



# Gold Standard

## LIBERTY WATCHLIST

### REGULAR CALENDAR – starting at Labor, Industrial & Rehabilitative Services

#### HB 1335 – Establishing a local option for lowering the interest rate on late ... property tax payments ...

Committee report: Local & Regulated Revenue: OTP/A (9–8)      Our recommendation: **YEA on OTP/A**

This bill, which allows towns to opt for a lower interest rate on late property tax payments, is **pro-liberty**:

- The House passed HB 351 last year, which would have set the late property tax payment interest rate at the same rates as in this bill, but this version makes adoption of rate changes an option for municipalities. That bill died in the Senate last year, so this bill is an attempt at a compromise.
- The current interest rate is 12%, and rises to 18% after 90 days. For comparison, the IRS charges only 5% on late income taxes, and the N.H. DRA charges 7% on late payments for the rooms & meals and interest & dividends taxes.
- These high property tax interest rates were established decades ago when the prime rate was in double digits, whereas today's prime rate is only 3.25% (source: Wall Street Journal Prime Rate, *Bankrate.com*).
- A rate of 12–18% would be considered usurious if charged by private entities.

#### HB 1554 – Allowing municipalities to establish energy efficiency and clean energy districts.

Committee report: Municipal & County Government: OTP/A (11–6)      Our recommendation: **NAY on OTP/A**

This bill, which allows municipalities to establish energy efficiency and clean energy districts, is **anti-liberty**:

- Energy-efficient appliances and homes are more affordable than ever before—and prices keep dropping. There is absolutely no reason why municipalities should get into the lending business to underwrite property improvements.
- This bill allows the lending of money to corporations on municipal credit, violating **Part II, Art. 5** of the N.H. Constitution.
- Under this bill, a town can borrow on credit, loan the money to a few privileged property owners, and collect repayments on its loans through local taxes.
- This bill will actually *deter* energy conservation, as it requires property owner to use qualified engineers, contractors, labor, etc., in order to participate in the program. Thus, “being green” will be even more expensive than not, deterring people from participating.

#### HB 1475 – Relative to indoor smoking.

Committee report: Commerce & Consumer Affairs: ITL (12–7)      Our recommendation: **YEA on ITL**

This bill, which prohibits tobacco use in enclosed workplaces and places accessible to the public, is **anti-liberty**:

- Prohibiting consensual behavior on private property is an infringement of fundamental property rights.
- This bill replaces occurrences of the word “regulates” in the existing statute with “eliminates.” This bill appears to be yet another incremental step toward the total outlawing of tobacco, yet the complete failure of prohibition has already been well- demonstrated.

#### HB 1433 – Relative to lawful commerce in firearms, including manufacture and sale, in New Hampshire.

Committee report: Criminal Justice & Public Safety: ITL (16–4)      Our recommendation: **NAY on ITL**

This bill, which exempts firearms, accessories, and ammunition manufactured in N.H. from federal law and regulation, is **pro-liberty**:

- This bill limits the federal misapplication of the the interstate commerce clause of the U.S. Constitution by asserting our rights under the Ninth and Tenth Amendments of the Bill of Rights.
- The large manufacturers will likely not be affected by this, since they will want to sell firearms interstate. The people most affected by this will be hobbyists who manufacture their own firearms (which is permitted under federal law), and may wish to sell or give them away. This is not currently legal without paying special occupational taxes, filing federal forms, and inscribing certain markings (manufacturer, manufacturer's location, caliber, etc.) on the firearm.
- The federal government currently collects taxes on both sale and manufacture of firearms. Those monies should stay in our state.
- This bill will only affect firearms that are manufactured in our state, are explicitly marked “Made in New Hampshire,” and are sold to
- 28 states are working on similar bills: Five states have already passed similar legislation into law, three states have bills that merely await governors' signatures, and 20 other states have introduced similar legislation.

<b>HB 1667 – Relative to possession of controlled substances obtained by valid prescription.</b>		
Committee report: Criminal Justice & Public Safety: OTP (14–3)	Our recommendation:	<b>YEA on OTP</b>
<p>This bill, which eliminates the requirement that prescription drugs be kept in original or specially-designated containers, is <b>pro-liberty</b>:</p> <ul style="list-style-type: none"> <li>• Currently, if a person stores a lawfully-acquired prescription drug in a container not authorized by RSA 318-B:14, depending on the drug and quantity, they could be charge with a felony (RSA 318-B:26).</li> <li>• <b>Part I, Art. 18</b> of the N.H. Constitution states, in part: “All penalties ought to be proportioned to the nature of the offense. ... Where the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offenses.”</li> </ul>		
<b>HB 1453 – Relative to notice to legal guardians of students.</b>		
Committee report: Education: ITL (15–5)	Our recommendation:	<b>NAY on ITL</b>
<p>This bill, which requires schools to give notice to legal guardians of certain school programs, is <b>pro-liberty</b>:</p> <ul style="list-style-type: none"> <li>• This bill ensures that parents or children with religious objections to certain school programs may exercise their rights of conscience as protected by <b>Part I, Art. 4</b> of the N.H. Constitution.</li> <li>• It requires that notice be given to parents five days in advance when such school programs are planned, and further requires that if sufficient prior notice cannot be given, the event shall not take place. Current law merely allows parents to opt out of such events without ensuring that they are even aware of them, and has no provisions for enforcement against recalcitrant schools.</li> </ul>		
<b>HB 1479 – Requiring that body mass index be assessed in all pupils in grades one, 4, 7 and 10.</b>		
Committee report: Education: ITL (16–4)	Our recommendation:	<b>YEA on ITL</b>
<p>This bill, which requires that schoolchildren in certain grades have their body mass index assessed, is <b>anti-liberty</b>:</p> <ul style="list-style-type: none"> <li>• This bill invades the medical and bodily privacy of schoolchildren, treating them like lab rats.</li> <li>• It will cost approximately \$100,000 per year to implement—yet not affect childhood obesity in any way.</li> <li>• Body mass index is an arbitrary standard, subject to constantly changing medical knowledge, and does not provide an accurate measure of a growing child’s health or even obesity.</li> <li>• Schools should focus on their primary purpose, educating children, and leave personal health issues to families and doctors.</li> </ul>		
<b>HB 1290 – Relative to unincorporated religious societies.</b>		
Committee report: Judiciary: ITL (11–8)	Our recommendation:	<b>NAY on ITL</b>
<p>This bill, which increases the limit on annual income that unincorporated religious societies may receive from donations, is <b>pro-liberty</b>:</p> <ul style="list-style-type: none"> <li>• Any such limit placed upon religious societies is a potential infringement of <b>Part I, Arts. 4 and 5</b> of the N.H. Constitution, but increasing this limit from \$5,000 to \$500,000 makes it much less onerous.</li> <li>• This limit was originally established in 1867 and has not even been increased to account for inflation.</li> </ul>		
<b>HB 1356 – Relative to certain nonprofit corporations subject to the right-to-know law.</b>		
Committee report: Judiciary: OTP/A (10–8)	Our recommendation:	<b>YEA on OTP/A</b>
<p>This bill, which requires non-profits that receive a majority of their income from taxpayers to open their records, is <b>pro-liberty</b>:</p> <ul style="list-style-type: none"> <li>• <b>Part I, Art. 8</b> of the N.H. Constitution states, in part, that “officers of government are [the people’s] substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive.”</li> <li>• Present law allows for a loophole in which government bodies can create non-profit corporations as “special-purpose vehicles,” which are effectively “off the books” and whose details are not visible to the taxpayers who fund them. Actual abuses of this loophole include the creation of private SWAT teams as non-profits, which are then not subject to any of the oversight an actual police department would be.</li> <li>• Organizations that get the majority of their funding directly from the taxpayers are effectively government agencies, and should be treated as such.</li> <li>• The NHLA would <i>not</i> support extending the right-to-know law, or any regulations, to nonprofits that receive all of their money from private sources.</li> </ul>		

*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.*