



New Hampshire Liberty Alliance

Gold Standard

HB 675 NAY/OTPA HB 492 NAY/ITL
 HB 326 YEA/STUDY HB 110 NAY/OTPA
 NAY/OTPA HB 660 YEA/ITL
 HB 350 NAY/OTPA HB 597 NAY/OTPA
 HB 562 NAY/OTPA HB 582 NAY/OTPA
 NAY/FLRAM HB 249 YEA/ITL
 HB 585 NAY/OTPA HB 485 YEA/OTPA
 SB 180 NAY/OTP
 YEA/ITL

NHLiberty.org

January 15th, 2014

Special Order

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**:

- The Boston police recently stopped using automated license plate readers. They found them ineffective, full of errors, open to hacking, and wasted thousands in tax payer dollars. *Boston Police have NO PLANS to resume using license plate scanners, as noted in the explosive media coverage of this failed program.*
- Blanket surveillance of vehicles traveling freely is an invasion of privacy on a grand scale. 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. The records could be stored permanently, allowing the state to keep record of people's movements for years or even decades.
- In states that have used automated license plate scanners, it quickly becomes about revenue rather than public safety. The highest use of officers' time should be public safety, not collecting fines.
- 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 restriction on the federal government.

HB 675
NAY
ON
OTP/A

Regular Calendar- Part I (continued)

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

*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.*

Regular Calendar- Part II

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 (2013- 2311h).
- 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.
- **NAY on Floor Amendment – 2014 – 0026h (Williams)**.
- The profit margin for lenders of short term loans tend to be low. A rate cap of 36% will reduce the availability of short term loan providers.
- Evidence suggests consumers will switch to pawnbrokers, checking account overdraft, or late bill payment to meet their short term credit needs.
- Because low income households tend to experience more financial insecurity, short term credit likely softens financial shocks- without this credit, households may face more financial insecurity.
- For low value loans, a \$20 fee for a one or two month loan becomes a very high annual interest rate.

**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
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

HB 597, relative to mandatory drug testing for certain health care workers.

Committee recommendation: Environment and Agriculture: OTP/A 18-0

This bill, as amended, would require a drug-free workplace policy, is **anti-liberty**:

- This is feel-good legislation in response to one incident, what we call "legislation by anecdote."
- This is a new, expensive regulation on health care providers.
- Providers may already have their own procedures and policies which are superior to these new ones, but may not be compliant. Better to let the institutions' insurance companies and management determine appropriate policies instead of one-size-fits-all regulations from 17 non-medical legislators on the committee.

HB 597
NAY
ON
OTP/A

HB 582, repealing early offers for medical injury claims.

Committee recommendation: Judiciary: OTP/A 10-6

This bill, as amended, would modify a voluntary option for settling medical injury claims, is **anti-liberty**:

- The original bill would have repealed early offers, which are a voluntary alternative to lengthy, expensive court proceedings for medical malpractice.
- The committee amendment adds a very subjective element, i.e. lost earnings, to what was a simple, objective process; removes a penalty for wasting everyone's time if a court proceeding results in a smaller payout than the early offer; and disallows speedy settlement even when both sides agree.
- The early offer process is still too new to be tinkering with it.

HB 582
NAY
ON
OTP/A

HB 249, requiring employers to verify an employees eligibility to work in the United States.

Committee recommendation: Labor, Industrial, and Rehabilitative Services: ITL 11-8

This bill, which would give the federal government power to decide who can work, is **anti-liberty**:

- Deciding who is allowed to work or not is too much power to entrust to a federal government, which is all too capable of bureaucratic ineptness, and all too willing to hurt its political enemies.
- The E-verify system has mistakenly prevented completely legal citizens from taking a job.
- The system is a threat to privacy and is too much like RealID, which NH has rightly rejected.
- "Everyone has a natural right to choose that vocation in life which he thinks most likely to give him comfortable subsistence." -- Thomas Jefferson.

HB 249
YEA
ON
ITL

HB 485, establishing keno

Committee recommendation: Ways and Means: OTP/A 14-5

This bill, which allows a form of lottery- run legalizing gaming in NH- based small businesses, is **pro-liberty**:

- By allowing multiple applicants to host Keno, avoids the pitfalls of granting a monopoly or duopoly and not running afoul of the NH Constitution's admonition that "free and fair competition is an inherent right of the people." Consenting adults have a right to engage in this activity.
- Raises at least \$9 million per year for the Education Fund in true NH-fashion: through voluntary means, consistent with other lottery games.
- NH Lottery estimates that Granite State citizens spend \$24 million annually at MA Keno outlets. This bill allows our citizens to spend that money locally. Five of the top ten MA Keno outlets are within ten minutes of the NH border. HB 485 increases consumer choice and freedom.

HB 485
YEA
ON
OTP/A