



GOLD STANDARD



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HOUSE SESSION - WEDNESDAY, MAY 11, 2016

CACR 27 YEA OTP/A	SB 324 YEA OTP/A	SB 396 YEA ITL	SB 483 NAY OTP/A	SB 506 YEA OTP/A
SB 210 NAY OTP/A	SB 325 NAY IS	SB 416 NAY OTP	SB 485 NAY OTP/A	SB 515 NAY OTP/A
SB 315 N/A	SB 336 NAY ITL	SB 481 NAY OTP/A	SB 498 YEA OTP/A	SB 522 YEA OTP/A

SB 506, clarifying who may adopt.

Children and Family Law: OTP/A 7-4

PRO-LIBERTY: This bill revises existing restrictions on who may adopt.

- This bill expands the definition of who may adopt a child recognizing that not all familial bonds need to be formally recognized by the state in order to be valid.
- It recognizes the same sex marriages the legislature created in 2008 by allowing all married couples to pursue adoption.

SB 506

YEA OTP/A

SB 336

SB 336, relative to the qualifications for obtaining a license to carry a concealed pistol or revolver.

Criminal Justice and Public Safety: ITL 11-7

PRO-LIBERTY: This bill ensures that any citizen who is legally allowed to own a firearm may be issued a concealed weapons license.

- This bill as amended removes the ambiguous requirement that an applicant be a "suitable person", which encourages profiling, and has in the past been used for ethnic, racial, and gender discrimination. This suitability clause is replaced by the objective requirement that the applicant not be prohibited from possessing a firearm under state or federal statute.
- This language replacing suitable is identical to that contained in SB 116 which passed both Houses in 2015, and to HB 582 which passed the House earlier this session.
- There is a demonstrated need for this legislation. Citizens have been arbitrarily denied their right to obtain or renew their license and then forced to seek legal counsel to exercise a basic right. As recently as 2015 a NH woman was denied the right to defend herself for 112 days after an arbitrary decision by a local police chief. While the chief's decision was overturned almost immediately upon the case being heard, the prolonged and expensive legal battle is an unfortunately common outcome of the current law.

NAY ITL

SB 498-FN, relative to penalties for possession of certain controlled drugs.

Criminal Justice and Public Safety: OTP/A 12-7

PRO-LIBERTY: This bill as amended would make first-time possession of a small amount of marijuana, up to one quarter ounce, a violation, subject to a fine of \$300, instead of a misdemeanor crime subject to arrest, jail time, and a criminal record.

- This is a very small step in the right direction of recognizing that NH's current laws are not inline with the vast majority of NH residents who favor decriminalization of marijuana. A UNH/ WMUR poll released in July 2015 indicated that 72% of Granite Staters support decriminalizing marijuana. This bill as takes an incremental step toward reducing collateral damage done to people who use or experiment with marijuana by making first time possession charge a violation.
- While the bill is a modest improvement over current law and thus should be supported the legislature should do far more to reform or eliminate laws governing the private acts of citizens.

SB 498

YEA OTP/A

SB 483

SB 483-FN, (New Title) establishing a committee to study the necessity of creating a chartered public school program officer position and to study appropriations to chartered public schools for the 2016 and 2017 fiscal years.

Education: OTP/A 14-6

ANTI-LIBERTY: This bill grows government by adding another permanent state level position.

- The bill creates a new position of "chartered public school program officer" which incrementally grows state government. Once such positions are established they are exceedingly difficult to eliminate.
- Creation of this position further centralizes state control over charter schools and ensures more involvement of the state board of education in operations of charter schools.
- The state should be seeking to decentralize the existing charter school system providing for local control instead of furthering a model of state run government schools.

NAY OTP/A

SB 315, relative to the regulation of barbers, cosmetologists, estheticians, and manicurists.

SB 315

Executive Departments and Administration: OTP/A 8-7

NEUTRAL: This bill clarifies existing anti-liberty law related to the licensing of cosmetologists, estheticians and manicurists.

- Support floor amendment 2016-1864h which changes the penalty for violations of the existing cosmetology law from a misdemeanor to a violation for a person who engages in any practice regulated by the existing RSA without an appropriate license and changes from a felony to a misdemeanor for a person who engages in these business practices without a license. The existing penalties are excessive and disproportionate to the acts involved.
- Support the minority amendment 2016-1866h which provides for a friends and family exemption allowing for barbering, cosmetology, esthetics, or manicuring services to be provided to friends and family members when the person does not provide such services as his or her primary occupation. While inclusion of a common sense exclusion in the law may be deemed unnecessary, there is very little risk to including the exclusion and to someone who is eventually caught in an unfortunate application of the current law, the exclusion will be a significant improvement.

N/A

SB 396, relative to compatibility of electrical devices with the National Electric Code and the state building code.

SB 396

Executive Departments and Administration: ITL 10-5

ANTI-LIBERTY: This bill would ban sales of devices that are not compatible with either the National Electric Code or New Hampshire building code.

- This bill would make it a crime for NH retailers to sell equipment that is not compatible with NH code, but is compatible with electrical codes in other countries, forcing NH residents to purchase equipment for use on travel from online retailers or out of state.
- Many NH businesses sell commercial or industrial equipment intended for use in other jurisdictions, with different electrical specifications.
- Private safety certification agencies like Underwriters Laboratories are a great alternative to state mandates.
- RSA 358:A:2 is explicitly for the purpose of banning any unfair method of competition or any unfair or deceptive act or practice in the conduct of any trade or commerce". Selling devices that do not meet NH code is neither unfair nor deceptive, unless the goods are sold with a label indicating compatibility with certain standards, while not actually being compatible. Misrepresentation of certification is already covered by 358:a:2 II and IV.

YEA ITL

**CACR
27**

CACR 27, (New Title) relating to the operating budget. Providing that the state shall not spend more from any fund than such fund receives in revenue, nor use the proceeds of any bond to fund its annual operating expenditures.

Finance: OTP/A 15-11

PRO-LIBERTY: Relating to the operating budget. Providing that the state shall not spend more in any year than it receives in revenue.

- This constitutional amendment would require a balanced budget unless two-thirds of each house chooses to set aside the requirement.
- This measure will limit government spending, reduce budget deficits, enhance fiscal accountability, and strengthen the state's credit rating. It is an important, positive move.
- At a time when many other states and the federal government are facing fiscal crises due to reckless spending and debt, this is an opportunity for New Hampshire to lead as an example of fiscal responsibility.

**YEA
OTP/A**

SB 481-FN, (New Title) relative to a special health care service license and establishing a fund.

Finance: OTP/A 23-2

ANTI-LIBERTY: This bill raises new barriers to entry for healthcare service providers.

- This bill contains provisions designed to create or protect health care service monopolies in the state limiting competition and preventing competitive price pressures. It delegates the power to the state commissioner of health and human services to make a determination of the need for new facilities enshrining crony capitalism into state law.
- The bill effectively requires all new medical facilities to provide 24/7 emergency services. This further increases the barrier to entry for new service providers who look to fill medical needs to being served by our existing hospitals.

SB 481

**NAY
OTP/A**

SB 485-FN-A, establishing a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis and making an appropriation therefor.

Finance: OTP/A 25-1

ANTI-LIBERTY: This bill continues the failed approach to the war on drugs by expanding spending on police enforcement.

- This bill creates a new substance abuse law enforcement program and funds it with \$1.5 million in FY 2017.
- A law enforcement centric approach will mean more costs for courts, prosecutors, defense and corrections.

SB 485

**NAY
OTP/A**

SB 515-FN, relative to child neglect and other changes to the child protection act.

Finance: OTP/A 24-2

ANTI-LIBERTY: This bill makes evidence of opioid dependence in single parent households a rebuttable presumption of child neglect.

- This bill contains language that states that "Evidence of a custodial parent's opioid drug abuse or opioid drug dependence" is a "rebuttable presumption" of child neglect. Although this is an improvement over text as originally introduced, it still places families in positions have having to prove innocence as opposed to the state having to prove guilt.
- RSA 169-C:29 already requires doctors, nurses, social workers and others to report suspected child abuse or neglect. Under existing law these professionals have some minor freedom to consider the totality of circumstances for reporting potential neglect. With this bill, even as improved by proposed amendments, these professionals would no longer have discretion. This would likely result in doctors failing to ask medically relevant questions and patients failing to provide medically relevant answers for fear of involving the state in an already complex situation. If based on the specific circumstances of the patient and their drug use (regardless of type of drug) a professional has reason to believe the child is being abused or neglected, they already have the duty to report. This bill therefore carries unacceptable risk of harm while providing little in the way of potential benefits to children.

SB 515

**NAY
OTP/A**

SB 522

**YEA
OTP/A**

SB 325

NAY IS

SB 416

**NAY
OTP**

SB 324

**YEA
OTP/A**

SB 210

**NAY
OTP/A**

SB 522-FN-A, (New Title) making an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program.

Finance: OTP/A 25-1

PRO-LIBERTY: With the committee amendment, this bill protects the rights of NH residents to due process.

- Civil asset forfeiture involves the taking of property from a person who has not been convicted, or often even charged, with a crime. This bill corrects the injustices in current law, and protects due process, by requiring a criminal conviction prior to forfeiture of assets, and clear and convincing evidence on the part of the state.
- This bill ensures that property is returned to innocent property owners in a timely manner, and that they have recourse when it is not.
- This bill greatly reduces perverse incentives and appearances of impropriety by providing that proceeds from asset forfeiture no longer flow directly to the government agencies pursuing the forfeiture.

SB 325, relative to vaccines administered by pharmacists.

Health, Human Services and Elderly Affairs: IS 13-4

PRO-LIBERTY: This bill as amended adds MMR vaccine to the list of vaccines approved for administration to adults by pharmacists.

- Reduces cost and increases convenience for adults who choose to receive the MMR vaccine.
- Adults should not be required wait for a more expensive doctors visit in order to receive common vaccines.

SB 416, relative to flexible working arrangements in employment.

Labor, Industrial and Rehabilitative Services: OTP 13-5

ANTI-LIBERTY: This bill creates new mandates on businesses.

- Employees and employers should be free to negotiate working relationships and terminate them at will. The state should not micromanage employer/employee relationships.
- This bill is unnecessary, as the market provides protection for both employers and employees. If employers terminate employees capriciously they will not be able to retain or attract talent. If employees terminate their employment frequently they will have difficulty convincing employers to hire them.

SB 324, (New Title) eliminating the land use board and requiring approval of federal land acquisitions by the governor and executive council.

Resources, Recreation and Development: OTP/A 10-7

PRO-LIBERTY: This bill updates a neglected state law, RSA 121 which provides oversight and regulation of certain federal land acquisitions.

- RSA 121 has been neglected for decades, ignoring the will of the General Court.
- This bill replaces obsolete language, assigning authority to the appropriate modern agency.
- The original law, and this update, place reasonable limits on certain federal land acquisitions. This is wise policy, as evidenced by the many problems now facing many western states.
- Although limits are set, under this bill, if the voters of a municipality wish to cede more of their landmass to the federal government, they can vote to do so.

SB 210-FN, relative to regulation of septic system evaluators.

Ways and Means: OTP/A 16-2

ANTI-LIBERTY: This bill creates yet another hurdle for businesses and property owners.

- Certification programs for septic evaluators are already available in NH. It is the right of home buyers and sellers to decide whether or not to hire a certified septic evaluator, and not the business of government.
- Requiring a license to evaluate septic systems does not guarantee the licensee will do a good job. There are plenty of examples of incompetent licensed tradesmen.
- Licensing often creates more of the behavior it ostensibly intends to remedy. Making it more expensive to hire qualified professionals incentivizes buyers to forgo evaluations, hire amateurs or attempt to perform work themselves.
- Licensing reduces options for septic evaluation while increasing expense.