



New Hampshire Liberty Alliance

Gold Standard

HB 1589 NAY/OTPAHB 1237 YEA/OTP
 HB 1595 NAY/OTPAHB 1266 NAY/ITL
 HB 1588 YEA/ITL HB 1573 NAY/ITL
 HB 1287 YEA/ITL HB 1476 NAY/ITL
 HB 1482 YEA/ITL HB 1477 NAY/ITL
 HB 1594 YEA/STDYHB 1597 NAY/ITL
 HB 1616 NAY/OTPA
 HB 1165 NAY/ITL

NHLiberty.org

February 12th , 2014

Regular Calendar: Part I

HB 1589-FN, requiring background checks for all firearm sales.

Committee recommendation: Commerce and Consumer Affairs: OTP/A 10-8

This bill, which would turn law abiding citizens into criminals, is **anti-liberty**:

- This law would be unenforceable without enormous cost.
- This bill fails to meet the low, low bar of a solution in search of a problem. It is a problem in search of a problem.
- The language shifts the burden of proof to the individual as opposed to the state---a radical shift in our standards of jurisprudence.
- The penalty portion of the bill takes activities which are currently legal (disposing of one's private property) and assigns serious penalties to those activities. These are penalties that could affect a person's ability to get a job (misdemeanor B), and that could put a person in jail if there is a second offense (misdemeanor A).It creates a crime where there has been no crime in 392 years.

HB 1589
NAY
ON
OTPA

HB 1595-FN, establishing a condominium dispute resolution board.

Committee recommendation: Commerce and Consumer Affairs: OTP/A 9-7

This bill, which removes rightful authority from the judicial and legislative branch, is **anti-liberty**:

- As stated, this bill would make matters of condominium assoc. bylaw infractions or other actions not in compliance with condo instruments, or state law come under the jurisdiction of a condominium dispute resolution board. This should come under the jurisdiction of the judicial branch or the legislative branch, if new laws are required, not a resolution board.
- The board will consist of 9 members only two of which will be elected representatives.

HB 1595
NAY
ON
OTPA

HB 1588-FN, requiring suicide prevention education in schools.

Committee recommendation: Education: ITL 10-8

This bill, which would create a mandate, is **anti-liberty**:

- This bill requires school districts and chartered public schools to provide suicide prevention education and training to students, parents, faculty, staff, and school volunteers.
- This bill provides neither an appropriation nor authorization for new positions and will increase state general fund expenditures by \$455,180 in FY 2015, \$197,856 in FY 2016, \$204,426 in FY 2017, \$425,905 in FY 2018, and \$224,390 in FY 2019.

HB 1588
YEA
ON
ITL

HB 1287-FN, requiring a refundable deposit on beverage containers.

Committee recommendation: Environment and Agriculture: ITL 18-0

This bill, which would create a mandate on beverage manufacturers, is **anti-liberty**:

- This bill would mandate that every beverage container sold or offered for sale to a consumer in this state shall have a deposit and refund value. This would be especially burdensome on small-scale beverage manufacturers in the state.
- The Department of Environmental Services states that municipalities participating in recycling programs will experience a loss of revenue due to the reduction in recyclables sent to the municipal recycling centers.

HB 1287
YEA
ON
ITL

*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 1482-FN, relative to licensure of individuals as private investigators, bail enforcement agents, and security guards, and requiring a skills training course for applicants for such licensure.

Committee recommendation: Executive Departments and Administration: ITL 19-0

This bill, which would expand occupational licensing, is **anti-liberty**:

- An “occupational license” is just that—government permission to work in a particular field. Gainful employment requires convincing a prospective employer or potential customer of their value. This bill requires convincing the government.
- The consumers of occupationally licensed services derive no determinable benefit for the added cost. For example, when was the last prevented case of fungal infection due to licensing manicurists?
- Barriers like these make it harder for people to find jobs and build new businesses that create jobs, particularly minorities, those of lesser means and those with less education.

HB 1482

**YEA
ON
ITL**

HB 1594-FN, requiring licensure of community association property managers.

Committee recommendation: Executive Departments and Administration: Interim Study 11-7

This bill, which would require occupational licensing, is **anti-liberty**:

- An “occupational license” is just that—government permission to work in a particular field. Gainful employment requires convincing a prospective employer or potential customer of their value. This bill requires convincing the government.
- The consumers of occupationally licensed services derive no determinable benefit for the added cost. For example, when was the last prevented case of fungal infection due to licensing manicurists?
- Barriers like these make it harder for people to find jobs and build new businesses that create jobs, particularly minorities, those of lesser means and those with less education.

HB 1594

**YEA
ON
STUDY**

HB 1616-FN, making changes to the therapeutic cannabis laws.

Committee recommendation: Health, Human Services and Elderly Affairs: OTP/A 9-3

This bill, which would restrict doctor/patient medical decisions and potentially criminalize individuals who lawfully obtain medicinal cannabis, is **anti-liberty**:

- This bill would make it a crime for patients to possess cannabis in a motor vehicle “except if the cannabis is secured in a locked container.” Punishment, up to and including incarceration, of individuals who have legally obtained medicinal cannabis violates Article 18 of the New Hampshire Constitution, which provides that “all penalties ought to be proportioned to the nature of the offense.”
- New Hampshire’s law currently allows qualifying patients to purchase up to two ounces of cannabis every 10 days. HB 1616 would cut this to two ounces every 30 days, reducing the amount of cannabis patients could purchase to one-third the amount authorized under New Hampshire law and markedly less than the usage levels seen on the federal Compassionate Investigative New Drug (IND) Program.
- Does not allow a provider to override this two ounce cap for patients with special needs, so this bill would restrict the possible dosage for every qualifying patient in the state with no exceptions.
- NHLA is in support of expanding the qualifying medical conditions, but cannot support HB1616.

HB 1616

**NAY
ON
OTP/A**

HB 1165, relative to the citizen's petition for redress of grievances by the legislature; establishing a special fund, and making an appropriation therefor.

Committee recommendation: Judiciary: ITL 16-2

This bill, which creates a special fund for a constitutional right, is **pro-liberty**:

- Redress of grievances before the Legislature is a constitutional right.
- Due process in any governmental proceeding protects all parties and should be restored to our laws for redress of grievances.
- Redress can include restitution and should be provided for in the budgetary process.

HB 1165
NAY
ON
ITL

Regular Calendar: Part II

HB 1237, prohibiting residency restrictions for registered sex offenders and offenders against children.

Committee recommendation: Criminal Justice: OTP/A 18-1

This bill, which would repeal residency restrictions, is **pro-liberty**:

- Courts in New Hampshire have already repealed sex offender residency restrictions in Franklin and Dover; this will codify court decisions consistently throughout the state.
- Residency restrictions can backfire by driving people on the registry underground, where they are harder to track and monitor.
- Limitations on residency can force people on the registry further from the support networks they need the most: jobs, therapy, and public transportation, making it more difficult to re-assimilate into society.

HB 1237
YEA
ON
OTP

HB 1266, relative to the appointment of the town clerk

Committee recommendation: Municipal and County Government: ITL 11-8

This bill, which would permit a town to authorize the board of selectmen or the town manager to appoint the town clerk, is **anti-liberty**:

- This bill would reduce local control of the voters in the election of town clerks; which has been the tradition for more than 300 years.
- This is a "solution" looking for a problem.

HB 1266
YEA
ON
ITL

HB 1573-FN, discontinuing regional planning commissions and requiring the election of municipal planning board members.

Committee recommendation: Municipal and County Government: ITL 15-0

This bill, which would allow more local control of municipal planning board membership, is **pro-liberty**:

- By requiring planning boards to be elected by the people, this bill will prevent town governments (e.g., the selectmen or city councils) from stacking the planning board with people who will do as they demand.
- Regional planning commissions promote top-down, centralized planning, in direct conflict with New Hampshire's tradition of decentralized, local control. In particular, regional planning commissions are one of the primary ways that the federal government and supranational bodies like the U.N. bypass elected town government in order to implement central planning such as Agenda 21.

HB 1573
NAY
ON
ITL

HB 1476, exempting proprietorship from taxation under the business enterprise tax.

Committee recommendation: Ways and Means: ITL 18-2

This bill, which would exempt non-franchised enterprises (proprietorships) from BET, is **pro-liberty**:

- Incorporated enterprises (Inc., LLC, PLC, PCC, type-S) are technically franchises of the State. A franchise is defined as the power granted by the State to do business in a manner not available to the general public (without liability). In 1903, the people of the State authorized the expansion of taxation to include additional forms of property such as franchises. If the business enterprise tax is lawful, it is because it is a franchise tax.
- The business enterprise tax is a franchise tax, it cannot be levied on non-franchises. Proprietorships are not franchises. A proprietorship is legally identical to its owner(s), owners are fully liable for the actions of the proprietorship.
- The business enterprise tax cannot be levied on individuals, therefore, it cannot be levied on the proprietorships with whom they are identical. This is entirely consistent with supreme court decisions as the distinction is solely in the class of property, franchise or proprietorship, and not upon the any distinction in the owners.
- This is a distinction in classes of property (franchise or proprietorship), not a distinction between the taxpayers who own the property.

HB 1476

**NAY
ON
ITL**

HB 1477, exempting proprietorships from taxation under the business profits tax.

Committee recommendation: Ways and Means: ITL 17-3

This bill, which would exempt non-franchised enterprises (proprietorships) from BPT, is **pro-liberty**:

- The BPT is only constitutional if it is a franchise tax (a tax on an incorporated enterprise).
- Franchise taxes cannot be levied on non-franchised enterprises (proprietorships)
- This is a distinction in classes of property (franchise or proprietorship), not a distinction between the taxpayers who own the property.

HB 1477

**NAY
ON
ITL**

HB 1597, reducing the rate of tax on meals under the meals and rooms tax.

Committee recommendation: Ways and Means: ITL 9-8

This bill, which reduces the meals tax by about 1%, is **pro-liberty**:

- People should not be forced to pay more for the necessity of eating meals.
- Reduction in tax rates can lead to increased consumer spending which would help NH businesses

HB 1597

**NAY
ON
ITL**