



# GOLD STANDARD

HB 210 YEA OTP/A  
HB 211 NAY OTP/A  
HB 222 YEA ITL  
HB 253 NAY OTP/A  
HB 304 NAY ITL  
HB 374 YEA ITL  
HB 438 YEA ITL  
HB 497 NAY OTP



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HOUSE SESSION - THURSDAY, FEBRUARY 14, 2019

## HB 222, relative to criteria for teachers in charter schools.

Education: ITL 15-5

**ANTI-LIBERTY:** This bill increases the minimum percentage of teachers that must be licensed by the state of NH for charter schools from 50% of the teaching staff to 75% and removes the ability to substitute prior teaching experience in lieu of New Hampshire certification.

- Charter schools are permitted to consider qualified non-traditional candidates who may bring a valuable and diverse perspective to the teaching profession. This is exactly the kind of flexibility that has made charter schools more successful than school districts.
- By increasing protectionism and artificial barriers to entry, this bill would raise education costs.
- It is often difficult to find certified STEM field teachers. This can be mitigated by the large pool of industry STEM experts without certification who are available and could potentially do a better job than candidates with an arbitrary certificate. This bill would make it more difficult to exercise this option.
- Flexible hiring requirements are a critical part of innovation and are unique to chartered public schools. Teacher credentials alone are not correlated with student performance.
- Moving toward a one-size-fits-all approach for teacher qualifications may negatively impact the diversity of the teaching population.

# HB 222

# YEA ITL

## HB 374, prohibiting certain state officers from forming political action committees.

Election Law: ITL 12-7

**ANTI-LIBERTY:** This bill limits political speech by prohibiting candidates for secretary of state and state treasurer or current office holders of these positions from forming a political committee or political advocacy organization or soliciting contributions for such organizations.

- Part 1 [Art.] 22. of the New Hampshire Constitution states "[Free Speech; Liberty of the Press.] Free speech and Liberty of the press are essential to the security of Freedom in a State: They ought, therefore, to be inviolably preserved." — limits on all speech and particularly political speech may be a *tempting* solution to a problem but it is not a *proper* solution.

# HB 374

# YEA ITL

## HB 497, relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

Executive Departments and Administration: OTP 15-5

**ANTI-LIBERTY:** This bill increases state spending by more than \$40 million each year.

- This bill requires state taxpayers to fund a portion of the retirement system for city/town teachers, police, and fire department members. These costs are currently paid locally. While net government spending by the state and its political subdivisions under a static evaluation of the bill is neutral, funding is best managed locally to avoid increases in spending that naturally result when politicians are spending "other people's money".

# HB 497

# NAY OTP

## HB 304, relative to policies required for health facilities and special health care service licenses.

Health, Human Services and Elderly Affairs: ITL 15-5

**PRO-LIBERTY:** This bill repeals a provision of law that requires health facilities and special health care service licensees to provide services regardless of the ability to pay.

- This bill eliminates the requirement for certain health services providers, including ambulatory surgical centers, walk-in care centers, and cardiac catheterization laboratory services, to provide services regardless of a person's ability to pay.
- Existing law increases barriers to entry and may result in fewer health care choices throughout the state.

# HB 304

# NAY ITL

**HB 211, relative to inquiries by prospective employers concerning salary history.**

**Labor, Industrial and Rehabilitative Services: OTP/A 12-8**

**HB 211**

**ANTI-LIBERTY: This bill limits free speech of individuals by placing an explicit restriction on their ability to ask certain questions during the candidate screening and interview process.**

**NAY  
OTP/A**

- This bill prevents employers from asking prospective candidates for their current salary or salary history prior to making an offer of employment with a salary. This can result in wasting the time and resources of the business and the candidate by allowing a lengthy interview process to proceed when the candidate's recent salary and expectations are significantly disconnected from the available budget.
- The explicit limitation in speech infringes upon the Bill of Rights in the NH Constitution: "[Art.] 22. [Free Speech; Liberty of the Press.] Free speech and Liberty of the press are essential to the security of Freedom in a State: They ought, therefore, to be inviolably preserved."

**HB 253, relative to criminal records checks in the employee application process.**

**Labor, Industrial and Rehabilitative Services: OTP/A 12-8**

**HB 253**

**ANTI-LIBERTY: This bill prohibits employers from asking a job applicant about his or her criminal history prior to an interview.**

**NAY  
OTP/A**

- The state should not be interfering in or dictating businesses' hiring practices.
- The state should work to reduce the number of victimless crimes in order to reduce the number of people who are negatively impacted by their prior involvement in the criminal justice system.

**HB 210, relative to civil actions against public officials in cities or towns.**

**Municipal and County Government: Without Recommendation 9-9**

**HB 210**

**PRO-LIBERTY: This bill permits legal action against a public official of a municipality by a person who is aggrieved by the enactment or enforcement of an ordinance, bylaw, or regulation that is in violation of the authority of a town or city set forth in RSA 31 or RSA 47.**

**YEA  
OTP/A**

- Legislation that enables civil action always carries a risk of enabling lawsuits that may be deemed as 'frivolous' by some parties. However, when an individual is aggrieved by a municipality, the imbalance of power between the individual and an apparatus of the state is such that few individuals would be able to sustain the costs of legal action against an adversary who is able to derive funding from the public — including the party who was harmed. This bill seeks to address this power imbalance by providing standing for speedy civil action to address harm caused by an improper ordinance, bylaw, or regulation.

**HB 438, removing the exemption for premium cigars from the tobacco tax.**

**Ways and Means: ITL 16-3**

**HB 438**

**ANTI-LIBERTY: This bill removes the exemption from the tobacco tax on premium cigars.**

- This bill would directly erode the New Hampshire advantage. NH presently has no tax on cigars. That fact has specifically drawn multiple cigar companies to NH; several moved here when MA imposed its cigar tax in 1996.
- Per the fiscal note, this would likely raise taxes by about \$500k. HB 438 seeks to raise revenue for the state, but will ultimately fail in doing so as the business taxes paid by cigar sellers and other businesses that benefit from the out-of-state traffic the sales generate would be lost due to decreased premium cigar sales.

**YEA ITL**