



# GOLD STANDARD



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HOUSE SESSION - THURSDAY, FEBRUARY 22, 2018

HB 1217 YEA OTP	HB 1301 YEA ITL	HB 1420 YEA OTP	HB 1542 NAY ITL	HB 1676 YEA OTP
HB 1227 YEA OTP	HB 1360 YEA ITL	HB 1425 YEA OTP	HB 1554 YEA OTP	HB 1709 NAY IS
HB 1283 YEA OTP	HB 1367 NAY ITL	HB 1467 YEA OTP/A	HB 1673 NAY ITL	HB 1790 YEA ITL
HB 1288 YEA OTP/A	HB 1416 YEA OTP/A	HB 1477 YEA OTP/A		

## HB 1360, prohibiting the use of certain information to underwrite insurance coverage.

Commerce and Consumer Affairs: ITL 13-7

**ANTI-LIBERTY: This bill increases the regulatory burden on business.**

- This bill would prevent insurance companies from utilizing data that may accurately represent claims risk when setting premiums.
- This bill significantly increases price controls in personal auto insurance. Auto insurers should be free to underwrite insurance policies according to the estimated risk posed by the insured. Politically manipulating insurance companies' prices will likely result in more people having to go to the residual market and/or higher premiums for everyone.
- This bill prohibits the usage of education level and occupation information when determining rates for casualty insurance. This may cause broad-based increases in insurance costs.

# HB 1360

# YEA ITL

## HB 1790-FN-A, establishing a New Hampshire health access corporation.

Commerce and Consumer Affairs: ITL 11-9

**ANTI-LIBERTY: This bill establishes a state health care corporation.**

- The majority of New Hampshire residents already have access to high quality health care through the remnants of the free market.
- Health care costs would be better reduced by eliminating state-imposed barriers to entry into the marketplace.

# HB 1790

# YEA ITL

## HB 1283, prohibiting sobriety checkpoints.

Criminal Justice and Public Safety: OTP 12-8

**PRO-LIBERTY: This bill prohibits a law enforcement agency from setting up roadblocks that stop drivers without probable cause.**

- These roadblocks stop all drivers without probable cause under the pretext of encouraging sober driving, but they infringe upon the liberty of law-abiding drivers. There is no evidence that roadblocks are more effective than policing that focuses on erratic driving to establish probable cause for a stop.
- Sobriety checkpoints are conspicuous enough that even impaired drivers can identify the flashing lights far enough in advance to make a legal U-turn and avoid police interaction.
- Arrests for DWI generally make up less than half the arrests at these stops.

# HB 1283

# YEA OTP

## HB 1288, relative to petitions for annulment.

Criminal Justice and Public Safety: OTP/A 20-0

**PRO-LIBERTY: This bill provides individuals with the ability to seek annulment of a criminal record more frequently than current law allows.**

- Under current law, a person who petitioned for annulment of a criminal record, but was denied, must wait 3 years before trying again. During this time, they may have increased difficulty in getting a job, volunteering, or pursuing certain courses of study.
- This bill as amended reduces the time a person must wait to refile a petition to 1 year in cases where they were found not guilty or the charges were dismissed or not prosecuted.

# HB 1288

# YEA OTP/A

**HB 1416-FN, repealing the prohibition on bottle rockets.**

**Criminal Justice and Public Safety: OTP/A 12-8**

**PRO-LIBERTY: This bill would repeal the statute that prohibits the sale of bottle rockets**

- The choice of whether to purchase, possess, and use bottle rockets should be a personal one — fireworks bans are paternalistic.
- Removing the ban will increase economic activity in New Hampshire.

**HB 1416**

**YEA  
OTP/A**

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

**Criminal Justice and Public Safety: OTP 18-2**

**PRO-LIBERTY: This bill permits habitual offenders under motor vehicle laws to be charged either as a felony or misdemeanor — restoring the option for a misdemeanor charge that was inadvertently repealed in 2016.**

- Under current law, the option for a misdemeanor charge was dropped, which then only allowed for a felony charge under RSA 262:23.
- A felony conviction can have significant long-term impacts on a person's life and is not an appropriate charge in cases where there is no victim.

**HB 1420**

**YEA  
OTP**

**HB 1425-FN, relative to simple assault.**

**Criminal Justice and Public Safety: OTP 17-3**

**PRO-LIBERTY: This bill states that absent any harm or injury, a person who purposely or knowingly causes unprivileged physical contact is subject to a violation instead of a misdemeanor charge.**

- Under current law, a person may be charged with misdemeanor assault simply because they laid their hand on someone's shoulder. This bill would require that such physical contact cause bodily injury to result in a misdemeanor — absent this, the contact would be considered a violation.
- This bill does not affect the domestic violence statute.

**HB 1425**

**YEA  
OTP**

**HB 1467, relative to the penalty for driving after revocation or suspension.**

**Criminal Justice and Public Safety: OTP/A 12-7**

**PRO-LIBERTY: This bill allows a judge flexibility with respect to sentencing for a victimless crime.**

- Under current law, driving with a suspended license requires imprisonment for 7 consecutive 24-hour days and to have their license suspended for a year. As amended, this bill retains all penalties but allows the judge the option of having the time be served via non-consecutive days allowing for the option of serving time on weekends and potentially helping a person retain their job.

**HB 1467**

**YEA  
OTP/A**

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

**Criminal Justice and Public Safety: OTP/A 15-4**

**PRO-LIBERTY: This bill establishes a procedure for annulment of arrests or convictions for activities which are no longer a crime in New Hampshire.**

- This bill provides a process for those with criminal records for arrests or convictions for possession of 3/4 of an ounce or less of marijuana to have those convictions and arrests annulled. HB 640 signed in July 2017 reduced this offense to a violation punishable only by a fine.

**HB 1477**

**YEA  
OTP/A**

# HB 1542

## NAY ITL

# HB 1709

## NAY IS

# HB 1217

## YEA OTP

# HB 1676

## YEA OTP

# HB 1367

## NAY ITL

# HB 1301

## YEA ITL

**HB 1542, relative to carrying a pistol or revolver on university system and community college system property.**

**Criminal Justice and Public Safety: ITL 15-5**

**PRO-LIBERTY: This bill as amended would clarify that the university system and community college system cannot prohibit the lawful carry of firearms.**

- "Gun free" zones only encourage greater lawlessness.
- A firearm will allow the victim in a crime the ability to respond in real time. A former University of Reno student, Amanda Collins, who had a carry license, was raped within sight of a police cruiser on school grounds, but could not defend herself ([www.msnbc.com/msnbc/counterpoint-rape-survivor-argues-why-we-need-guns-campus](http://www.msnbc.com/msnbc/counterpoint-rape-survivor-argues-why-we-need-guns-campus)).
- Vote NAY ITL, and support the minority ammendment 2018-0044h which addresses technical concerns with the original bill.

**HB 1709-FN, relative to physical force in defense of a person.**

**Criminal Justice and Public Safety: IS 13-7**

**PRO-LIBERTY: This bill clarifies existing law that permits the use of physical force in defense of another person.**

- Under the existing RSA 627:4, II(c), a person may use physical force in defense of another person when a perpetrator is committing or about to commit kidnapping or a forcible sex offense. This bill clarifies the existing law to indicate that defense of another person is also authorized in preventing someone from physically aiding or abetting another person who is committing these crimes.
- Vote NAY IS and YEA OTP.

**HB 1217, amending the certification requirements for school nurses.**

**Education: OTP 13-7**

**PRO-LIBERTY: This bill expands who may qualify for a job as a school nurse, provided they are a registered nurse.**

- In 2016 the legislature added a requirement for all school nurses to be certified by the State Board of Education, which created issues in hiring school nurses.
- This bill removes the changes from HB 1193 that created this issue.

**HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables.**

**Executive Departments and Administration: OTP 12-7**

**PRO-LIBERTY: This bill makes small positive improvements to New Hampshire's burdensome licenses.**

- This bill repeals the license requirements for showmen, ventriloquists, puppeteers, and other similar performers.
- In addition, this bill repeals license requirements for pool tables and bowling alleys.
- A penalty of felony ventriloquism has no place in a free society.

**HB 1367, removing tetanus from the law requiring certain immunizations.**

**Health, Human Services and Elderly Affairs: ITL 17-5**

**PRO-LIBERTY: This bill removes a state mandate for a vaccine against a non-communicable disease.**

- Parents and doctors are in the best position to determine appropriate care for their children. Tetanus is a non-communicable disease.

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

**Legislative Administration: ITL 6-2**

**ANTI-LIBERTY: This bill would make the legislature less able to be responsive to the will of the people.**

- The legislative branch is a political body and the leadership of both chambers and all three political parties must have the option of having the people around them that support representing the positions of the voters who elected them.

**HB 1227, relative to an unattended idling vehicle on private property.**

**Science, Technology and Energy: OTP 13-6**

**PRO-LIBERTY: This bill limits the existing restriction on idling an unattended vehicle so that it does not apply when the vehicle is on the owner's property.**

- Existing law bans idling of unattended vehicles unless they are started via a remote car starter. This bill removes that restriction when the vehicle is on the property of the vehicle operator.
- Property owners should be able to determine how they would like to utilize their property.

**HB 1227**

**YEA  
OTP**

**HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.**

**Ways and Means: OTP 13-10**

**PRO-LIBERTY: This bill reduces the narrow Research and Development tax credit for a broader Interest and Dividend tax rate exemption.**

- Eliminating the narrow R&D tax reduction to favor a broader I&D tax reduction follows the sound economic policy of "An economically efficient tax system has a sensible, broad tax base and a low tax rate."
- The I&D tax for individuals is not adjusted for inflation, and this bill provides this inflationary adjustment.

**HB 1554**

**YEA  
OTP**

**HB 1673-FN-LOCAL, relative to the interest charged on late and delinquent property tax payments.**

**Ways and Means: ITL 23-0**

**PRO-LIBERTY: This bill reduces the interest charged on delinquent property tax payments.**

- This bill bases interest and lien rates for delinquent property taxes on the same system the Department of Revenue Administration (DRA) has used since 1998 for taxes it collects. The rate is reset yearly, covers the cost of borrowing, and includes a healthy safety margin (current DRA rate is 6%).
- The existing interest rates of 12% and 18% were set as fixed rates in the 1980's when private lending rates were more than twice today's rates.
- Article 18 of the Constitution states that "...penalties ought to be proportional to the nature of the offense". If the offense is a payment delinquency that causes a town to borrow money at 2.5%, an 18% lien rate penalty is not proportional.

**HB 1673**

**NAY ITL**