



# NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

SB 34 YEA OTP/A  
 SB 57 NAY ITL  
 SB 76 NAY OTP  
 SB 81 NAY OTP  
 SB 88 YEA OTP/A  
 SB 99 NAY OTP  
 SB 161 NAY OTP/A  
 SB 191 NAY ITL  
 SB 237 YEA OTP  
 SB 248 YEA ITL  
 SB 265 NAY OTP/A  
 SB 309 NAY OTP/A  
 SB 310 YEA ITL

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SENATE SESSION - THURSDAY, MARCH 7, 2019

## SB 99, relative to gainful employment and partial disability in workers' compensation.

Commerce: OTP 3-2

**ANTI-LIBERTY: This bill creates a new mandate requiring that workers' compensation insurance must provide payments indefinitely for individuals who qualify for compensation.**

- Under current law, employers must pay for workers' compensation insurance for their employees covering up to 5 years of disability. Employees who desire longer term coverage have the option of buying long-term disability insurance in the marketplace. This bill would mandate indefinite coverage in the state-mandated insurance program, requiring employers to factor in the increased costs of this insurance into employee compensation.
- While the fiscal note provides no estimate of the increased costs and lost wages to employees, estimates on the private market ([www.policygenius.com/disability-insurance](http://www.policygenius.com/disability-insurance)) show that the increased costs for a 39-year-old female road worker could be between \$1,992 and \$2,700 per year for a policy that changes from 5 years of coverage to a policy that extends to age 67.
- Social Security Disability benefits are substantially offset by workers' compensation benefits ([www.ssa.gov/policy/docs/ssb/v65n4/v65n4p3.html](http://www.ssa.gov/policy/docs/ssb/v65n4/v65n4p3.html)) but Social Security tax rates remain fixed regardless of the duration of coverage offered by workers' compensation programs in a state. As a result, by adopting this bill NH workers will be subsidizing the Social Security Disability Insurance for workers in other states.
- The unbounded coverage mandated in this bill would continue payments even after the employee reaches full retirement age and is collecting Social Security.

# SB 99

# NAY OTP

## SB 248, increasing the age for sales and possession of tobacco products.

Commerce: Re-refer 5-0

**ANTI-LIBERTY: This bill bans the sale and possession of tobacco products by many adults in NH.**

- This bill extends the current prohibition on tobacco products to adults between the ages of 18 and 21.
- While tobacco products are harmful, applying restrictions on their use to adults is paternalistic.
- While this bill has a recommendation of re-refer, the appropriate path forward is to find this bill Inexpedient To Legislate.

# SB 248

# YEA ITL

## SB 265, relative to maintaining stabilization grants at the current level.

Education: OTP/A 5-0

**ANTI-LIBERTY: This bill reverses the common-sense slow reduction in education stabilization grants, which is part of current law, intended to allow communities time to adapt to changes in the education funding formulas.**

- According to a study by the Josiah Bartlett Center for Public Policy, between the 1992 and 2014 fiscal years, real spending per student in New Hampshire public schools increased by 56 percent, with student enrollment growing by only 4 percent.
- During that same interval the number of teachers increased by 29 percent, while the number of non-teaching staff positions increased by 89 percent — 22 times the rate needed to accommodate student growth.

# SB 265

# NAY OTP/A

**SB 309, relative to stabilization grants for education.**

**Education and Workforce Development: OTP/A 5-0**

**ANTI-LIBERTY: This bill reverses the common-sense slow reduction in education stabilization grants, which is part of current law, intended to allow communities time to adapt to changes in the education funding formulas.**

- According to a study by the Josiah Bartlett Center for Public Policy, between the 1992 and 2014 fiscal years, real spending per student in New Hampshire public schools increased by 56 percent, with student enrollment growing by only 4 percent.
- During that same interval the number of teachers increased by 29 percent, while the number of non-teaching staff positions increased by 89 percent — 22 times the rate needed to accommodate student growth.

**SB 309**  
**NAY**  
**OTP/A**

**SB 76, relative to the prohibition of offshore oil and natural gas exploration.**

**Energy and Natural Resources: OTP 5-0**

**ANTI-LIBERTY: This bill prohibits offshore oil and natural gas exploration or infrastructure that transports oil or natural gas from production facilities located in federal waters.**

- Energy costs in New Hampshire already are a significant burden on families and businesses. Prohibiting expansion of additional local energy sources will only continue the trend of non-competitive energy costs.
- In May 2017, Sig Sauer announced that it was locating a new manufacturing facility in Jacksonville, Arkansas. While there were several factors that contributed to that decision, electricity costs in Arkansas are half that of New Hampshire's. The majority of NH's electricity generation is derived from clean-burning natural gas ([www.eia.gov/state/?sid=NH#tabs-4](http://www.eia.gov/state/?sid=NH#tabs-4)).

**SB 76**  
**NAY**  
**OTP**

**SB 161, relative to the definition of pet vendor.**

**Energy and Natural Resources: OTP/A 5-0**

**ANTI-LIBERTY: This bill increases the risk of pet abandonment and potentially subjects individuals to commercial license requirements for non-commercial hobbyist activity.**

- This bill would require individuals who transfer a pet they can no longer care for to obtain vaccinations (and a certificate in triplicate) from a veterinarian prior to the transfer.
- This bill grants the authority to the Department of Agriculture, Markets, and Food to adopt rules that could result in an individual who transfers reptiles from just one litter or clutch being treated as a pet vendor subject to commercial license requirements and unannounced home inspections.

**SB 161**  
**NAY**  
**OTP/A**

**SB 81, authorizing the department of health and human services to hire certain personnel and making an appropriation therefor.**

**Finance: OTP 3-1**

**ANTI-LIBERTY: This bill authorizes the commissioner of the Department of Health and Human Services to create 12 new positions, including five persons to staff a surveillance, investigation, and response unit.**

- This bill is a result of the Commission on the Seacoast Cancer Cluster Investigation, established in RSA 126-A:74 ([www.dhhs.nh.gov/dphs/gtfsc/index.htm](http://www.dhhs.nh.gov/dphs/gtfsc/index.htm)). That task force did not find evidence that warrants spending additional taxpayer funds on these new positions.
- Summary of findings from the report ([/www.dhhs.nh.gov/dphs/gtfsc/documents/gtfsc-final-report.pdf](http://www.dhhs.nh.gov/dphs/gtfsc/documents/gtfsc-final-report.pdf)) *"Based on the responses, there do not appear to be any notable patterns to suggest a common exposure or etiology for the development of RMS or PPB among cases, and the findings do not support moving to a case-control study. Additionally, the scientific literature does not point to chemical or environmental exposures as a cause of RMS/PPB, and the majority of cases are thought to either occur sporadically, or to be associated with genetic family cancer syndromes."*

**SB 81**  
**NAY**  
**OTP**

**SB 310, relative to casino gambling.**

**Finance: ITL 4-2**

**ANTI-LIBERTY: This bill creates government-granted monopoly privileges.**

- Allowing two special interests to conduct gambling operations while prohibiting all others from competing is a clear example of regulatory capture and an unjust use of government power.
- This bill would violate article 83 of the NH Constitution, which states *"Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it."*
- This bill dramatically increases the size and scope of government. Once large bureaucracies and moneyed interests are created, they are very difficult to roll back.
- The NHLA would support a bill to more broadly legalize gambling, or allow for the creation of many independent casinos.

**SB 310**  
**YEA ITL**

**SB 88, relative to registry identification cards under the use of cannabis for therapeutic purposes law.**

**Health and Human Services: OTP/A 4-0**

**PRO-LIBERTY: This bill removes the artificial time frame for a patient-provider relationship prior to a health care provider being authorized to provide certifying documentation of a qualifying medical condition for therapeutic use of cannabis.**

- The state should not be inserting itself in the patient-provider relationship.
- Existing restrictions may have unintended consequences resulting in prescription of less-appropriate and potentially habit-forming pharmaceuticals.

**SB 88**  
**YEA**  
**OTP/A**

**SB 34, relative to the applicability of certain DWI prohibitions.**

**Judiciary: OTP/A 4-0**

**PRO-LIBERTY: This bill clarifies the definition of "drive or attempt to drive" in DWI prohibitions.**

- This bill would exclude safe activity such as sleeping/resting or sheltering in place in a legal parking zone from being considered an attempt to drive. This common-sense definition reduces the risk of facing a DWI charge for activity that poses no threat to the public.
- Arresting people who do the right thing by not driving while intoxicated does not make the roads any safer. This bill clarifies that sleeping in a vehicle or being outside of a vehicle is not considered driving and should not be arrestable under the driving-while-intoxicated statute.

**SB 34**  
**YEA**  
**OTP/A**

**SB 237, relative to the office of cost containment.**

**Judiciary: OTP 4-1**

**PRO-LIBERTY: This bill modifies existing law that requires defendants to reimburse the costs of a public defender or assigned counsel so that repayment obligation applies only to a defendant who has been convicted or a juvenile who has been found delinquent.**

- Defendants who are charged with crimes and subsequently not convicted should not have to bear the expense of defending themselves against the state.

**SB 237**  
**YEA**  
**OTP**

**SB 57, relative to phasing out and repealing the utility property tax.**

**Ways and Means: ITL 3-2**

**PRO-LIBERTY: This bill eliminates a \$42 million annual tax over five years.**

- This bill phases out a hidden tax that is passed through to NH utility customers over a period of five years. This will reduce utility rates in the state and improve government funding transparency.

**SB 57**  
**NAY ITL**

**SB 191, relative to exemptions for the tax on interest and dividends.**

**Ways and Means: ITL 3-2**

**PRO-LIBERTY: This bill increases the amount of additional exemptions against the tax on interest and dividends for the blind, disabled, and persons over 65.**

- Elderly and/or retired persons are disproportionately impacted by the interest and dividends tax as they often rely on a lifetime of savings to provide a regular income stream. While elimination of this tax or a broad-based increase in the exemptions for all residents would be an improvement over this bill, these exemptions would be a useful step forward for New Hampshire.

**SB 191**  
**NAY ITL**