



NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

SENATE SESSION - THURSDAY, MARCH 24, 2016

CACR 27 YEA OTP/A  
SB 324 YEA OTP/A  
SB 336 YEA OTP/A  
SB 342 NAY OTP/A  
SB 347 NAY OTP/A  
SB 365 NAY ITL  
SB 391 YEA OTP  
SB 408 YEA ITL  
SB 469 NAY OTP  
SB 481 NAY OTP  
SB 488 NAY OTP/A  
SB 503 NAY OTP/A  
SB 515 NAY OTP  
SB 521 NAY OTP  
SN 533 NAY OTP/A  
SB 552 YEA OTP  
SB 661 YEA ITL  
HB 668 YEA OTP/A  
HB 1438 YEA OTP

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## SB 488-FN-L, requiring reasonable accommodations for pregnant workers.

Commerce Committee Recommendation: OTP/A 5-0

### ANTI-LIBERTY: This bill creates new mandates on businesses.

- Many businesses do not have and cannot afford to create “private, non bathroom spaces” for employees, or afford many of the other costly mandates contained in this bill.
- Use of vague exceptions that place the burden of proof on the business is a recipe for lawsuits.
- Job benefits should be negotiated between an employee and an employer, not mandated by legislators. If a business does not offer attractive benefits, employees may seek work elsewhere.
- The costly mandates contained in this bill will deter businesses from hiring young women of child bearing age, particularly for entry level or early career work.
- NH licensing and regulatory requirements are already far too arduous. In order to improve the NH economy, and encourage innovation and entrepreneurship, legislators should be working to lessen regulatory burdens, not expand them.

# SB 488

## NAY OTP/A

## SB 365, relative to traffic control measures.

Energy and Natural Resources Committee Recommendation: ITL 2-2

### PRO-LIBERTY: This bill allows for use of non-police traffic control in certain circumstances.

- There is no evidence that police officers provide an additional level of safety over trained non-police flaggers.
- Allowing non-police flaggers in some circumstances will reduce the cost of maintenance, and the savings will be passed to NH utility customers. Companies and electric ratepayers shouldn't be forced to pay triple for police flaggers in rural areas with little traffic.
- This bill does not reduce the safety of workers or the public. It's a common sense approach to allow options in cases where risk may be minimal.

# SB 365

## NAY ITL

## SB 324, eliminating the land use board, establishing an advisory board, and requiring approval of federal land acquisitions by the governor, executive council, and general court.

Executive Departments and Administration Committee Recommendation: OTP/A 4-0

### PRO-LIBERTY: This bill updates a neglected state law, RSA 121 which provides oversight and regulation of certain federal land acquisitions.

- RSA 121 has been neglected for decades, ignoring the will of the General Court.
- This bill replaces obsolete language, assigning authority to the appropriate modern agency.
- The original law, and this update, place reasonable limits on certain federal land acquisitions. This is wise policy, as evidenced by the many problems now facing many western states.
- Although limits are set, under this bill, if the voters of a municipality wish to cede more of their landmass to the federal government, they can vote do so.

# SB 324

## YEA OTP/A

**HB 661-FN, relative to record keeping for sold or transferred animals and making certain technical corrections to the law governing the sale or transfer of animals.**

**SB 661**

**YEA  
ITL**

**Executive Departments and Administration Committee Recommendation: ITL 4-0**

**ANTI-LIBERTY: This bill burdens animal shelters with extensive new reporting requirements.**

- This bill will increase the costs of shelters and other animal care facilities. The state should be seeking to reduce red tape for these organizations, not increasing it.
- This bill expands the overly broad licensing requirements in RSA 437, which can be interpreted to affect non-professionals.

**CACR 27, relating to the operating budget. Providing that the state shall not spend more in any year than it receives in revenue.**

**CACR 27**

**Finance Committee Recommendation: OTP/A 3-2**

**PRO-LIBERTY: Relating to the operating budget. Providing that the state shall not spend more in any year than it receives in revenue..**

- This constitutional amendment would require a balanced budget unless two-thirds of each house chooses to set aside the requirement.
- This measure will limit government spending, reduce budget deficits, enhance fiscal accountability, and strengthen the state's credit rating. It is an important, positive move.
- At a time when many other states and the federal government are facing fiscal crises due to reckless spending and debt, this is an opportunity for New Hampshire to lead as an example of fiscal responsibility.

**YEA  
OTP/A**

**SB 408-FN-A, relative to funding for the children's savings account program.**

**SB 408**

**Finance Committee Recommendation: ITL 4-2**

**ANTI-LIBERTY: This bill funds savings accounts for all children born in Manchester or Coos county.**

- This type of program can be accomplished by private charities, either in coordination with each other or individually. It is inappropriate to use taxation and the state bureaucracy to establish such a program.
- No restrictions are specified by the bill on the use of these funds. Will funds be available only for tuition? For any purpose at all? Can funds be withdrawn and spent by parents?

**YEA  
ITL**

**SB 481-FN, relative to a special health care service license and establishing a fund.**

**SB 481**

**Finance Committee Recommendation: OTP 5-1**

**ANTI-LIBERTY: This bill contains provisions designed to create or protect health care service monopolies in the state, by limiting competition and preventing competitive price pressures.**

- Granting power to the state commissioner of health and human services to make a determination of the need for new facilities effectively enshrines crony capitalism into state law.
- This bill requires all new medical facilities to provide 24/7 emergency services, but exempts existing medical facilities from this requirement, thereby further raising the barrier to entry for new service providers, while shielding existing providers from fair competition.

**NAY  
OTP**

## SB 496-FN, relative to personal care attendant services.

# SB 469

Finance Committee Recommendation: OTP 5-0

### **ANTI-LIBERTY: This bill increases health care costs for PCA services in NH.**

## NAY OTP

- This bill requires personal care attendants provide “access to the community” and “non-medical transportation” — services for which they may not be equipped.
- "Access to the community" is vague and could open personal care attendants up to frivolous lawsuits.

## SB 503-FN-A, relative to pre-kindergarten education using “pay for success” financing.

# SB 503

Finance Committee Recommendation: OTP/A 4-2

### **ANTI-LIBERTY: This bill compels taxpayers to fund yet another optional, experimental program.**

## NAY OTP/A

- The bill's fiscal note is for \$10M to support a grade level outside compulsory attendance.
- The first program of this type, a NYC program to help teenage inmates was an official failure. Currently Utah has a “pay for success” early education program in place, but their boasts were determined to be inflated due to poorly defined goals. These “pay for success” experiments are still unproven to justify a launch in New Hampshire.
- Let the private sector establish pre-school programs, not the state through public private partnerships, using taxpayer money.
- Not a single Social Impact Bond project has demonstrated success so far.

## SB 515-FN, relative to child neglect and other changes to the child protection act.

# SB 515

Finance Committee Recommendation: OTP 6-0

### **ANTI-LIBERTY: This bill allows the unchallenged assertions of a single medical professional to shift the burden of proof for child neglect from the state to the mother.**

## NAY OTP

- While the instinct to look out for vulnerable children in society is noble, this bill goes too far by presuming a parent’s neglect based only on a medical diagnosis that has not been subject to cross examination or judicial review.
- The bill places no limits on who may make the diagnosis, meaning that an error by a first year nurse practitioner could result in irreparable harm to a mother and her newborn baby.

## SB 521-FN, relative to an OHRV registration fee for persons who are members of an OHRV club.

# SB 521

Finance Committee Recommendation: OTP 5-0

### **ANTI-LIBERTY: This bill steeply increases OHRV registration fees, especially for those who choose not to join clubs.**

## NAY OTP

- This bill favors certain clubs over others. Different fees for different club affiliations creates a class system, and could hurt non approved clubs and their membership.
- OHRV riders should not be punished with higher registration fees because they choose not to become members of an approved non profit club.
- The \$30 increase is too steep and will hurt OHRV tourism.

# SB 533

## NAY OTP/A

**SB 533-FN-A-L, relative to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery and making supplemental appropriations to the commission, the department of justice, and the department of health and human services.**

**Finance Committee Recommendation: OTP/A 3-1**

**ANTI-LIBERTY: This bill expands the current failed approach to the war on drugs and perpetuates failed policies already signed into law.**

- The Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery has been in operation since 2000, while NH watches the heroin epidemic grow and expand. The State would be wise to wait to see results from recently implemented programs before throwing yet more taxpayer dollars at the issue..

# SB 552

## YEA OTP

**SB 552-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax.**

**Finance Committee Recommendation: OTP 5-1**

**PRO-LIBERTY: This bill allows New Hampshire companies to more accurately reflect expenses, particularly for capital investments, with regards to the business profits tax.**

- NH currently allows only up to \$25K in deductions; this bill would use the federal limit of \$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.

# SB 336

## YEA OTP/A

**SB 336, relative to the qualifications for obtaining a license to carry a concealed pistol or revolver.**

**Judiciary Committee Recommendation: OTP/A 5-0**

**PRO-LIBERTY: This bill ensures that any citizen who is legally allowed to own a firearm may be issued a concealed weapons license.**

- This bill as amended removes the ambiguous requirement that an applicant be a "suitable person", which encourages profiling, and has in the past been used for ethnic, racial, and gender discrimination. This "suitability" clause is replaced by the objective requirement that the applicant not be prohibited from possessing a firearm under state or federal statute.
- This language replacing "suitable" is identical to that contained in SB 116 which passed both Houses in 2015, and to HB 582 which passed the House earlier this session.
- There is a demonstrated need for this legislation. Citizens have been arbitrarily denied their right to obtain or renew their license and then forced to seek legal counsel to exercise a basic right. As recently as 2015 a NH woman was denied the right to defend herself for 112 days after an arbitrary decision by a local police chief. While the chief's decision was overturned almost immediately upon the case being heard, the prolonged and expensive legal battle is an unfortunately common outcome of the current law..

## SB 391, relative to annulment of certain misdemeanor offenses.

# SB 391

Judiciary Committee Recommendation: OTP 4-0

**PRO-LIBERTY: This bill reduces the waiting period for annulment of the record of arrest/conviction for simple marijuana possession from 3 years to 2 years.**

**YEA  
OTP**

- This reduces the harm of our existing law by allowing a citizen who has harmed no-one to more quickly turn their life around and return to meaningful employment.
- The change retains the requirement of a decision by a judge allowing the facts of the case to be considered before an annulment is granted.

## SB 347, enabling the state and municipalities to adopt laws and ordinances regulating attire on state and municipal property.

# SB 347

Public and Municipal Affairs Committee Recommendation: OTP/A 3-2

**ANTI-LIBERTY: This bill allows municipalities to mandate attire on public property.**

**NAY  
OTP/A**

- Section 1 allows municipalities to regulate “the clothing worn by users” on all municipal properties. This broadly and inappropriately expands the power of municipalities, by allowing them to mandate dress codes in public spaces.
- Courts have repeatedly ruled that dress constitutes speech (e.g. Doyle v. DRED, United States v. Alvarez). This bill opens the door to first amendment violations and resulting lawsuits.

## HB 1438-FN-L, relative to the registration of antique trailers.

# HB 1438

Transportation Committee Recommendation: OTP 4-0

**PRO-LIBERTY: This bill allows 2-axle antique trailers to be registered as such**

**YEA  
OTP**

- This bill improves equality and consistency of law by allowing trailers to be registered as antique regardless of the number of axles.
- Antique trailers are not used as frequently as newer trailers, so it’s right that registering an antique trailer should be less costly.

## SB 342-FN, making certain changes to business profits tax provisions affecting a business organization when owners sell or exchange ownership interests in the business.

# SB 342

Ways and Means Committee Recommendation: OTP/A 5-0

**PRO-LIBERTY: This bill changes NH law to prevent taxing business on phantom gains caused by exchange of assets that are not owned by the business.**

**YEA  
OTP/A**

- Current NH law can be interpreted as imposing a business profits tax on LLCs or partnerships that have received no gain when one of the partners leaves and transfers ownership to another entity. We are the only state that does this.
- This means that current law unfairly discriminates between LLCs and corporations, and discourages small NH start-ups.

**PRO-LIBERTY: This bill better aligns NH capital expense deductions with federal provisions.**

- NH currently allows only up to \$25K in deductions for capital expenses in the first year. This bill removes the state limit and aligns the calculation with IRS rules simplifying compliance costs.
- At least 37 other states already allow deductions over \$100K, and 33 allow deductions up to \$500K (<http://taxfoundation.org/>).
- While the long term impact of this bill is largely revenue neutral, allowing business to more fully deduct capital expenses in the year they are made increases the probability of capital investment and growth in NH.
- NH legislators should work to make NH business friendly, rather than driving them away with excessive taxes.

YEA  
OTP/A