



# Gold Standard

## LIBERTY WATCHLIST

### SPECIAL ORDER

#### **HB 1661 – Making distributions from [LLCs] subject to the interest and dividends tax only if they have transferable shares.**

Committee report: Ways & Means: Interim Study (11-7)

Our recommendation: **NAY on INTERIM STUDY  
YEA on OTP/A (1041h)**

This bill, which repeals the extension of the interest and dividends tax to certain LLCs, is **pro-liberty**:

- While we agree with and support the intent of the original bill to repeal certain aspects of last year's new LLC tax, we find that floor amendment **2010-1041h**, a full repeal of said tax, is much more pro-liberty—and a boon to New Hampshire businesses, tourists, consumers, and taxpayers.
- Floor amendment 2010-1041h is clear and easy to implement.

#### **HB 1147 – Excluding value attributed to unexercised approvals in determining [property taxes].**

Committee report: Local & Regulated Revenue: ITL (14-3)

Our recommendation: **YEA on ITL**

This bill, which excludes the value of unexercised approvals from property tax land value assessments, is **anti-liberty**:

- The current definition of "market value" in RSA 75:1 means "the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor." This is a fair definition.
- Adding special exceptions provides a tax break for a few individuals and increases the burden on the rest of the taxpayers.

#### **HB 1126 – Relative to the Hooksett police commission.**

Committee report: Municipal & County Government: ITL (11-6)

Our recommendation: **NAY on ITL**

This bill, which allows the Town of Hooksett to expand its police commission from three to five members, is **pro-liberty**:

- This bill would empower the people of Hooksett to more effectively oversee law enforcement in their community.

#### **HB 1461 – Relative to the municipal regulation of the sale of martial arts weapons.**

Committee report: Municipal & County Government: OTP/A (17-0)

Our recommendation: **NAY on OTP/A**

This bill, which empowers municipalities to regulate or prevent the displaying and accessibility of martial arts weapons, is **anti-liberty**:

- This bill violates the rights of businesses throughout the entire state that operate twelve months out of the year, in order to address a concern over a few businesses in one small area (Hampton Beach) who operate only 3-4 months out of the year.
- Concerns over the sale of such items to minors are addressed in current law. This bill offers no increased protection for children.
- If interpreted literally, the open-ended definitions of "martial arts weapons" (RSA 159:24) and "deadly weapons" (RSA 625:11, V) place simple, everyday items such as pencils, pocket books, ropes, steel-tipped boots, hammers, etc., into these categories, which would make virtually *all* businesses subject to such regulation.

*The New Hampshire Liberty Alliance is a non-partisan coalition of New Hampshire citizens working to increase individual freedom in the Granite State. Each year we compile voting records from a wide variety of legislation and release our Liberty Rating, grading our state legislators' support of liberty. These Liberty Watchlists are an effort to highlight bills that, if passed, stand to substantially increase or decrease freedom in New Hampshire. Your vote on these bills may be used in our annual Liberty Rating.*

### HB 1343 – Establishing a joint committee on the constitutionality of [acts of the U.S. government].

Committee report: State–Federal Relations: ITL (10–7)

Our recommendation:

**NAY on ITL**

This bill, which creates a joint committee to review the constitutionality of acts, etc., by the U.S. government, is **pro-liberty**:

- **Part I, Art. 7** of the N.H. Constitution states: “The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not ... by them expressly delegated to the United States of America in congress assembled.” As such, any power exercised by the federal government that was not *expressly delegated* is contrary to the Constitution.
- While it is the duty of every legislator to review complaints of federal usurpation of our state’s sovereignty, each year the federal government creates thousands of pages of new laws—far too many for legislators to review.
- For the same reasons that the N.H. legislature forms dedicated committees to review proposed N.H. legislation and recommend courses of action, it is prudent to form a dedicated committee to review federal legislation.

### HB 1234 – Relative to disclosure of property rights and responsibilities in the sale of shorefront property.

Committee report: Commerce & Consumer Affairs: Interim Study (13–3)

Our recommendation:

**YEA on INTERIM STUDY  
or YEA on ITL**

This bill, which requires certain disclosures in the sale of shorefront property, is **anti-liberty**:

- The concept and practice of *caveat emptor* and due diligence are already commonplace in real estate transactions.
- This bill goes beyond good realty practice by requiring that “any lease for the rental of real property” have signed disclosures of the “responsibilities of the shoreland owner”; this is inappropriate for short-term rentals and onerous for property managers.
- While the intent of the bill may have been to inform buyers of the morass of state regulations burdening such property, additional requirements on purchase contracts are not the way to go about it.

### HB 1252 – Relative to the duration of medical payments coverage under motor vehicle liability policies.

Committee report: Commerce & Consumer Affairs: OTP (9–7)

Our recommendation:

**NAY on OTP**

This bill, which requires all auto insurance plans to accept medical claims up to three years after an incident, is **anti-liberty**:

- Insurance mandates interfere with the free market and discourage insurers from doing business in this state.
- Additional layers of regulation lead to additional layers of bureaucracy, higher costs, fewer choices, and greater distance between consumers and providers.

### HB 1580 – Relative to home schooling.

Committee report: Education: ITL (12–7)

Our recommendation:

**NAY on ITL**

This bill, which exempts homeschooled children from compulsory attendance requirements, is **pro-liberty**:

- The compulsory attendance law was never intended to apply to parents who were instructing their children; it was directed at those few parents who were not undertaking their obligation to instruct their children in a responsible manner.
- This bill does not prevent the state from using existing statutes to protect children from abusive or neglectful parents.
- It restores due process, which includes equal treatment under the law, the presumption of innocence, and protection against searches or seizures without probable cause.
- The current home education law, RSA 193-A, which presumes parents are guilty until proven innocent via annual evaluations, mandates something not required of any other educators in the state.
- Despite recommending ITL, the House Education subcommittee concurred that the constitutional language in this bill is valid.
- With the Board of Education set to approve rules (Ed 315) much like what was killed in HB368, this bill is even more necessary.

**Regular Calendar bills will be on tomorrow’s Gold Standard.**

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