security has repeatedly postponed enforcement of REAL ID. They will continue to do so, so long as states fulfill their obligation to defend the rights of their residents from this unconstitutional mandate.
- Contrary to the majority blurb, this bill provides no substantial protections against the entry of NH residents' data into federal databases. In fact, it effectively enables it (section 15).
- The state of NH as an organization has no obligation to provide real ID compliant cards, or DHS accessible databases. The state does have an obligation to do everything in its power to protect its residents from federal privacy intrusions.
- Providing REAL ID-compliant cards at the same price as non-compliant cards, and stamping the latter as non-compliant, will make it practically feasible for DHS to move forward on their enforcement objectives, mandating that everyone get the national ID card.
- Since 2010, a bipartisan majority in New Hampshire has firmly rejected compliance with the REAL ID Act.

**NAY
OTP/A**

HB 1184-FN, relative to license fees for domestic wine manufacturers.

Commerce and Consumer Affairs Committee Recommendation: ITL 15-4

PRO-LIBERTY: This bill would reduce the licensing burden on NH wine manufacturers.

- State government should be encouraging NH small businesses to expand, not penalizing success.
- The NHLA supports the reduction and elimination of licensing fees in general, on all kinds of businesses.

HB 1184

NAY ITL

HB 1368-FN, requiring firearms owners to have liability insurance.

Commerce and Consumer Affairs Committee Recommendation: ITL 20-1

ANTI-LIBERTY: This bill proposes mandatory liability insurance for firearm ownership.

- The requirement to obtain liability insurance creates a substantial burden on the fundamental right to to keep and bear arms as guaranteed by article 2-a of the NH constitution.
- This bill would have a disproportionate discriminatory effect on people of modest incomes.
- The ill defined insurance requirement grants private companies the ability to deny people a constitutionally guaranteed right. This will result in citizens who are qualified to own a firearm under state and federal law being denied that right by an unaccountable private entity backed by the force of the state.

HB 1368

YEA ITL

HB 1444-FN-A, relative to the rate of the insurance premium tax.

Commerce and Consumer Affairs Committee Recommendation: ITL 11-7

ANTI-LIBERTY: This bill would increase taxes on insurance premiums by up to 60%.

- The NH government should be working to reduce already high taxes and fees on NH businesses, instead of increasing them.
- The costs of direct taxes on premiums are inevitably passed on to consumers.
- Higher taxes reduce the competitiveness of NH based insurance providers, and discourage new providers from relocating to NH.

HB 1444

YEA ITL

HB 1590-FN-A-LOCAL, relative to the regulation and taxation of short-term rental businesses.

Commerce and Consumer Affairs Committee Recommendation: OTP/A 15-4

ANTI-LIBERTY: This bill expands state taxes and regulations.

- There is no minimum income threshold in this bill. This bill would require a homeowner who lets out a room for even a night or two to register as a "hotel operator", and display a "rooms and meals" tax ID.
- The emerging sharing economy has been a benefit to NH residents, and should be encouraged, not crushed by the state.
- If homeowners are required to register with the government in order to simply let a room for a day or two, many will give up on the idea entirely. This is often the effect of government mandates on informal trade, and on nascent businesses.

HB 1590

NAY OTP/A

HB 1647-FN, repealing laws regulating hawkers and peddlers and itinerant vendors.

Commerce and Consumer Affairs Committee Recommendation: OTP 10-9

PRO-LIBERTY: This bill eliminates an unnecessary licensing requirement.

- Current law is confusing, containing a variety of obscure exceptions, and is largely unenforceable.
- This bill retains authority for municipal governments to license and regulate hawkers, peddlers, or itinerant vendors, if they so choose.
- These laws are outdated in today's world of online shopping, and reputation rankings and reviews. The consumer has more tools to vet a vendor or product than ever before. Licensing mainly serves to reduce consumer choice.

HB 1647

YEA OTP

Criminal Justice and Public Safety Committee Recommendation: ITL 11-4

PRO-LIBERTY: This bill respects self-ownership, and reduces the harm of the drug war.

- The NH Constitution provides that “all penalties ought to be proportioned to the nature of the offense,” but our state penalties for marijuana possession are no longer supported by public opinion and are far more severe than those of most nearby states.
- 60% of NH citizens support the legalization of recreational marijuana, and 72% support decriminalization (WMUR Poll 7/15).
- Legalization would not only prevent innocent people from having their lives significantly impacted by minor possession arrests, but would also reduce the expense of the criminal justice system, allowing police and prosecutors to focus on serious crimes where innocent people have been victimized.
- There is no evidence that reducing or eliminating marijuana penalties has led to negative outcomes in the states where it has been tried.
- In most recent reputable studies on the topic, gateway drug assertions have been shown to be unwarranted.
- This bill would take millions of dollars, not to mention many customers, out of the hands of illicit street dealers.

**NAY
ITL**

HB 668-FN, relative to expense deductions under the business profits tax.

HB 668

Ways and Means Committee Recommendation: ITL 19-0

PRO-LIBERTY: This bill allows larger deductions for New Hampshire companies, especially for investments in capital equipment.

- NH currently allows only up to \$25K in deductions; this bill would raise the limit to \$100K. The federal government has raised the limit for deductions to \$500K.
- At least 37 other states already allow deductions over \$100K, and 33 allow deductions up to \$500K (<http://taxfoundation.org/>).
- This bill encourages businesses to move to NH, and incentivizes existing NH companies to make significant investments for future growth, which benefits all NH residents.
- NH legislators should work to make NH business friendly, rather than driving them away with excessive taxes.

**NAY
ITL**