



New Hampshire Liberty Alliance

Gold Standard

HB 544 YEA/ITL HB 350 NAY/OTPA
 NAY 2014-0025h HB 562 NAY/OTPA
 HB 498 NAY/OTPA HB 585 NAY/OTPA
 HB 675 NAY/OTPA SB 180 NAY/OTPA
 HB 424 NAY/ITL HB 492 NAY/ITL
 HB 435 NAY/ITL HB 110 NAY/OTPA
 HB 326 YEA/STUDYHB 660 YEA/ITL

NHLiberty.org

January 8th, 2014

HB 544, repealing the prohibition on a state-based health exchange

Committee recommendation: Commerce and Consumer Affairs: ITL 20 - 0

This bill, as amended, is anti-liberty:

- **Nay on floor amendment 2014-0025h - Rosenwald and Sherman**
- The amendment to HB 544 seeks to expand Medicaid.
- A major study demonstrated that expanded Medicaid does not improve health outcomes.
- A related study found that Medicaid patients were 40% more likely to use emergency rooms than uninsured patients resulting in increased costs to the tax payers.

HB 544
YEA
ON
ITL

HB 498, permitting the use of firearms by military or veterans groups in the compact part of town for military or veterans events, or national holidays

Committee recommendation: Criminal Justice and Public Safety: OTP/A 10 - 8

This bill, which grants special privileges for various classes of men, is anti-liberty:

- This bill seeks to exempt public safety workers, military veterans and historical re-enactors from the existing requirement that is applied to all other residents.
- The US and NH constitutions, along with sound public policy, demand equal treatment under the law and not discriminating against (or for) various classes of men.

HB 498
NAY
ON
OTP/A

HB 675, authorizing and regulating the use of license plate scanning devices

Committee recommendation: Criminal Justice and Public Safety: OTP/A 10-7

This bill, which violates personal privacy and civil liberties to travel freely, is anti-liberty:

- Blanket surveillance of vehicles traveling freely is an invasion of privacy on a grand scale.
- Massive spying on the whereabouts of New Hampshire residents and visitors is a gross violation of civil liberties and can be used to target specific groups or individuals who may be in disfavor politically.
- In states that have used automated license plate scanners, it quickly becomes about revenue rather than public safety. For example, red light cameras in many states have actually shown to *decrease* public safety, as people panic and stop short on a yellow light so as to not get caught passing through the red light by a nose, thus increasing rear-end collisions at intersections. Several states are now removing their red light cameras as a result of this.
- The NH constitution clearly prohibits warrantless searches in Part I, Art. 19: "Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. ...". The 4th Amendment to the US constitution gives the same exhortation.
- Without accountability or oversight in regards to the data captured and stored by these devices, there is serious potential for misuse and abuse of the records. "Computers never forget." The records could be stored permanently, allowing the state to keep record of people's movements for years or even decades.
- The Boston police recently stopped using automated license plate readers, with no plans to resume doing so, as a result of news coverage revealing privacy violations.

HB 675
NAY
ON
OTP/A

*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 Gold Standards 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 424, relative to review of chartered public school applications by the state board of education.

Committee recommendation: Education: ITL 11-9

This bill, which would clarify the charter school approval process, is **pro-liberty**:

- This bill is intended to directly address the concerns from the charter school moratorium of 2012 and 2013. This bill would require the NH BOE to approve charter schools if they meet all the requirements defined by RSA 194-B:3 and not delay or deny approval based on the status of state funding availability.
- HB 424 requires a state agency to fulfill its obligations to proposed charter schools that they are receiving money to provide.

**HB 424
NAY
ON
ITL**

HB 435, relative to funding for chartered public school pupils

Committee recommendation: Education: ITL 10-9

This bill, which would increase funding for charter schools, is **pro-liberty**:

- NH charter schools are part of the public school system.
- For many low- and middle-income families, charter schools provide their only access to schools of their choice.
- Charters play a critical role in the free-market of education.
- Insufficient funding presents a significant risk for charter schools particularly in the early years of operation. Low funding levels can effectively close educational options to the most needy in our communities.

**HB 435
NAY
ON
ITL**

HB 326, relative to licensure of polysomnographers by the board of respiratory care practitioners.

Committee recommendation: Executive Departments and Administration: Interim Study 9-7

This bill, which attempts to fix a non-existent problem, is **anti-liberty**:

- Polysomnographers are already certified by national certification agencies, so mandating an additional layer of state bureaucracy doesn't improve consumer protection, it merely increases the cost of doing business and providing a service.
- Sleep disorders are serious maladies, and medical care providers and insurers will ensure their employees are trained and certified to improve customer satisfaction and avoid liability.

- **NAY on OTP/A**

**HB 326
YEA
ON
STUDY**

HB 350, prohibiting discrimination against the unemployed

Committee recommendation: Labor, Industrial, and Rehabilitative Services : OTP/A 11-8

This bill, which makes it illegal for an employer to discriminate based on unemployment status, is **anti-liberty**:

- This Orwellian "thoughtcrime" is virtually unenforceable and sets a bad precedent by criminalizing a non-action and the subjective judgment used in normal business activity.
- A penalty of up to \$5,000 per violation is grossly inappropriate and violates Part I Art. 18 of the NH constitution: "All penalties ought to be proportioned to the nature of the offense."

**HB 350
NAY
ON
OTP/A**

HB 562, relative to the interest rate on title loans

Committee recommendation: Commerce and Consumer Affairs : OTP/A 17 - 3

This bill, even with the amendment, is **anti-liberty**:

- The original bill, which would have limited interest rates, is very anti-liberty. The committee amendment waters it down to only a reporting requirement, hence the recommendation to support the committee amendment.
- The liberty position is to leave it up to the free market, to oppose any reporting requirement, hence a secondary recommendation to oppose OTP/A.

**HB 562
NAY
ON
OTP/A**

HB 585, relative to insurance parity for optometrists

Committee recommendation: Commerce and Consumer Affairs : OTP/A 11-9

This bill, which would set equal pay rates for ophthalmologists or optometrists , is **anti-liberty**:

- HB 585 would open a can of worms with countless other professions demanding that government set equal pay rates inside their industries. For example, an MD, PA, RN, or LPN might demand to be paid the same as the others for certain services performed by all.
- Rates should be set by voluntary negotiations between payer and payee, and not interfered with by the state. When an insurance company intermediary is involved, reimbursement should be a contractual agreement between the insurer and its customers and its medical contractors/providers. More government regulation further distorts the market.
- Pay is just one component of employee compensation. Additionally, other non-compensated employment benefits include location, hours, support staff, modern equipment, etc. Pay flexibility is essential in obtaining a balance between all forms of compensation.

**HB 585
NAY
ON
OTP/A**

SB 180, establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund.

Committee recommendation: Commerce and Consumer Affairs: No Recommendation

This bill, which would require the tax payers of the State of New Hampshire to take some of the responsibility for the losses of investors in the Financial Resources Mortgage debacle, is **anti-liberty**:

- SB 180 would open Pandora's box of investors looking to have taxpayers bail them out of bad investments. The lesson: If an investment doesn't work then just find a friendly legislator to pass a law giving restitution.
- In a free market, investors evaluate offers, take risks, win some, and lose some. This legislation would have the unintended consequence of future investors using less due diligence to evaluate offers before investing.
- This situation is a reminder that despite all the laws and criminal penalties and licensing and government agency oversight, malefactors will still behave badly and deceive people; government cannot protect everyone from bad things happening.

**SB 180
NAY
ON
OTP/A
YEA
ON
ITL**

HB 492, relative to the legalization and regulation of marijuana.

Committee recommendation: Criminal Justice and Public Safety: ITL 11-7

This bill, which would tax and regulate marijuana, is **pro-liberty**:

- Adults have a fundamental right to make choices about how they treat their bodies, including what substances they ingest.
- 60% of New Hampshire voters support taxing and regulating marijuana like alcohol.
- According to the ACLU, New Hampshire spent \$6,526,364 on enforcing marijuana possession laws in 2010 alone. If HB492 were to become law, we would be receiving millions in taxes instead.
- Although the NHLA generally opposes new or increased taxes such as the ones included in HB492, they may be appropriate in this instance because:
 - "Sin taxes" may be considered a user fee when used to address potential costs to society from the taxed activity.
 - Keeping the price of marijuana artificially high through taxes would more closely mirror the current street price, and bring much-needed revenue to the general fund—instead of letting the profit go to street gangs and drug cartels.
 - Taxing and regulating marijuana would improve the status quo so significantly that these taxes are an acceptable compromise in exchange for this expansion of personal liberty.

HB 492
NAY
ON
ITL

HB 110, requiring persons who record cruelty to livestock to report such cruelty and submit such recordings to a law enforcement agency.

Committee recommendation: Environment and Agriculture: OTP/A 11-6

This bill, which would criminalize failure to report witnessed animal cruelty, is **anti-liberty**:

- This bill makes each of us an agent of the state with a duty to inform on our neighbor if we see animal cruelty. There is no current prohibition on reporting animal cruelty, and it should remain voluntary, not compulsory.

HB 110
NAY
ON
OTP/A

HB 660, requiring the labeling of genetically engineered foods and agriculture commodities

Committee recommendation: Environment and Agriculture: ITL 12-8

This bill, which would increase regulations on business, is **anti-liberty**:

- If there is a widespread public outcry for such labeling, companies (both producers and retailers) will ultimately lead the change to satisfy customer demand.
- Consumers already have the ability to avoid foods with GM ingredients by purchasing products labeled as "100 percent organic".
- New labeling requirements would place an undue burden on retailers, wholesalers, and producers throughout the state and region.
- Suppliers can work around mandate by labeling EVERYTHING as "May contain genetically engineered components." Such labels would satisfy the legal requirement but would be absolutely useless.
- The proper solution to this situation would be an independent third-party certification agency, which could freely state whether or not food does or does not contain GMO. As long as they are not-for-profit and not engaged in actual commerce, the FDA/USDA couldn't regulate their reports as it's free speech.

HB 660
YEA
ON
ITL