



GOLD STANDARD



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HOUSE SESSION - WEDNESDAY, JANUARY 8, 2020

HB 102 NAY OTP/A	HB 377 NAY OTP/A	HB 546 NAY OTP/A	HB 721 NAY OTP/A	SB 34 NAY ITL
HB 317 YEA OTP/A	HB 461 YEA OTP/A	HB 559 NAY OTP/A	HB 731 NAY OTP/A	SB 122 NAY OTP/A
HB 363 NAY OTP/A	HB 462 YEA IS	HB 687 Oppose	HB 735 NAY OTP/A	SB 124 NAY OTP/A
HB 366 YEA OTP/A	HB 478 NAY OTP/A	HB 712 NAY OTP/A	SB 19 NAY OTP/A	

HB 377, relative to the best interests of the child under the child protection act.

Children and Family Law: OTP/A 14-1

ANTI-LIBERTY: This bill changes the purpose of the Child Protection Act from protection from abuse to the state determining the 'best interest of the child'.

- There is no objective standard to determine the best interest of the child. Under this bill, judicial prerogative to determine the child's best interest becomes the default, rather than a last resort reserved for when a parent has been proven unfit.
- According to the National Bureau of Economic Research (www.nber.org/digest/oct05/w11377.html) "Doubling the rate of religious attendance raises household income by 9.1 percent, decreases welfare participation by 16 percent from baseline rates, decreases the odds of being divorced by 4 percent, and increases the odds of being married by 4.4 percent." — should the state show a preference for removing a child from a non-religious parent and placing them with a religious family? Clearly not, and while such decisions are unlikely to become commonplace even with this bill, a decision to remove a child from a parent is not something that should be left to such a vaguely worded standard subject to judicial evolution of interpretation.

HB 377

NAY OTP/A

HB 462, relative to digital electronic product repair.

Commerce and Consumer Affairs: IS 17-2

ANTI-LIBERTY: This bill mandates that manufacturers of digital electronic products must make product repair information available to independent repair facilities.

- This bill would place a mandate on manufacturers even if they chose not to offer products for sale in NH, as the bill language places the mandate on manufacturers if a product is "sold or **used** in this state".

HB 462

YEA IS

HB 687, relative to extreme risk protection orders.

Criminal Justice and Public Safety: Without Recommendation

ANTI-LIBERTY: This bill allows personal property, including firearms, to be taken when no crime has been committed.

- This bill violates the 4th Amendment protections under the US Bill of Rights and Article 19 of the NH Bill of Rights: "[Art.] 19. [Searches and Seizures Regulated.] Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions."
- The language in the bill allows for hearsay 'evidence' to be admitted into the trial violating Article 15: "[Art.] 15. [Right of Accused.] No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him;"
- The respondent will be stripped of personal property and will need to spend time and money via the court system for return of the property without having committed a crime.
- Under this bill, courts are not bound by the traditional rules of evidence typically given to the defendant. (159-E:3 IX)

HB 687

Oppose

HB 721, relative to special education in towns with no public schools.

Education: OTP/A 9-6

ANTI-LIBERTY: This bill would impose new mandates on private schools participating in the town tuitioning (e.g. Croydon) program.

- This bill, with the proposed amendment, requires all private schools participating in a town-tuitioning (e.g. Croydon) program to be "an approved program as defined in RSA 186-C:2, II." This would require every participating private school to offer the same special education programs as public schools; there is no mention of funding from the federal government or state that would flow to the private schools, in which case it would be an unfunded mandate.
- Federal and NH law as well as state rules have local public districts in charge of special education services to students, determining what and how those services are provided when appropriate. Currently, private schools that participate in a town-tuitioning program work with the home district to provide special education services to those children that qualify. Also, there are existing federal protections for private-school students with special needs. Per the Americans with Disabilities Act, nonpublic schools must provide "auxiliary aids and services" to children with special needs if they are otherwise qualified for admission. This bill, as amended, imposes significant changes to private schools' responsibilities if they participate in town-tuitioning programs.

HB 721

NAY OTP/A

HB 546, relative to the regulation of art therapists.

Executive Departments and Administration: OTP/A 15-3

ANTI-LIBERTY: This bill restricts competition and access to art therapy services by imposing arduous and excessive licensing requirements.

- Only 13 states currently license art therapy. Licensing often creates unintended consequences and in this case, restricts access to resources. As hiring a certified and licensed professional becomes more expensive, more individuals will seek substitutes to professional services or neglect to obtain services entirely in order to save money.
- The requirements of this bill are excessive, mandating thousands of hours of school and thousands of hours of additional experience, under specific conditions. It prohibits even those who are licensed therapists who have received training in art therapy and have years of experience, but hold a more generalized degree in psychotherapy, from serving as art therapists.
- Licensing is no replacement for references and reputation. Some licensed service providers are incompetent and many unlicensed service providers are highly competent. Licensing creates a false sense of security for consumers and reduces the overall quality of work provided by raising barriers to entry and reducing competition.
- Licensing makes it more difficult even for experienced, educated, and competent workers to start small businesses. We should be reducing the already significant regulatory load on small businesses, not increasing it.

HB 546

NAY OTP/A

HB 712, relative to a family and medical leave insurance program.

Finance: OTP/A 12-6

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

- 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 in conjunction with an advisory council will be empowered to raise the tax rate or lower the benefits without legislative approval (amendment caps this to 10%).
- There is a cap on benefits at 85% of the average 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.

HB 712

NAY OTP/A

HB 366, adding opioid addiction, misuse, and abuse to qualifying medical conditions under therapeutic use of cannabis.

HB 366

Health, Human Services and Elderly Affairs: OTP/A 14-7

PRO-LIBERTY: This bill adds opioid use disorder to the qualifying conditions for therapeutic cannabis, with certain restrictions.

**YEA
OTP/A**

- Many patients suffering with opioid use disorder report that cannabis helps with their withdrawal symptoms.
- If a qualified medical professional believes a patient with opioid use disorder could benefit from using cannabis, the state should not stand in the way.

HB 461, adding qualifying medical conditions to the therapeutic use of cannabis law.

HB 461

Health, Human Services and Elderly Affairs: OTP/A 17-4

PRO-LIBERTY: This bill adds "moderate to severe insomnia" to the list of qualifying conditions for therapeutic cannabis.

**YEA
OTP/A**

- If a qualified medical professional believes therapeutic cannabis is an appropriate treatment for a patient's insomnia, the state should not interfere with this decision.

HB 731, relative to the minimum hourly rate.

HB 731

Labor, Industrial and Rehabilitative Services: OTP/A 11-6

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

**NAY
OTP/A**

- 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 19, relative to the privacy of certain information concerning public employees.

SB 19

Labor, Industrial and Rehabilitative Services: OTP/A 11-6

ANTI-LIBERTY: This bill enables the disclosure of personal information held by the state to a private organization.

**NAY
OTP/A**

- This bill allows the state to release the home address, email, and personal phone numbers of state employees to labor unions without regard for whether the employee wishes this data to be released to the organization.
- In 2018, a constitutional amendment passed with 81% of the vote stating "An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent." — this bill would undermine this constitutional right.
- Employees who wish to share this information with their union may already do so voluntarily.

HB 363, including the legislature as a public employer under the public employee labor relations act and relative to the duties of the joint committee on legislative facilities.

HB 363

Legislative Administration: OTP/A 9-3

ANTI-LIBERTY: This bill would make the legislature less able to respond to the will of the people.

**NAY
OTP/A**

- This bill establishes the legislature as a public employer under the public employee labor relations act and provides procedures for collective bargaining by a defined group of legislative employees. The legislative branch is a political body and the leadership of both chambers and all political parties must have the option of having the people around them that support representing the positions of the voters who elected them.
- The legislature would be required to negotiate "terms and conditions" of employment for these employees which would potentially place restrictions on staff changes for future legislatures.

HB 102, relative to municipal ordinances regarding the use of plastics.

Municipal and County Government: OTP/A 12-7

ANTI-LIBERTY: This bill allows municipalities to infringe upon the rights of citizens.

- We believe that government is most accountable and accessible when it is most local. Local control is generally preferable to state or national mandates. We do believe that there is a higher principle, however: the principle of individual liberty. Indeed, the most "local" governance of all is the governance of an individual over his or her own life and property. For this reason, we oppose state laws that grant municipalities the ability to abridge the personal or property rights of individuals.

HB 102

NAY OTP/A

HB 559, enabling municipalities to ban single-use sources of plastic pollution.

Municipal and County Government: OTP/A 11-8

ANTI-LIBERTY: This bill, as amended, mandates the characteristics and price of point of sale bags.

- This bill mandates the characteristics of point-of-sale bags such that traditional single use 20 mil plastic bags would no longer be allowed.
- This bill may harm the environment as retailers will be forced to use heavier plastic bags and charge a fee with the hope that this results in a substantial increase in the reuse of the bags. If such an increase does not occur, this bill would result in increased plastic being introduced into landfills.
- The state should not be directing the price or options available to consumers.

HB 559

NAY OTP/A

HB 478, establishing a road usage fee and making an appropriation therefor.

Public Works and Highways: OTP/A 16-5

ANTI-LIBERTY: This bill increases fees on most vehicles without reducing other fees/taxes to offset the increase.

- This bill adds a new road usage fee based on the miles per gallon efficiency of the vehicle with a graduated fee for vehicles above 20 MPG. In 2018, even large-class vehicles often have EPA ratings exceeding this metric, resulting in this new fee likely applying broadly to the majority of vehicles. In fact, the fleet average MPG including all passenger cars and light trucks sold after 2014 is estimated to be at least 31 MPG (<https://goo.gl/ndWWaC>).
- This bill simply raises more revenue; it does not reduce other taxes or fees in any way. If there is simply a desire to ensure that road maintenance burden is shared by all drivers, this new fee should be accompanied by a reduction in other fees.
- This bill will encourage drivers to purchase less fuel-efficient vehicles, resulting in more fossil fuels being burned in NH.
- This bill will hurt elderly drivers the most. According to the Federal Highway Administration drivers over the age of 65 drive an average of 7,646 miles per year (www.fhwa.dot.gov/ohim/onh00/bar8.htm), yet this bill will tax them an extra 30% more than they drive on average.

HB 478

NAY OTP/A

HB 735, relative to carbon pricing.

Science, Technology and Energy: OTP/A 10-8

ANTI-LIBERTY: This bill creates a complex state tax and refund program.

- This bill will result in increases to ratepayers — both individuals and municipalities — offset by a partial refund to NH residents. This complex program will disrupt the NH economy.
- The majority blurb indicates that this is important to achieve a clean energy economy by 2050; however, according to Think Progress, renewables will undercut coal and gas almost everywhere by 2030, rendering this program obsolete (thinkprogress.org/renewables-now-cheaper-than-new-coal-or-gas-across-two-thirds-of-the-world-c4980412cb53/).

HB 735

NAY OTP/A

SB 122, relative to expenditures from the energy efficiency fund.

Science, Technology and Energy: OTP/A 11-8

ANTI-LIBERTY: By eliminating the existing rebate to residential ratepayers, this bill increases a stealthy tax on New Hampshire electricity consumers.

- This bill removes long-standing rebates to middle class residential customers, while preserving rebates to commercial/industrial customers, thereby raising rates on residential customers and effectively forcing them to subsidize commercial/industrial customers as well as low-income and local governments.
- 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.

SB 122

**NAY
OTP/A**

SB 124, relative to renewable portfolio standards after 2025.

Science, Technology and Energy: OTP/A 11-8

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

- This bill may increase energy costs in the state by mandating potentially non-competitive energy sources. Should proponents of these sources be correct that they will be cheaper than alternatives, then no state mandate would be needed.
- The bill disadvantages increases in other carbon-neutral energy sources such as nuclear.

SB 124

**NAY
OTP/A**

HB 317, relative to tinted windows on motor vehicles.

Transportation: OTP/A 13-4

PRO-LIBERTY: This bill allows light tinting on driver-side and passenger-side windows.

- 46 other states already allow tinted side windows, with no widespread problems reported.
- NH law enforcement already encounters tinted windows on the thousands of tourist vehicles that visit NH each year. No widespread problems have been reported with these vehicles either.
- It is unfair to allow out-of-state visitors to drive with tinted windows while prohibiting NH residents the same freedom.

HB 317

**YEA
OTP/A**

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

Transportation: ITL 9-8

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.
- The minority amendment, 2019-2781 limits the clarifications provided by this bill such that only an occupant who is "not seated at the controls of the vehicle" is excluded from the definition of 'drive'. The bill ought to pass with or without this amendment.

SB 34

NAY ITL