



REGULAR CALENDAR

SB 361 – Relative to benefits related to service of certain part-time district court justices and judges of probate retiring because of permanent disability.

Committee report: Executive Departments & Administration: ITL (12–5) Our recommendation: **YEA on ITL**

This bill, which grants pension benefits to one person, is **anti-liberty**:

- **Part I, Art. 36** of the N.H. Constitution states that “no pension shall be granted, but in consideration of actual services; and such pensions ought to be granted with great caution, by the legislature, and never for more than one year at a time.” This bill would grant a lifetime pension to the widow of a former judge who never contributed to the retirement system herself.

SB 453 – Relative to air quality in ice rinks.

Committee report: Executive Departments & Administration: OTP (11–6) Our recommendation: **NAY on OTP**

This bill, which adds a new layer of regulation on owners and operators of ice rinks, is **anti-liberty**:

- In a time of budget crunches, adding new duties on fire marshals is inadvisable.
- This regulatory mandate would further increase the cost of operations for certain small businesses and some towns. With today’s struggling economy, the state should not be laying more restrictions on employers.
- In our market system, businesses receive strong incentives from customers, employees, and competitors to maintain healthy, enjoyable workplace environments. Government micromanagement of such environments will have negative unintended consequences.

SB 501 – Relative to worksharing benefits under the unemployment compensation law, and relative to training grants.

Committee report: Labor, Industrial & Rehabilitative Services: OTP/A (11–0) Our recommendation: **NAY on OTP/A**

This bill, which allows the commissioner of the department of employment security to establish a new “worksharing” program, and expands eligibility to the training program to all unemployed N.H. residents, is **anti-liberty**:

- There are much simpler solutions to decreasing the unemployment rate in New Hampshire, such as reducing the BET, BPT, and business regulations, which hamper companies’ ability to expand and hire more employees.
- As written, this bill is subjective, leaving the approval, rejection, and suspension/termination process to the discretion of the commissioner.
- Allowing the commissioner and an advisory council to terminate a program approved through the legislative process is an affront to this process—legislative powers are reserved for elected representatives, not for state employees.

SB 382 – Relative to the New Hampshire natural plant protection act.

Committee report: Resources, Recreation & Development: OTP/A (16–3) Our recommendation: **NAY on OTP/A**

This bill, which broadens regulatory control of private property for environmental purposes, is **anti-liberty**:

- This bill invents and regulates broad new concepts of “natural areas” and “natural communities.”
- This new regulation amounts to a “regulatory taking” of private property, prohibiting people from using their own land as they see fit if parts of it fall under these new definitions.
- This bill further cedes legislative authority to unaccountable bureaucracies by replacing a \$25 fee with a series of “reasonable” fees as determined by the commissioner of the department of resources and economic development.

SB 73 – Requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state’s energy consumption.

Committee report: Science, Technology & Energy: OTP/A (13–4)

Our recommendation:

NAY on OTP/A

This bill, which institutes a new layer of reporting requirements for all state departments, is **anti-liberty**:

- Developing “plans” and complying with new reporting requirements take untold man-hours to implement. There are many areas which are far more important for state employees to be engaged in than these administrative tasks.
- With the state budget under intense pressure, state departments should be reducing—not expanding—non-essential workloads. Cutting state budgets and improving efficiencies will have the double benefits of fiscal stability and reduced energy consumption, rendering this legislation unnecessary.

CONSENT CALENDAR

SB 394 – Relative to dealing in counterfeit goods.

Committee report: Criminal Justice & Public Safety: OTP/A (19–0)

Our recommendation:

NAY on OTP/A

This bill, which expands the ability of police to seize private property through forfeiture measures, is **anti-liberty**:

- There is already a law in place that makes dealing in counterfeit goods illegal. This bill is mostly about forfeiture.
- This bill gives far too much power to police departments to seize the property of people alleged to have broken the law. The draconian nature of penalties could easily lead to police confiscating vehicles or real property worth tens of thousands of dollars or more, even when counterfeit goods worth mere hundreds of dollars were involved.
- This law will provide perverse incentives to towns to start seeking and prosecuting intellectual property violations in order to win big paydays with asset forfeiture, thus spending less time on violent crimes.
- The provision of this law specifying a felony for violation thereof is excessive. This legislation is a stark violation of **Part I, Art. 18** of the N.H. Constitution, which states that “[a]ll penalties ought to be proportioned to the nature of the offense. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason.”

SB 506 – Ceding concurrent jurisdiction to the United States government over certain property located in Coös county.

Committee report: Municipal & County Government: OTP (17–0)

Our recommendation:

NAY on OTP

This bill, which relinquishes state jurisdiction on some lands and waters in Coös County, is **anti-liberty**:

- The sovereignty of New Hampshire is supreme and should not be taken—or given—lightly.
- This bill, if passed, might preclude the state from protecting or defending our own citizens. For example, a person wrongly detained or arrested on federal prison property, even for something as innocuous as protesting or waving a sign, would not be protected by this state’s justice department.
- **Part I, Art. 12** of the N.H. Constitution states that “[e]very member of the community has a right to be protected by it.”
- This wording is particularly troublesome due to its vagueness: “[C]ertain lands ... that are: Presently owned or hereafter acquired by condemnation or otherwise, leased, occupied, or controlled by the United States...”. This potentially gives a lot of leeway to the federal government to potentially claim more land in the future, without explicit cession by New Hampshire.