



REGULAR CALENDAR (starting with Finance)

SB 344 – Relative to employment and retirement benefits of certain non-judicial court employees.

Committee report: Finance: ITL (15–4)

Our recommendation:

YEA on ITL

This bill, which allows certain non-judicial employees of the court system to be paid for accrued, unused sick time upon retirement, is **anti-liberty**:

- If this amendment to the statutes were truly necessary for New Hampshire, it would not be so strictly limited to only “any person retiring in 2010 from full-time, non-judicial employment with the court system,” which, according to the fiscal note, will affect only *one* employee.
- State retirement systems are already overburdened, partially due to schemes like this, where unused sick time is included to increase salaries and therefore correspondingly increase employees’ retirement benefits.
- The lawmaking process should not be taken so lightly as to pass a law to benefit a very small number of people. Doing so is a violation of **Part I, Art. 10** of the N.H. Constitution, which begins: “Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of *any one man, family, or class of men ...*” (emphasis added).

SB 450 – Relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax.

Committee report: Finance: OTP/A (13–12)

Our recommendation:

**YEA on 2010-1953h
and 2010-1963h**

This bill, with the Finance Committee majority and minority amendments, is **pro-liberty** overall. As the House deals with many floor amendments to this bill today, please remember that:

- The NHLA supports cutting budgetary spending by at least 20%.
- We support repealing the LLC tax, camping tax, and other taxes and fees imposed last year.
- The road to economic solvency and prosperity in New Hampshire is paved with balanced budgets, vastly smaller government, lower taxes, and less regulation.
- “Sin taxes” are discriminatory in nature and should be avoided.
- State employee compensation should be comparable to—or less lucrative than—private sector employment. Private sector employment expands economic activity, while public sector largesse drains resources from the economy.
- Bonding of current expenses into future liabilities addresses the symptoms, not the root problems. Budgets should be balanced biennially.
- Increasing taxes will be a further drag on the state economy, will lead to market inefficiencies, and will serve to encourage black markets in the taxed products.

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.

SB 353 – Relative to the procedure for administration of insolvent estates.

Committee report: Judiciary: OTP (12–6)

Our recommendation:

YEA on OTP

This bill, which simplifies the statutes dealing with insolvent estates, is **pro-liberty**:

- Under current law, insolvent estates face layers of cost and bureaucracy they can ill afford. This bill would simplify the statutes and streamline the process.
- With this bill, the state will now be able to make higher priority claims against estates for medical assistance provided at taxpayer expense.

SB 354 – Authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property.

Committee report: Judiciary: OTP (10–7)

Our recommendation:

NAY on OTP

This bill, which authorizes building code violation liens, and requires landlord agents for some properties, is **anti-liberty**:

- There is already a civil court mechanism for tenants to sue landlords over alleged violations or for providing uninhabitable living conditions.
- Building code violations can lead to fines, but they should not rise to the level of foreclosure-inducing liens. Towns should have to prove impropriety and collect in civil court.
- The times given for landlord/owner compliance are too short and onerous, especially for out of state or partnership owners. Such anti-business requirements could drive investors out of our state.

SB 431 – Relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

Committee report: Judiciary: OTP/A (11–7)

Our recommendation:

NAY on OTP/A

This bill, which prohibits eviction based on a tenant having been a victim of domestic violence, is **anti-liberty**:

- While the intentions may be fine, this bill is not the correct solution to the perceived problem. Unintended consequences could include tenants abusing the statute to forestall termination for other reasons, inappropriately using a protective order as a defense.
- The amendments do not address the fact that the abusers in domestic violence often return to the home of the victim and become a nuisance (noise, screaming, threats) to other tenants in the building. Such nuisances could lead to neighboring tenants vacating and putting the building owner at financial risk.
- A landlord has every incentive to keep good tenants and would not evict somebody simply because of that tenant being a victim. Sufficient tenant protection provisions are already in place in statute; this narrowly targeted addition is unnecessary and problematic to enforce.

SB 382 – Relative to the New Hampshire natural plant protection act.

Committee report: Ways & Means: OTP/A (13–7)

Our recommendation:

NAY on OTP/A

This bill, which broadens regulatory control of private property for environmental purposes, is **anti-liberty**:

- This bill invents and regulates broad new concepts of “natural areas” and “natural communities.”
- This new regulation amounts to a “regulatory taking” of private property, prohibiting people from using their own land as they see fit if parts of it fall under these new definitions.
- This bill further cedes legislative authority to unaccountable bureaucracies by replacing a \$25 fee with a series of “reasonable” fees as determined by the commissioner of the department of resources and economic development.

SB 483 – Relative to the interpretation of Internal Revenue Code § 1031 as it relates to taxation under the business profits tax.

Committee report: Ways & Means: OTP/A (18–2)

Our recommendation:

YEA on OTP/A

This bill, which recognizes I.R.C. § 1031 like-kind exchanges under New Hampshire business profits tax, is **pro-liberty**:

- The bill would put an end to lawsuits by property owners against the Department of Revenue Administration for retroactively taxing exchanges that were transacted in good faith by investors, thus saving taxpayer dollars.
- This will make New Hampshire a more desirable location for commercial property investment than it is under the current interpretation and enforcement by DRA.