



Gold Standard

LIBERTY WATCHLIST

MARCH 25, 2009

HB449 – Increasing the penalty for unlawful possession or release of criminal records.

Committee report: Criminal Justice & Public Safety: OTP (14–3) Our recommendation: **YEA on OTP**

This bill, which would increase the penalty for unauthorized use of criminal records, is **pro-liberty**:

- Violations of privacy, especially with regard to criminal records, are a serious threat to the liberty and safety of the public.

HB614 – Relative to domicile of students for voting purposes.

Committee report: Election Law: OTP/A (11–7) Our recommendation: **NAY on OTP/A**

This bill, which allows college students from out of state to vote in all New Hampshire elections, is **anti-liberty**:

- This bill encourages non-residents to vote in our elections, which disenfranchises true residents of New Hampshire.
- It allows students to continue to claim residency in one state for tax purposes, but vote in this state, violating the spirit of Part I, Art. 12 of the New Hampshire Constitution.

HB591 – Relative to the maximum initial retirement benefit for retirees in the N.H. retirement system.

Committee report: Executive Departments & Administration: ITL (10–8) Our recommendation: **NAY on ITL**

This bill, which would limit an employee's pension to no more than 100% of their base pay, is **pro-liberty**:

- A pension check should certainly not exceed what the pay rate was when the employee was still working.

HB648 – Relative to the use of marijuana for medicinal purposes.

Committee report: Health & Human Services: OTP/A (13–7) Our recommendation: **YEA on OTP/A**

This bill, which would make legal under New Hampshire law the use of marijuana only for the purpose of treating debilitating medical conditions, is **pro-liberty**:

- Doctors and patients, not bureaucrats, should be the ones to make important medical decisions.
- This bill does not violate federal law. States are not required to enforce federal law, and the U.S. Attorney General has declared that the federal government will *not* prosecute patients in states with this type of legislation.
- Federal interference in state medical law is a violation of state sovereignty, as protected by Part I, Art. 7 of the New Hampshire Constitution.

HB574 – Authorizing liens for unpaid building code violations and requiring landlord agents for ...

Committee report: Judiciary: OTP (8–5) Our recommendation: **NAY on OTP**

This bill, which allows for foreclosure on rental properties for nothing more than fines, is **anti-liberty**:

- Substantial means presently exist for enforcement of fines for building code violations.
- The requirement for in-state agents will raise the cost of rental housing and give nearly limitless power to the agent to spend the property owner's money without their express permission.
- This rush to seize property is likely to have a negative effect on the sale of rental and vacation properties in New Hampshire, particularly for out-of-state buyers.

HB655 – Extending senior active status to judges over 70 years of age.

Committee report: Judiciary: OTP/A (14–3) Our recommendation: **NAY on OTP/A**

This bill, which provides for allowing judges over 70 years of age to serve temporarily as senior active status justices, is **anti-liberty**:

- This bill is entirely unconstitutional. Part II, Art. 78 prohibits judges from continuing to serve on reaching age 70.
- The only legal way to address this issue is with a constitutional amendment.

HB686 – Relative to complaint procedures in cases before the commission for human rights.

Committee report: Judiciary: OTP (8–5) Our recommendation: **NAY on OTP**

This bill, which allows a complainant—and not the accused—sole choice of venue to pursue their claim, is **anti-liberty**:

- Allowing only one party to a case sole choice of forum violates long-standing judicial principles. It does not level the playing field, but rather provides for legally protected inequity.

HB346 – Relative to real estate developers creating space for drying laundry without electricity or gas.Committee report: Commerce & Consumer Affairs: ITL (14–3) Our recommendation: **YEA on ITL**This bill, which mandates developers devote valuable real estate to clotheslines, is **anti-liberty**:

- This bill will drive up real estate and rental costs on all new development by mandating use of space for purposes the owner may not want to utilize. If people want clothesline spaces, they will demand them and developers will provide them.
- It is senseless to mandate this on all new development, especially where covenants may already prohibit clotheslines in new buildings.
- This is a local zoning issue and not something in which the state should get involved.

HB312 – Permitting a person to record a law enforcement officer in the course of their official duties.Committee report: Criminal Justice & Public Safety: ITL (14–5) Our recommendation: **NAY on ITL**This bill, which allows the recording of police when on the job, is **pro-liberty**:

- A member of law enforcement has a right to record you without your consent, but a citizen doing the same is threatened with a class B felony.
- On the job means on the record: Part I, Art. 8 of the New Hampshire Constitution provides that officers and agents of the government are at all times accountable to the people.

HB398 – Relative to the unauthorized use of firearms in the compact part of a city or town.Committee report: Criminal Justice & Public Safety: OTP (8–6) Our recommendation: **YEA on OTP**This bill, which repeals a redundant and largely unused firearms statute, is **pro-liberty**:

- The law as written offers municipal police overly broad powers to restrict certain rights and conflicts with New Hampshire’s preemption on the issue.
- Clearly, if anyone discharges a firearm in a reckless or unsafe manner, other statutes apply.

HB356 – Relative to required training for chiropractors performing spinal manipulation or spinal adjustment.Committee report: Executive Departments & Administration: ITL (15–0) Our recommendation: **YEA on ITL**This bill, which requires non-chiropractors to be licensed as chiropractors to continue performing spinal manipulations, is **anti-liberty**:

- This bill is an attempt to create a chiropractic monopoly on spinal manipulations for any medical or therapeutic reason.
- As there were no reports of any harm by non-chiropractors, this bill is a solution in search of a problem.

HB381 – Prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.Committee report: Executive Departments & Administration: ITL (14–1) Our recommendation: **NAY on ITL**This bill, which prohibits discrimination by the state and its agencies, is **pro-liberty**:

- Part I, Art. 2, of the New Hampshire Constitution states “Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.” State preferences or “affirmative action” deny our rights.

HB426 – Establishing the New Hampshire homestead plan.Committee report: Ways & Means: Without recommendation Our recommendation: **NAY on OTP / YEA on ITL**This misnamed tax bill, which more than doubles the state’s education property tax on non-owner occupied property, is **anti-liberty**:

- This bill will increase business property taxes, increasing prices across the board and raising the cost of living.
- Property taxes are passed on to renters through rental prices. This bill assesses all rental properties at the much higher business property tax rate. Requiring renters to bear a substantially greater tax burden than homeowners is a clear violation of Part I, Arts. 10 & 12 of the New Hampshire Constitution.

HB522 – Allowing municipalities to adopt a road maintenance property tax credit for resident unit owners in an over-55 condominium community.Committee report: Local & Regulated Revenues: ITL (18–0) Our recommendation: **YEA on ITL**This bill, which allows municipalities to create a new property tax credit, is **anti-liberty**:

- The property tax credit is only available to residents of over-55 condominiums, in violation of Part I, Art. 10 of the New Hampshire Constitution.

HB474 – Prohibiting the trafficking in persons for the purposes of sexual or labor exploitation.Committee report: Criminal Justice & Public Safety: OTP/A (17–0) Our recommendation: **NAY on OTP/A**This bill is **anti-liberty**:

- This bill hides its true effects behind a sympathetic title. The horrible and heinous acts which it seeks to prohibit are already amply illegal. Yet this grossly unconstitutional bill allows broad and warrantless asset forfeiture without probable cause; violates due process; lowers the state’s burden of proof; and denies the defendant use of evidence demonstrating true mistake or informed adult consent.