



GOLD STANDARD



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HOUSE SESSION - WEDNESDAY, FEBRUARY 15, 2017

HB 133 YEA OTP	HB 212 YEA ITL	HB 333 YEA ITL	HB 413 NAY OTP	HB 604 YEA ITL
HB 171 YEA OTP	HB 223 NAY ITL	HB 350 YEA ITL	HB 415 YEA ITL	HB 644 YEA ITL
HB 201 YEA ITL	HB 227 NAY ITL	HB 365 YEA OTP	HB 547 YEA ITL	HB 647 YEA OTP
HB 203 YEA ITL	HB 318 YEA ITL	HB 386 YEA OTP	HB 603 YEA ITL	SB 11 NAY ITL

This edition of the Gold Standard contains recommendations for both Part One and Part Two bills. Per calendar 11A, these bills are assigned a date of 2/15 but may be voted on either 2/15 or 2/16.

– Part One –

HB 350-FN, prohibiting possession of a firearm at a polling place.

Criminal Justice and Public Safety: ITL 9-7

ANTI-LIBERTY: This bill would make it a class B felony to possess a firearm or other deadly weapon at a polling place.

- This bill is a clear violation of Part First Article 2-a of the New Hampshire Constitution.
- Citizens of New Hampshire should not be required to surrender their right to carry an implement of self-defense or otherwise reduce their ability to defend themselves in order to exercise their right to vote.
- This bill is largely unenforceable, as many citizens peacefully and inconspicuously carry a concealed firearm daily throughout the state.
- As with the majority of proposed weapons regulations, this bill does nothing to prevent criminals from carrying out violent acts.

HB 350

YEA ITL

HB 386-FN, relative to technical corrections to the education tax credit statute.

Education: OTP 11-6

PRO-LIBERTY: This bill makes technical changes to the tax credit statutes including removing certain restrictions on carrying forward contributions, expanding the period for businesses to submit qualifying donations and tax-credit applications, and approving the use of scholarships for distance learning, tutors, and dual-enrollment classes.

- Though the impact of the technical changes is relatively small, the updates make it easier to utilize existing pro-liberty tax credits that give parents of all income levels more options to influence the education of their children.

HB 386

YEA OTP

HB 603-FN-A, establishing the John and Molly Stark student debt reduction program and making an appropriation therefor.

HB 603

Education: ITL 10-8

ANTI-LIBERTY: This bill creates a new state-level program to fund grants to students who choose STEM degrees and affirm that they will reside and work in the state of New Hampshire for a minimum of 4 years after graduation.

YEA ITL

- There are a variety of educational options available to graduating NH high school seniors, including universities, community colleges, trade schools, and internships. To take money from all NH residents in order to create another handout exclusively for students who attend the university system of NH is unfair to other kinds of students, who may choose other educational options.
- The high business and property tax rates in NH are two of the main driving forces that make NH a less attractive option for businesses and working adults. The legislature would better serve residents by reducing spending and taxes, instead of spending even more tax money on creating new bureaucratic programs and band-aid fixes.
- The requirement to work and reside in NH for a minimum of four years after graduation is practically unenforceable. Furthermore, the DoE estimates that up to three new full time employees would be needed to administer the program.

HB 604-FN-A, establishing the John and Molly Stark workforce opportunity program and making an appropriation therefor.

HB 604

Education: ITL 10-8

ANTI-LIBERTY: This bill creates a new state-level program to fund grants to students who choose to attend the Community College System of NH.

YEA ITL

- There are a variety of educational options available to graduating NH high school seniors, including universities, community colleges, trade schools, and internships. To take money from all NH residents in order to create another handout exclusively for students who attend state universities or community colleges is unfair to other kinds of students, who may choose other educational options.
- The high business and property tax rates in NH are two of the main driving forces that make NH a less attractive option for businesses and working adults. The legislature would better serve residents by reducing spending and taxes, instead of spending even more tax money on creating new bureaucratic programs and band-aid fixes.
- The DoE estimates that up to three new full time employees would be needed to administer the program. On a \$500,000 program, this is a very high overhead.

HB 647-FN-LOCAL, establishing education freedom savings accounts for children with disabilities.

HB 647

Education: OTP 11-7

PRO-LIBERTY: This bill establishes privately-funded Education Savings Accounts for children with disabilities.

**YEA
OTP**

- Education Savings Accounts (ESAs) are funds that children receive to a designated account that are used for specified educational purposes. This particular ESA is limited to students with a disability—children with IEPs or 504 plans. While they are new to New Hampshire, they are not new to other states. Currently five states offer ESA programs and each is unique with respect to the approved uses, eligibility qualifications, administration, accountability mechanisms, and funding sources.
- ESAs have withstood constitutional challenges. The dollar amount would be 90% of the per pupil state adequacy amount plus any differentiated aid the home district would receive for students in grades 1 and above; 50% for kindergarten students. With 5% going to administration by a non-profit scholarship organization, the state keeps 5% which represents a savings. Enrollment is optional.
- The Cato Institute and EdChoice representatives testified that districts would have savings if the ESA amount is less than the variable cost of an education.

HB 203-FN-A, establishing an independent redistricting commission.

HB 203

Election Law: ITL 11-9

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

- The approach for creating this 'independent' commission is 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 purportedly independent commission would allow the legislature to claim plausible deniability in cases of gerrymandering, preventing voters from being able to properly influence the process or hold the officials involved accountable.
- The proposed independent commission would create significant new spending, including staff, rent, consultants, software, and other supplies, and even establishes a new state-funded election integrity attorney. This bill seeks to fund these new expenses by creating a new tax on political speech.

YEA ITL

HB 171, prohibiting the state or its political subdivisions from assisting a federal agency in the collection of electronic data without a warrant.

HB 171

Executive Departments and Administration: OTP 10-9

PRO-LIBERTY: This bill prohibits the state and its political subdivisions from assisting or enabling a federal agency in the collection of personal electronic data without informed consent or a warrant issued by a judge based upon probable cause.

- Both the NH Constitution (Article 19) and the US Constitution (4th Amendment) recognize the rights of citizens to be secure from searches and seizures of their papers and possessions.
- NH law enforcement should not be obligated to participate and assist in unconstitutional acts by federal agencies.

YEA OTP

HB 413-FN-A-LOCAL, relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

HB 413

Executive Departments and Administration: OTP 10-9

ANTI-LIBERTY: This bill requires the State to pay 15 percent of the normal and accrued liability contributions of political subdivision retirement system employers for group I (teachers) and group II (police and fire) members.

- This bill will increase state spending by over \$40 million dollars every year.
- Political subdivisions such as Towns, Counties, and School Districts should be responsible for their own employees.
- Residents of prudent and fiscally responsible Towns/Cities would now be forced through state taxation to pay for the liabilities of irresponsible local governments.
- Centralizing funding for local expenditures is bad policy. Citizens need accurate and easy-to-understand financial information to make informed decisions.
- Vote NAY OTP or support a motion to TABLE.

NAY OTP

HB 547-FN, relative to the recycling and disposal of electronic waste.

HB 547

Science, Technology and Energy: ITL 12-8

ANTI-LIBERTY: This bill establishes a program to recycle and dispose of electronic waste funded by new fees on manufacturers, importers, and other entities.

- This bill will result in higher prices for electronics and will put NH consumers and manufacturers at a disadvantage.
- Local transfer stations already do a good job at collecting E-waste on a regular basis and have managed to keep costs low.

YEA ITL

HB 415-FN-A-LOCAL, reducing business taxes, repealing certain taxes, establishing an income tax, and requiring payment by the state of a portion of retirement system contributions of political subdivision employers.

HB 415

Ways and Means: ITL 21-0

ANTI-LIBERTY: This bill reduces or repeals several taxes and establishes an income tax. In addition, it requires the state to pay 35% of political subdivisions retirement contributions for certain member employees.

YEA ITL

- While it is laudable to reduce or eliminate certain taxes, doing this at the expense of creating a new income tax is unwise as each state that has sought to reduce taxes through the imposition of a new state income tax has used the new tax to grow the size and scope of state government.
- State funding of the retirement system for political subdivisions shifts costs from taxpayers that are receiving services from the specific political subdivision to state taxpayers at large. This forces people to pay for services that they are not receiving and may not want. In addition, this encourages political subdivisions to view funding as 'free money' and tends to loosen fiscal restraint.
- Centralizing funding for local expenditures is bad policy. Citizens need accurate and easy-to-understand financial information to make informed decisions.

HB 644-FN-A-LOCAL, extending the interest and dividends tax to capital gains, increasing exemptions from the tax, and providing for retirement system contributions on behalf of employers other than the state.

HB 644

Ways and Means: ITL 11-8

ANTI-LIBERTY: This bill establishes a new tax on capital gains.

YEA ITL

- New sources of taxation invite incremental increases in tax rates which results in higher long term spending and growth of government.
- Capital gains taxes income upon the realization of the gain. Taxpayers may delay selling investments that have unrealized capital gains to avoid the tax. This creates artificial economic inefficiency as people hold assets too long and avoid diversification. In the long term this does economic harm to our citizens that may outweigh the direct confiscation of this new tax.

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– Part Two –

HB 201-FN, requiring background checks for commercial firearms sales.

HB 201

Criminal Justice and Public Safety: ITL 12-4

ANTI-LIBERTY: This bill requires background checks for all transfers or sales of firearms.

YEA ITL

- This bill perpetuates the "gun show loophole" myth. Commercial firearm sales, whether in a retail outlet, over the internet, or at a gun show already require an NICS check by the licensed dealer.
- Gun control laws put barriers in the way of law-abiding citizens. Criminals will continue to find new ways to get firearms, regardless of the laws.
- The definition of commercial sales used in the bill is broad and conflicts with the stated exemption for private non-commercial sales, resulting in a vague law that will be difficult to enforce or follow.
- As drafted, the bill puts licensed dealers at risk of violating federal law on transfers between people in which the transaction does not go through instantly and when subsequently the seller wants to "hold on to the firearm". After the firearm has been handed over to a dealer, it cannot leave the premises until a background check has been run on either the seller or the buyer.

HB 133, relative to a jury's determination as to the applicability of law.

HB 133

Judiciary: OTP 10-8

PRO-LIBERTY: This bill directs courts to inform juries about their right to judge the facts and the application of the law in relation to the facts in controversy.

**YEA
OTP**

- This bill does not create any new power for juries—it simply provides mechanisms for the court to inform them of their longstanding rights to judge both fact and law in cases before them.
- While existing law already allows jurors to be informed, this bill provides clear language that will help to ensure that jurors receive consistent and clear instructions.

HB 365-FN, relative to awarding attorney's fees under the right-to-know law.

Judiciary: OTP 10-8

HB 365

PRO-LIBERTY: This bill awards attorney's fees when a petitioner is successful in a right-to-know lawsuit where it is ruled the lawsuit was necessary in order to enforce compliance with the provisions of the right-to-know law or to address a purposeful violation.

YEA OTP

- The right-to-know law is supposed to increase transparency in our government. It should be accessible to all NH citizens and not just the few who have the means to fund legal battles in the event of a bureaucratic mistake.
- This is a small but important change to the current law. It will make government more accountable for abuses of RSA 91:A and may provide better training to the people who hold our public records as a result.

SB 11-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

SB 11

Labor, Industrial and Rehabilitative Services: ITL 14-7

PRO-LIBERTY: This bill prohibits collective bargaining agreements that require employees to join or contribute to a labor union and prohibits coercion and intimidation intended to compel an employee to join, affiliate with, or financially support a labor organization or to refrain from doing so.

- The federal National Labor Relations Act (NLRA) contains several coercive mechanisms that infringe upon the rights of workers and business owners. Among these are section 9a which mandates exclusive representation by a single union and mandates that the union representative is given opportunity to be present at grievance adjustment between employers and employees even if the employee does not wish that the representative is present. In addition, it forces employers to recognize and bargain collectively with unions following a majority vote of their workforces.
- Right-to-work is the only way currently permitted under federal law to restore some of the freedom of dissenting workers and their employers to withhold support from unions with whom they disagree. While this bill interferes with freedom of contract, it does so in a way intended to remedy current, more egregious limitations of freedom of contract.
- Public sector collective bargaining is often more harmful than private sector collective bargaining because taxpayers are not directly represented in negotiations. It is impossible to bargain collectively with the government, said Franklin D. Roosevelt, who opposed public sector unions. Public sector right-to-work reduces union density in government and reduces government spending and taxes (Ichniowski & Zax 1991).

NAY ITL

HB 212-FN-LOCAL, relative to police attendance at public meetings and functions.

Municipal and County Government: ITL 9-4

HB 212

ANTI-LIBERTY: This bill criminalizes holding a public meeting or function without first making application for police attendance at that function.

- The language of "may potentially involve traffic-related problems, lead to a public disturbance or public nuisance, or endanger the public health, safety, or welfare" is exceedingly broad and potentially could apply to any size meeting or function.
- The bill is inconsistent with Article 32 of the NH Bill of Rights - Right of Assembly, Instruction, and Petition.

YEA ITL

HB 223, prohibiting recipients of county or municipal funds from using such funds for lobbying.

HB 223

Municipal and County Government: ITL 13-1

PRO-LIBERTY: This bill expands the current prohibition on lobbying by recipients of state funds to cover those who receive county or municipal funds.

- Taxpayers should not be forced to pay for lobbyists to lobby against their interests.
- The local towns and city employees have the same opportunity to contact legislators as citizens do. County and municipal employees should not be allowed use taxpayer funds for activism. It's a clear conflict of interest.
- The state already restricts lobbying by entities that receive state funds under RSA 15:5. This bill simply expands the restriction to cover county and municipal funds while retaining the responsible exemptions from the prohibition that have served the state for more than 10 years.

NAY ITL

HB 227, relative to aftermarket tinting on side windows.

Transportation: ITL 12-6

HB 227

PRO-LIBERTY: This bill removes the current prohibition on aftermarket tinting of side windows.

- 46 other states already allow tinted side windows, with no widespread problems reported.
- NH law enforcement already encounters tinted windows on the thousands of tourist vehicles that visit NH each year. No widespread problems have been reported with these vehicles either.
- It is unfair to allow out-of-state visitors to drive with tinted windows, but prohibit them to NH residents.

NAY ITL

HB 318-FN-A, relative to a tax on premium cigars.

Ways and Means: ITL 21-0

HB 318

ANTI-LIBERTY: This bill creates a new tax on premium cigars at a rate of 15% of the wholesale price.

- This bill would directly erode the New Hampshire advantage. NH presently has no tax on cigars. That fact has specifically drawn multiple cigar companies to NH; several moved here when MA imposed its cigar tax in 1996.
- The tax hike of \$78,719 estimated in the fiscal note fails to take into account the impact of the inevitable lost sales that would result from out-of-state buyers who may now opt to purchase cigars in their home state. Business taxes paid by cigar sellers and other businesses that benefit from the out-of-state traffic that the sales generate would inevitably be lost due to decreased premium cigar sales.

YEA ITL

HB 333-FN, removing the exemption for premium cigars from the tobacco tax.

Ways and Means: ITL 18-3

HB 333

ANTI-LIBERTY: This bill removes the exemption on premium cigars from the tobacco tax.

- This bill would directly erode the New Hampshire advantage. NH presently has no tax on cigars. That fact has specifically drawn multiple cigar companies to NH; several moved here when MA imposed its cigar tax in 1996.
- The tax hike of \$340K estimated in the fiscal note fails to take into account the impact of the inevitable lost sales that would result from out-of-state buyers who may now opt to purchase cigars in their home state. Business taxes paid by cigar sellers and other businesses that benefit from the out-of-state traffic that the sales generate would inevitably be lost due to decreased premium cigar sales.

YEA ITL