



# GOLD STANDARD



NHLIBERTY.ORG JOINT RECOMMENDATIONS - WEDNESDAY, SEPTEMBER 18, 2019

HB 1 NAY Override	HB 293 NAY Override	HB 582 NAY Override	SB 10 NAY Override	SB 168 NAY Override
HB 2 NAY Override	HB 364 YEA Override	HB 664 NAY Override	SB 20 NAY Override	SB 196 NAY Override
HB 109 NAY Override	HB 365 NAY Override	HB 696 NAY Override	SB 88 YEA Override	SB 205 NAY Override
HB 198 NAY Override	HB 514 NAY Override	SB 1 NAY Override	SB 100 NAY Override	SB 271 NAY Override
HB 211 NAY Override	HB 564 NAY Override	SB 2 NAY Override	SB 145 YEA Override	

## HB 1, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

Governor: Vetoed

**ANTI-LIBERTY: This bill makes appropriations in excess of current tax sources and significantly increases spending.**

- This budget dramatically increases New Hampshire spending going beyond the excessive levels requested by the governor.
- The level of spending proposed will require new taxes that will forever alter the fiscal landscape of New Hampshire.
- This budget applies one-time surplus funds as recurring spending increases, which dramatically increases the risk of needing future tax increases.
- This budget increases government taxation and spending at a rate of almost \$1000/person for this biennium.

# HB 1

## NAY Override

## HB 2, relative to state fees, funds, revenues, and expenditures.

Governor: Vetoed

**ANTI-LIBERTY: This bill includes a tax on earned income, and sets the state up for future expansion of taxes on income.**

- The Committee of Conference report leaves intact a retroactive BET/BPT tax increase on small businesses, something that impacts 133,000 (>50% of the work force) small businesses in the state: [www.sba.gov/sites/default/files/advocacy/2018-Small-Business-Profiles-NH\\_0.pdf](http://www.sba.gov/sites/default/files/advocacy/2018-Small-Business-Profiles-NH_0.pdf)
- This bill imposes new regulations and taxes on "Electronic cigarettes", making it more expensive for people to switch off of traditional tobacco products.
- It creates a 20% additional fee for Real ID compliant drivers licenses, disenfranchising those of low income who would choose this form of ID to travel by air.
- Along with HB 1, this bill spends all but \$5 million of the \$166 million left over after the 2018-2019 biennium. Worse yet, much of this spending is inappropriately allocated to ongoing expenses rather than one-time items.
- This bill raises business taxes \$125 million over current law, and \$35 million over the House budget. This is about an 8% increase in business taxes at a time when such revenues are already way up.
- Rather than pump up taxes and spending as though these good times will never stop, it would be much more prudent to take last year's excess and pay down some of the state's debts and unfunded pension liabilities. When times are good and school enrollments are down, government should be declining, not increasing.

# HB 2

## NAY Override

## HB 109, requiring background checks for commercial firearms sales.

Governor: Vetoed

**ANTI-LIBERTY:** This bill adds a new definition for commercial firearms sales that would result in a transfer being considered a commercial sale even if no money or item of value is exchanged but the transfer is initiated after the firearm was displayed.

- This bill poorly defines "commercial sale" such that friends and family who happen to innocently plan their next hunting trip while at a gun show could find themselves unknowingly committing a misdemeanor if they swap guns while on that trip.
- The bill will criminalize lawful firearms transactions between friends, family, neighbors, and members of the same shooting club by redefining these isolated events as "commercial sales".
- The newly-mandated background checks are effectively a 'poll tax' on a constitutionally-protected right.
- This bill is unnecessary as private transfer of pistols and revolvers is already regulated under RSA 159:8, III and RSA 159:10 without the unintended consequences added by this bill.

# HB 109

**NAY  
Override**

## HB 198, (New Title) clarifying the prohibition against the use of mobile electronic devices while driving.

Governor: Vetoed

**ANTI-LIBERTY:** This bill mandates license suspension for second offenses of the prohibition against using mobile electronic devices while driving.

- Handheld phone bans cause some drivers to hide their phone use by placing the phone in their lap and taking their eyes off the road, which is far more dangerous. Increasing the penalties will only incentivize them even further to try to hide usage.
- Studies show that bans on use of handheld devices while driving have had no effect on accident rates (e.g. NE Burger, DT Kaffine, B Yu Transportation research part A: policy and practice 66, 162-172, and IIHS Status Report, Vol. 45, No. 2).

# HB 198

**NAY  
Override**

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

Governor: Vetoed

**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.

- 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 211

**NAY  
Override**

## HB 293, relative to employee credit privacy.

Governor: Vetoed

**ANTI-LIBERTY:** This bill prohibits employers from using credit history in employment decisions.

- Employers are already required to get consent of an applicant before acquiring a credit report by federal law. This is not an invasion of privacy if consent is given ([www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf](http://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf)).
- Employers only get a modified variation of credit history. They do not see a credit score. An employer pulling this info has no effect on credit score ([www.businessinsider.com/employers-cannot-check-your-credit-score-2014-5](http://www.businessinsider.com/employers-cannot-check-your-credit-score-2014-5)).
- Employers are already required to notify an applicant of failing to hire due to credit history. This provides the applicant the chance to review the credit history for incorrect information.

# HB 293

**NAY  
Override**

# HB 364

**HB 364, (New Title) permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use and permitting qualifying patients and designated caregivers to donate excess cannabis to other qualifying patients.**

**Governor: Vetoed**

**PRO-LIBERTY: This bill allows qualifying medical cannabis patients to cultivate a limited number of plants for therapeutic use.**

- This bill decreases medical costs for patients by allowing them to grow their own medicine.
- People should not have to choose between fearing criminal prosecution and not having access to medicine.
- This bill gives patients better access to their medicine. Many patients do not live near the few dispensaries in the state and will benefit from this bill.

**YEA  
Override**

# HB 365

**HB 365, relative to net energy metering limits for customer generators.**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill would increase costs for New Hampshire ratepayers.**

- This bill subsidizes businesses and municipalities that choose to operate large scale energy generation facilities by increasing the subsidized net metering cap from the current 1 megawatt limit up to 5 megawatts.
- The recipients of these subsidies will get millions more at the expense of others without providing any substantial benefits to the grid, as the energy from these systems is often intermittent and unreliable.
- Large subsidies for renewables no longer make sense as studies claim that solar energy is cheaper than fossil fuels. If this is true, then operators of these facilities already have a significant competitive advantage and would not require subsidy to be profitable.
- This bill has essentially no impact on individual homeowner use of net metering as the existing threshold of 1 megawatt is already approximately 100 times larger (as compared to a 10 kilowatt system) than what a typical homeowner is capable of generating via rooftop solar ([www.solarreviews.com/blog/10kw-solar-systems-are-becoming-very-popular-here-is-why](http://www.solarreviews.com/blog/10kw-solar-systems-are-becoming-very-popular-here-is-why)).

**NAY  
Override**

# HB 514

**HB 514, imposing a waiting period between the purchase and delivery of a firearm.**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill establishes a waiting period for the delivery of a firearm.**

- This bill bans individuals, including those who already have firearms and women who have reason to fear an attacker, from purchasing a firearm without first waiting a minimum of 3 calendar days, not including weekends and legal holidays.
- Waiting periods make it more difficult for law-abiding citizens to defend themselves and as a result, encourage criminal activity.
- There is no statistical evidence that a waiting period for handgun purchases reduces violence ([www.politifact.com/wisconsin/statements/2015/apr/27/van-wanggaard/no-evidence-waiting-period-handgun-purchases-reduc/](http://www.politifact.com/wisconsin/statements/2015/apr/27/van-wanggaard/no-evidence-waiting-period-handgun-purchases-reduc/)).
- The bill requires licensed firearms dealers to make their business records available for inspection by any law enforcement agency; in addition, there is no warrant requirement, violating the right to privacy under the New Hampshire Constitution Part 1, Article 2-b.

**NAY  
Override**

# HB 564

**HB 564, (New Title) relative to possession of firearms on school property.**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill creates unarmed victim zones in and around schools.**

- This bill would ban law-abiding adults from carrying a firearm into an area designated as a so-called "safe school zone" and would deny a mother who walks to pick up her child at school a tool to protect herself and her children.
- Studies have shown no correlation between the enactment of gun-free zones and improved safety ([www.rand.org/research/gun-policy/analysis/gun-free-zones.html](http://www.rand.org/research/gun-policy/analysis/gun-free-zones.html)).
- This bill criminalizes the mere possession of a physical item.
- The bill requires a public hearing with the local school board before a person can get permission to protect themselves or their families.

**NAY  
Override**

# HB 582, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

# HB 582

Governor: Vetoed

**ANTI-LIBERTY: This bill increases costs for New Hampshire residential ratepayers.**

**NAY  
Override**

- This bill removes longstanding rebates to residential customers, while preserving rebates to commercial/industrial customers, raising rates on residential customers and effectively forcing them to subsidize commercial/industrial customers.
- Electric rates are already high in New Hampshire. Efficiency projects that are truly fiscally responsible can and will be funded by electricity consumers themselves. It is unfair to force all ratepayers to fund projects for specific consumers, whether private or governmental.
- Rather than putting more money into the hands of government in order to pick winners and losers, the money should remain with the ratepayers where it belongs.

# HB 664, relative to vehicle repair standards.

# HB 664

Governor: Vetoed

**ANTI-LIBERTY: This bill requires an insurer to reimburse an automobile repairer for all repairs if the repairer follows the original equipment manufacturer's recommended collision repair procedures.**

**NAY  
Override**

- This bill will increase premiums for automobile insurance in New Hampshire by mandating reimbursement from insurance companies for all such recommendations made by original equipment manufacturers (OEM) that a repair shop intends to follow.
- This bill is mandating that OEM recommendations now be required repairs. There are differences between OEM recommendations versus requirements. Recommendations are not held to any standard and mostly include general indemnifying language. Required procedures are things that should or must be undertaken to ensure proper safety standards.
- This bill is classic crony capitalism that will provide an economic incentive for a repairer to complete steps that they do not believe to be necessary but that they know nevertheless they will be compensated for, without an obvious direct expense to their customer.

# HB 696, establishing a protective order for vulnerable adults.

# HB 696

Governor: Vetoed

**ANTI-LIBERTY: This bill allows a person to be deprived of their property without a hearing when a peace officer has probable cause to believe a vulnerable adult has been neglected.**

**NAY  
Override**

- This bill allows a vulnerable adult or guardian of a vulnerable adult to seek a protective order for neglect, which is defined by new section 173-D:2 VIII as *"an act or omission which results or could result in the deprivation of essential services or supports necessary to maintain the minimum mental, emotional, or physical health and safety of a vulnerable adult"*.
- This bill compels peace officers to seize weapons from a defendant without a trial in cases when the weapon is 'involved' in the neglect per the proposed 173-D:11 I(a). This is a needlessly vague standard that is subject to confusion and abuse and violates due process.
- Hearings under this bill are made in a proceeding where the normal rules of evidence need not apply as 173-D:4 V, as proposed, includes *"In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material."*

**SB 1, relative to family and medical leave.**

**SB 1**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill creates a new tax on employee wages of at least 0.5% to implement a new family medical leave program.**

**NAY  
Override**

- Employees and employers should be free to negotiate benefit programs such as paid family and medical leave insurance without the state forcing all to participate.
- The commissioner of the Department of Employment Security will be empowered to raise the tax rate or lower the benefits, up to 10%, without legislative approval.
- There is a cap on benefits at 85% of the average weekly NH salary, so workers who make over the average salary will be paying for benefits that they cannot collect and are disproportionately impacted by the legislation.
- The current short-term disability insurance market will be negatively impacted by government interference in the insurance marketplace.
- Long term, the fiscal note for the program estimates that the state of NH will need 43+ additional employees and \$6.6 million per year that would need to be subsidized by the participants.

**SB 2, relative to funding for job training programs in the department of business and economic affairs.**

**SB 2**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill increases the administrative fee on unemployment compensation and spends money on government-directed job training programs.**

**NAY  
Override**

- While government-sponsored job training programs are effective at spending taxpayer money, there is little evidence that they have any lasting impacts. Taxpayers have been funding jobs programs since the 1960s, yet federal auditors can find little evidence that they are effective: Government Accountability Office, "Multiple Employment and Training Programs," GAO-11-92, January 2011, p. 11 ([www.gao.gov/new.items/d1192.pdf](http://www.gao.gov/new.items/d1192.pdf)).
- The state should not have a role in determining the training that businesses will require.

**SB 10, (Second New Title) relative to the state minimum hourly rate.**

**SB 10**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill establishes a state-dictated minimum wage.**

**NAY  
Override**

- Minimum wage laws decrease the number of entry-level jobs and make it harder for people of low skill to get their start in the workforce.
- Higher wages for everyone are better accomplished through job creation — more jobs mean more competition to hire all workers.
- Employers and employees should be free to negotiate the terms of employment without interference.
- Economic conditions and cost of living vary dramatically across the state. A "one-size-fits-all" approach to a minimum wage will put unreasonable pressure on areas of the state with limited employment opportunities and lower costs of living.
- The very idea of a minimum wage is patronizing and demeaning as it implies that individuals don't know how much they're worth and are incapable of negotiating with an employer.

**SB 20, relative to notification requirements for employees, workplace inspections, and the youth employment law.**

**SB 20**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill replaces the judgment of the family with that of the state in determining the hours that a teen may work.**

**NAY  
Override**

- This bill limits the number of hours a teen may work in a week to 40.25 if the teen is enrolled in school and there is even a single session day in that week.
- Teens work for many reasons including, at times, the need to help support the family. The new restrictions may force a student to make the choice to drop out of school entirely in order to earn money rather than stay in school and develop time management skills.

# SB 88

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

**Governor: Vetoed**

**PRO-LIBERTY: This bill removes the artificial time frame for a patient-provider relationship prior to a healthcare 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.

**YEA  
Override**

# SB 100

**SB 100, relative to discrimination in employment based on criminal background checks.**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill limits the speech of individuals by prohibiting employers from asking questions about prior criminal convictions on an employment application or conducting a criminal record check of an applicant prior to the initial interview unless the government has mandated such check.**

- The state should not be interfering in or dictating businesses' hiring practices nor prohibiting speech.
- 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.

**NAY  
Override**

# SB 145

**SB 145, relative to the organization of alternative treatment centers.**

**Governor: Vetoed**

**PRO-LIBERTY: This bill removes the requirement that medical cannabis alternative treatment centers only be organized as not-for-profit entities allowing the option of these entities to operate for-profit.**

- This bill reduces restriction on trade and therefore reduces the impacts of state interference in the marketplace.
- Profit represents the creation of wealth from mutually-beneficial transactions. The opportunity to create wealth promotes investment and employment.

**YEA  
Override**

# SB 168

**SB 168, relative to class 2 obligations under the electric renewable portfolio standards.**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill increases state interference in the energy marketplace.**

- This bill may increase energy costs in the state by at least \$30 million per year by 2025 by mandating increases in class 2 energy. Solar energy adoption in New Hampshire is already increasing without this new state mandate.

**NAY  
Override**

# SB 196

**SB 196, relative to non-academic surveys administered by a public school to its students.**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill dramatically erodes parental influence in a child's participation in non-academic surveys.**

- Prior to SB 43, which passed in Feb. 2017, schools would routinely require students to complete non-academic surveys and questionnaires to assess their attitudes, values, decision making, and behaviors without the explicit consent of parents — this bill undermines the important parental rights protected by current law.
- Parents should be fully informed on non-academic surveys being given to their children and should have the ability to have their children not participate. This bill would undermine that ability by requiring an opt-out rather than explicit parental consent to participate in these non-academic surveys.
- Active consent, as required in current law, is consistent with the federal Protection of Pupil Rights Amendment (PPRA) and carves out an exception for the Youth Risk Behavior Survey created by the CDC, allowing passive consent.

**NAY  
Override**

**SB 205, (New Title) relative to energy efficiency programs funded from the systems benefits charge and the duties and members of the energy efficiency and sustainable energy board.**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill enables the system benefits charge to be increased without legislative approval in certain cases.**

- This bill contains a hidden tax on utility ratepayers by authorizing increases in the system benefits charge.
- These new taxes are earmarked for workforce development programs that support energy auditors and weatherization contractors and to enable low-income ratepayers to go into debt by mandating that the state develop relationships with big banks and other lending institutions to provide low-income financing of energy efficiency measures.

**NAY  
Override**

**SB 271, relative to requiring prevailing wages on state-funded public works projects.**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill mandates federally-determined prevailing minimum wages on state-funded public works projects.**

- This bill would impose significant additional recordkeeping and weekly reporting requirements for contractors supporting state projects. These increased overhead costs, which are not directly represented by the fiscal note, would ultimately be borne as additional costs to the taxpayer.
- The bill mirrors similar federal legislation (Davis Bacon Act) which was passed with the deliberate intent to prevent non-unionized, less established, minority laborers from competing with established, unionized, white workers during the depression. While times have changed and the intent of this bill may be somewhat different, the effect will still be to dramatically increase the risk and/or cost of employing workers with potential for growth but with lower demonstrated skill level.
- Small firms may not have the personnel to absorb compliance overhead costs. This bill would have the effect of biasing state contracts toward larger/established firms.

**NAY  
Override**