



### RECONSIDERATION

#### HB 1330 – Relative to the preservation of religious freedom.

Committee report: Judiciary: ITL (12–6)      Our recommendation: **NAY on ITL**

This bill, which requires that strict scrutiny be applied when reviewing laws that infringe upon religious freedom, is **pro-liberty**:

- **Part I, Art. 5** of the New Hampshire Constitution states that “no subject shall be hurt, molested, or restrained, in his person, liberty, or estate ... provided he doth not disturb the public peace or disturb others in their religious worship.”
- Current law allows minor regulations—such as zoning ordinances or bureaucratic agencies—to trump citizens’ deeply-held religious convictions, even when such convictions do not directly disturb others.
- Twelve states, including nearby R.I., Conn., and Penn., already have Religious Freedom Restoration Acts similar to HB 1330. These states have not experienced an increase in litigation nor other unintended consequences as a result.

### SPECIAL ORDER

#### HB 1522 – Relative to local spending caps.

Committee report: Local & Regulated Revenue: ITL (12–6)      Our recommendation: **NAY on ITL**

This bill, which affirms the right of municipalities to adopt spending caps, is **pro-liberty**:

- It allows citizens to restrain their government from excessive spending, reining in the natural tendency of governments to grow.
- The specified overrides allow governing bodies to exceed the cap when necessary, but only by a two-thirds vote, so that the appropriate functions of government can be funded.
- A spending cap, being adopted by a majority vote, can be repealed by a majority vote if no longer desired.
- Statutory affirmation of this right will prevent expensive lawsuits, as Concord and Manchester faced from spending cap opponents.

#### HB 1247 – Establishing a speed limit for vehicles traveling through a toll booth or gate.

Committee report: Transportation: OTP/A (12–1)      Our recommendation: **NAY on OTP/A**

This bill, which establishes a 25 MPH limit speed limit at toll booths, is **anti-liberty**:

- Speed limits are often arbitrary at best. Most drivers practice common-sense, prudent driving.
- The current 35 MPH limit through toll booths isn’t a problem, and tens of thousands of drivers are already accustomed to this limit.
- If this bill passes, there will be an unavoidable but necessary expense for new signage.
- State police will push to make a big show of enforcement of the new limit, further annoying safe drivers and the tourists that New Hampshire depends on.
- The NHLA supports the creation of “open road tolling lanes,” but not the speed limit contained in this bill.

#### HB 1679 – Establishing a soft drinks tax.

Committee report: Ways & Means: ITL (13–5)      Our recommendation: **YEA on ITL**

This bill, which creates a 2% sales tax on soft drinks, and additional taxes, is **anti-liberty**:

- This tax is a classic example of nanny-statism: Impose a tax on a product that some people find unhealthy, in an effort to reduce consumption of such product. Collection of this tax would impose an undue hardship on dealers, and according to public testimony, most likely not even have its intended effect of reducing soft drink consumption.
- This tax would be highly regressive, having the greatest impact on people with limited incomes who choose to consume soft drinks.

### REMOVED FROM CONSENT (as listed in published calendar)

#### HB 1442 – Relative to residency restrictions on offenders against children.

Committee report: Criminal Justice & Public Safety: ITL (18–0)      Our recommendation: **YEA on ITL**

This bill, which prohibits sex offenders from living within 2000 feet of schools, is **anti-liberty**:

- Such restrictions are an infringement upon private property rights and do nothing to actually protect children.
- The Manchester Police Department testified at the public hearing that such restrictions actually *reduce* compliance with the sex offender registry, causing many people to “go underground.”

#### HB 1447 – Relative to authorization to use firearms in the compact part of a town.

Committee report: Criminal Justice & Public Safety: OTP (18–1)      Our recommendation: **YEA on 2010-0554h**

This amendment to HB 1447, which repeals RSA 644:13 in its entirety, is **pro-liberty**:

- People should not have to ask permission from the local police chief to shoot on their own property. The bill in its unamended form attempts to fix RSA 644:13 by replacing permission with notification, but does so in a manner that simply creates more problems.

## REGULAR CALENDAR

<b>HB 1400 – Requiring all colleges and universities to report crimes to the local law enforcement agency.</b>			
Committee report:	Education: OTP/A (19–1)	Our recommendation:	<b>NAY on OTP/A</b>
<p>This bill, which requires that crimes committed on college campuses be reported to the local police, is <b>anti-liberty</b>:</p> <ul style="list-style-type: none"> <li>• This bill creates an unnecessary level of additional bureaucracy for both educational institutions and police departments.</li> <li>• One-size-fits-all legislation is not appropriate for every learning institution, from UNH to Colby-Sawyer to St. Anselm College.</li> <li>• This mandate and its new reporting requirements will distract colleges from teaching and police departments from fighting crime.</li> <li>• Campus security should be allowed the discretion to punish—or choose not to punish—infractions at individual colleges. For example, reporting to the police a minor violation could potentially damage the permanent record of the student or the school, even in the case of a consensual or victimless crime.</li> </ul>			
<b>HB 1411 – Requiring notice of the decision against rehiring be provided to educational support personnel.</b>			
Committee report:	Education: Without recommendation	Our recommendation:	<b>YEA on OTP/A (0812h)</b>
<p>This bill, which requires notification to educational support personnel if their employment will continue in the fall, is <b>pro-liberty</b>:</p> <ul style="list-style-type: none"> <li>• This mandatory notification would be anti-liberty if non-public schools or other employers were required to do so. However, placing this mandate only on the state and its political subdivisions is simply good government, and sets a proper high standard for the way employees should be treated.</li> <li>• The notification is only of intent, not a commitment for employment, and the employer can define any special circumstances that may have a bearing on the intent.</li> <li>• The NHLA <b>does not support</b> passage of this bill in its original form. The amendment removes the section of HB 1411 that rendered it anti-liberty, concerning increased unemployment benefits for educational support personnel.</li> </ul>			

## CONSENT CALENDAR

<b>HB 1134 – Authorizing federal law enforcement officers to use deadly and non-deadly force when assisting ...</b>			
Committee report:	Criminal Justice & Public Safety: OTP/A (14–1)	Our recommendation:	<b>NAY on OTP/A</b>
<p>This bill, which allows federal agents the ability to use deadly force in our state, is <b>anti-liberty</b>:</p> <ul style="list-style-type: none"> <li>• <b>Part I, Art. 7</b> of the N.H. Constitution states, in part: “The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state.” This bill blurs the line between state and federal law enforcement.</li> <li>• Vague language in the bill will lead to inconsistent enforcement and potential for civil lawsuits.</li> <li>• Federal law enforcement officers already have plenty of leeway in detaining dangerous violators of criminal law; this bill is unnecessary and may have perverse unintended consequences.</li> </ul>			
<b>HB 1653 – Decriminalizing possession of one quarter of an ounce or less of marijuana.</b>			
Committee report:	Criminal Justice & Public Safety: OTP (16–2)	Our recommendation:	<b>YEA on OTP/A</b>
<p>This bill, which converts possession of ¼ ounce or less of marijuana from a criminal misdemeanor to a \$200 violation, is <b>pro-liberty</b>:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Modeled after laws in other states, 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.</li> <li>• <b>Part I, Art. 18</b> 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.”</li> </ul>			
<b>HB 1636 – Establishing the real-time electronic controlled drug prescription monitoring program.</b>			
Committee report:	Health & Human Services: ITL (15–1)	Our recommendation:	<b>YEA on ITL</b>
<p>This bill, which creates a database for monitoring the dispensing of scheduled prescription drugs, is <b>anti-liberty</b>:</p> <ul style="list-style-type: none"> <li>• This system would be a massive invasion of privacy. The requirement to submit such information intrudes into private medical decisions made by doctors and patients, and the retention of such information in a database is even more problematic.</li> <li>• Despite best practices and the best of intentions, governments have a terrible track record at preserving the confidentiality of citizens’ information when recorded in electronic databases. In a recent poll, 66% of security professionals working at government organizations said that their organization was vulnerable to a confidential data breach. (Source: <a href="http://networkworld.com/community/node/46613">http://networkworld.com/community/node/46613</a>, accessed 2009-10-22.)</li> <li>• Outrageously, the bill immunizes anyone who discloses information in the database so long as it was done “in good faith.”</li> </ul>			
<b>HB 1239 – Relative to department of environmental services field citations and cease and desist orders.</b>			
Committee report:	Resources, Recreation & Development: OTP/A (16–1)	Our recommendation:	<b>NAY on OTP/A</b>
<p>This bill, which allows DES to delay dredge or fill permits until an applicant believed to have violated requirements takes corrective action to the satisfaction of the department, and authorizes administrative fines of up to \$5000 per violation, is <b>anti-liberty</b>:</p> <ul style="list-style-type: none"> <li>• Allowing unelected bureaucrats to threaten non-performance of their duty in order to enforce their will makes our government less responsive to its citizens.</li> <li>• This process puts the burden of proof on the applicant, rather than DES, where it belongs.</li> </ul>			
<b>HB 425 – Relative to remedies under the state right-to-know law and continually appropriating a special fund.</b>			
Committee report:	Ways & Means: OTP/A (17–0)	Our recommendation:	<b>YEA on OTP/A</b>
<p>This bill, which establishes a civil penalty for violations of the right-to-know law, among other things, is <b>pro-liberty</b>:</p> <ul style="list-style-type: none"> <li>• This bill strengthens RSA 91-A, an important statute that enshrines transparency in governmental operations and records.</li> <li>• The \$1,000 fine against “an officer, employee, or other official of a public agency [who] has violated this chapter in bad faith” sends the appropriate message that people have a right to know what their elected and appointed servants are doing.</li> <li>• <b>Part I, Art. 8</b> of the N.H. Constitution says, in part: “[T]he public’s right of access to governmental proceedings and records shall not be unreasonably restricted.”</li> </ul>			