



GOLD STANDARD



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HOUSE SESSION - WEDNESDAY, FEBRUARY 19, 2020

| | | | | |
|-------------------|-------------------|-------------------|-------------------|-------------------|
| HB 1101 NAY OTP/A | HB 1341 NAY OTP/A | HB 1454 NAY OTP | HB 1625 YEA OTP | HB 1652 YEA ITL |
| HB 1149 YEA ITL | HB 1350 YEA ITL | HB 1480 NAY ITL | HB 1627 NAY OTP/A | HB 1660 NAY OTP/A |
| HB 1205 NAY OTP | HB 1351 YEA OTP | HB 1509 YEA IS | HB 1642 YEA OTP/A | HB 1662 NAY OTP/A |
| HB 1218 NAY OTP/A | HB 1379 NAY OTP | HB 1580 NAY OTP/A | HB 1648 YEA OTP/A | HB 1664 NAY OTP/A |
| HB 1221 NAY OTP/A | HB 1427 YEA ITL | HB 1621 YEA ITL | HB 1650 YEA ITL | HB 1699 NAY OTP |
| HB 1281 NAY OTP/A | HB 1434 NAY OTP | | | |

Calendar Part One

HB 1662, relative to the purchase, use, and possession of tobacco products and e-cigarettes.

HB 1662

Commerce and Consumer Affairs: OTP/A 12-8

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

NAY OTP/A

- This bill extends the current prohibition on tobacco products to adults under 20 years of age and extends the ban on the sale and possession of rolling papers to adults under 21 years of age.
- While tobacco products are harmful, applying restrictions on their use to adults is paternalistic.

HB 1509, relative to emergency threat protection orders for individuals at post secondary educational institutions.

HB 1509

Education: IS 11-6

ANTI-LIBERTY: This bill allows the seizing of firearms from adults.

YEA IS

- This bill enables hearsay evidence to be used as a portion of the basis to seize firearms.
- The bill is almost a verbatim rewrite of HB696 that was vetoed last year and numerous suggestions for improvement to the legislation were not adopted into the updated version.
- The bill may do little to improve public safety as it assumes that the state can properly identify a person who is a danger to themselves or others but that the danger is eliminated by reducing access to that person's firearms while still allowing the dangerous individual to freely attend class, purchase gasoline, and have access to children.
- While the recommendation is Interim Study and this is acceptable, the appropriate motion on this bill is ITL.

HB 1627, creating an animal health certificate database.

Environment and Agriculture: OTP/A 17-3

ANTI-LIBERTY: This bill creates an animal health database and requires pet vendors, animal shelters, and vets to submit electronic records to the department of agriculture.

- This bill will allow the state to create a database of health records for animals, but also allows the department of agriculture to collect any data they deem necessary. This is an overreach of the state's responsibility.
- With data breaches increasing every day, we should not be creating more targets for bad actors to attack to get personal information. While the intentions of the bill are in good faith, this database will only grow with time and reach into other aspects of NH citizen's lives. The amendment's language of "The commissioner shall also ensure that the database is secure from unauthorized access or use" is little more than wishful thinking and attempts to achieve this mandate will drive development and sustainment costs far beyond what was listed in the original fiscal note.
- Municipalities already get vaccination records. By requiring the veterinarians to do more paperwork and government filing, it will only increase health care costs of animals. This type of regulation has killed the health care industry and will kill the pet care industry next if we allow this bill to pass.

HB 1627

NAY OTP/A

HB 1205, relative to the reduction in the calculation of state retirement system annuities at age 65.

Executive Departments and Administration: OTP 11-8

ANTI-LIBERTY: This bill increases state spending by providing 10% larger pension checks from age 65 to full social security retirement age.

- Three quarters of the \$37 million in unfunded liability will likely need to be funded by local property taxes, for the next 20 years. Half the affected population is teachers, one quarter local and county employees.
- Increases in state spending ultimately result in increases in property taxes or the introduction of new taxes.

HB 1205

NAY OTP

HB 1341, relative to vested status of group II members in the state retirement system.

Executive Departments and Administration: OTP/A 14-5

ANTI-LIBERTY: This bill increases pensions for police, fire, and corrections officers who were working but not vested in 2011.

- This bill increases spending and will lead to higher local property taxes or an increased need for state taxes.
- Most private sector employees no longer have pensions. Asking New Hampshire taxpayers to absorb future tax increases to provide additional pension benefits to public sector employees who have worked without the promise of this benefit for more than a decade without clearly showing where funding will come from is misleading and unfair.

HB 1341

NAY OTP/A

HB 1580, regulating the use of drones.

Executive Departments and Administration: OTP/A 14-6

ANTI-LIBERTY: This bill, as amended, prohibits anyone from weaponizing drones and prohibits private individuals from publishing images collected from a drone if they contain recognizable pictures of individuals without the consent of everyone in the images.

- Invasions of privacy are already a crime under RSA 644:9. This bill goes beyond criminalizing invasions of privacy in that it would prohibit private individuals from recording recognizable photographs of individuals in public places even if they have no expectation of privacy in that location.
- The limitations on use by police for surveillance without a warrant are laudible; however, the exclusions for "law enforcement investigations" 422-D:2 II(a) and exceptions for (images) "derived from lands owned by or under the control of the government entity" (422-D:3) weaken this protection.
- This bill would make it a class A felony for someone that mounts a BB gun on a drone — even if this was done on a large private property for purposes of protecting livestock from a predatory animal.

HB 1580

NAY OTP/A

HB 1642, prohibiting the state or a state official from using a facial surveillance system.

Executive Departments and Administration: OTP/A 18-2

PRO-LIBERTY: This bill prohibits the state, its political subdivisions, and officials from utilizing facial recognition systems or associated facial recognition system data.

- State use of facial recognition poses a significant threat to our privacy and could hamper First Amendment protected protests and other legal activities.
- A false match can lead to lengthy interrogations and increase the risk of negative outcomes with improperly initiated police encounters.

HB 1642

**YEA
OTP/A**

HB 1660, establishing a protective order for vulnerable adults.

Health, Human Services and Elderly Affairs: OTP/A 12-9

ANTI-LIBERTY: This bill creates a system for issuing a civil restraining order for actions that are already treated as a crime.

- Current statutes [RSA 631: 4,8,9] already address these actions as criminal behaviors: Section 631:4 Criminal Threatening. Section 631:8 Criminal Neglect of Elderly, Disabled, or Impaired Adults. Section 631:9 Financial Exploitation of an Elderly, Disabled, or Impaired Adult.
- This bill violates due process on numerous fronts and because these are civil actions, the poor will not have access to a public defender.
- Further, the decision to seize firearms and prohibit future purchases is made in a proceeding where the normal rules of evidence need not apply as 173-D:4 VI, 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.*"
- The bill prohibits by law, prosecution of those who committed perjury when filing a petition.

HB 1660

**NAY
OTP/A**

HB 1650, establishing a road usage registration fee and making an appropriation therefor.

Public Works and Highways: ITL 15-4

ANTI-LIBERTY: This bill increases vehicle registration fees and sets an automated annual escalation in these fees of 2.4% and creates a new fee based on miles traveled.

- This bill simply raises more revenue; it does not reduce other taxes or fees in any way. If there is merely 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 or taxes.
- Currently there is no order mandated with respect to registration renewal and vehicle inspections. This bill does not change that but pre-supposes that inspection data will be available at time of registration renewal.

HB 1650

YEA ITL

HB 1664, establishing a climate action plan, an office of the environmental advocate, and an oversight commission on environmental services.

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

ANTI-LIBERTY: This bill establishes public policy that NH will reduce greenhouse gas emissions to at least 80% below 1990 levels by 2050 even in the face of increasing population.

- Though the bill claims to simply set goals, the committee amendment still retains language (125-O:30 III) that requires state agencies to incorporate the goals into rulemaking.
- The bill requires that the state climate action plan change land-use patterns to support transit-oriented development, which will require additional future 'top down' central planning that are nearly certain to interfere with property rights.
- This bill is unconstitutional as it conflicts with article 28-a. Mandated Programs.

HB 1664

**NAY
OTP/A**

Calendar Part Two

HB 1281, requiring insurance coverage for epipens.

Commerce and Consumer Affairs: OTP/A 15-5

ANTI-LIBERTY: This bill mandates epinephrine auto-injector coverage in insurance policies.

- Insurance mandates add to the cost of policies by requiring purchasing "insurance" for something that the consumer may or may not want. This may lead to increased premiums for everyone.
- The state should be looking to reduce barriers to participation in the marketplace to help control costs.

HB 1281

**NAY
OTP/A**

HB 1101, imposing a waiting period between the purchase and delivery of a firearm.

Criminal Justice and Public Safety: OTP/A 11-9

ANTI-LIBERTY: This bill mandates a minimum 3-day waiting period prior to taking possession of a firearm.

- Proponents of the bill claim this is about reducing suicides; however, the bill does not contain an exemption for someone who already owns a firearm and is purchasing another firearm.
- Current law already allows dealers the ability to deny a sale to anyone that they believe is not being truthful in filling out the required paperwork or anyone whom they have concerns about selling to.
- The net effect of the bill is a minimum of two trips to the dealer, increasing costs and the environmental impacts of the purchase.

HB 1101

**NAY
OTP/A**

HB 1149, relative to child obscenity.

Criminal Justice and Public Safety: ITL 17-3

ANTI-LIBERTY: This bill makes it a felony to possess or create non-pornographic sexualized images of children unless it is being done for commercial purposes.

- Creation, distribution, and possession of child pornography is already criminalized under NH RSA 649-A. This bill expands prohibition to suggestive poses for "purely prurient purposes". Creating a new felony based on the assumed state of mind of the offender creates a subjective offense that is subject to abuse.
- It is unclear what message the state would be trying to send if it accepted that such images are acceptable as long as they are being used to sell a legal product.

HB 1149

YEA ITL

HB 1350, requiring a locking safety device be provided for commercial firearm sales and transfers.

Criminal Justice and Public Safety: ITL 12-8

ANTI-LIBERTY: This bill prohibits the sale or transfer of a firearm unless accompanied by an approved safety device.

- Most gun locks distributed with new firearms as required by federal law are little more than a collection of metal and plastic that is destined for a landfill and unnecessarily add waste.
- Responsible firearms owners use and store firearms responsibly with or without a mandate for disposable lock.

HB 1350

YEA ITL

HB 1351, relative to immunity from arrest or prosecution for certain alcoholic beverage violations for a person under 21 years of age who reports a situation involving risk of alcohol overdose.

Criminal Justice and Public Safety: OTP 15-4

PRO-LIBERTY: This bill provides a person under 21 with immunity from prosecution for underage drinking if a related medical emergency is reported in a good faith and timely manner.

- The purpose of state restrictions on the possession and use of alcohol is ostensibly to reduce the risk of harm. Current law may increase that risk in some cases by causing an individual to delay requests for help for fear of criminal prosecution.

HB 1351

**YEA
OTP**

HB 1379, requiring a background check for commercial firearms sales.

Criminal Justice and Public Safety: OTP 11-9

ANTI-LIBERTY: This bill redefines the meaning of commercial sale and subjects almost all firearms transfers to an NICS background check.

- The bill prohibits a transfer unless a "proceed" response has been received from either the NH Gun Line or the ATF, meaning if the government simply chooses not to process the background check, they can by failure to act, prohibit sales/transfers of all firearms.
- Background checks are already required at all dealers.
- State law already mandates that unless you know the person personally, you may not sell a pistol or revolver to them.
- Transfer for the simple purpose of firearms training would be treated as a misdemeanor-level crime.

HB 1379

**NAY
OTP**

HB 1625, reducing the penalty for certain first offense drug possession charges.

Criminal Justice and Public Safety: OTP 14-6

PRO-LIBERTY: This bill reduces penalties for first-time victimless crimes.

- This bill reduces the crime for certain first-time possession charges from a felony to a misdemeanor. This small improvement will help reduce the impact from the state from ruining the life of someone who been caught up in a first time offense in the failed War on Drugs.

HB 1625

YEA OTP

HB 1648, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

Criminal Justice and Public Safety: OTP/A 13-7

PRO-LIBERTY: This bill legalizes adults' possession of small amounts of cannabis.

- This bill would make it legal for adults 21 and older to possess up to 3/4 ounce of cannabis, five grams of hashish, and up to 300 mg of cannabis-infused products, and to cultivate up to six plants (including up to 3 mature plants) in a secure location.
- The bill does not impose any taxes or create any new bureaucracy.
- All neighboring jurisdictions have legalized possession and cultivation of cannabis for adults; Granite Staters should not have less freedom with regard to cannabis than adults in Massachusetts, Vermont, Maine, and Canada.

HB 1648

YEA OTP/A

HB 1454, relative to credit for alternative, extended learning, and work-based programs.

Education: OTP 11-9

ANTI-LIBERTY: This bill increases the complexity for organizations looking to offer alternative "Learn Everywhere" for-credit programs by allowing local school boards to set the rules for these programs.

- Ultimately parents are in the best position to determine what is best for the education of their children. Under current law, parents and alternative learning providers can work with the state board of education to ensure that alternatives programs meet education standards. This bill would increase complexity for parents and educators by requiring approval from each local school board even when the work-based program is not executing within the geographic region covered by the board.

HB 1454

NAY OTP

HB 1434, repealing premium contribution requirements for certain state and judicial retirees.

Executive Departments and Administration: OTP 14-5

ANTI-LIBERTY: This bill burdens New Hampshire taxpayers with additional cost for certain retired state workers.

- This bill repeals the requirements for retired state employees and judicial retirees who are Medicare-eligible to pay premium contributions for the state retiree health plan. This will risk a future spending increase for New Hampshire taxpayers or result in reduction in benefits for all retirees.

HB 1434

NAY OTP

HB 1221, relative to privacy for an employee's personal financial and credit information.

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

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).
- 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).
- 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 1221

NAY OTP/A

HB 1218, relative to net energy metering and limits for customer generators.

HB 1218

Science, Technology and Energy: OTP/A 12-8

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.
- Net metering subsidies for renewables may 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).

**NAY
OTP/A**

HB 1480, relative to the use of system benefits charges.

HB 1480

Science, Technology and Energy: ITL 11-8

PRO-LIBERTY: This bill removes one of the loopholes passed into law last year that allows the System Benefit Charge to be increased without the approval of the legislature.

- New Hampshire ratepayers should not be subject to further increases to the systems benefits charge without approval of elected representatives. The charge is a hidden tax on ratepayers.

NAY ITL

HB 1427, removing the authorization for OHRV use on certain sections of state highway.

HB 1427

Transportation: ITL 16-3

ANTI-LIBERTY: This bill repeals the law that allows OHRV use on select roads in northern New Hampshire.

- This bill will hurt tourism and recreation in NH. Hunters and recreational riders rely on these roads to travel.
- The Jericho ATV Festival is one of the biggest events in northern NH and this bill will discourage tourism to the festival and will also discourage hunting tourism which relies on OHRV use to transport equipment and game.

YEA ITL

HB 1621, relative to the use of protective head gear while operating motorcycles and motorized bicycles.

HB 1621

Transportation: ITL 16-4

ANTI-LIBERTY: This bill mandates the use of helmets when operating a motorcycle or motorized bicycle.

- This bill is paternalistic in that it forces adults to wear helmets when operating motorcycles and motorized bicycles.
- Free individuals should have the freedom to choose what safety equipment they wear on their body. NH does not require safety clothing for any other passenger vehicles.
- Laconia Motorcycle Week is the oldest continuous motorcycle event in the U.S. and a huge boom to the state economy and the lake region. This law will hurt all local businesses that benefit from that rally which brings a lot of out of state riders into New Hampshire.

YEA ITL

HB 1652, including ski area ticket sales under the meals and rooms tax and dedicating the revenue to the governor's scholarship program for New Hampshire resident students.

HB 1652

Ways and Means: ITL 20-0

ANTI-LIBERTY: This bill adds sales of ski area lift tickets to the meals and rooms tax.

- Incremental expansion of meals and rooms tax is an additional step towards a general sales tax.
- Increased taxes would hurt tourism both at the ski areas directly impacted by the new tax and surrounding businesses that benefit from the increased tourism.

YEA ITL

ANTI-LIBERTY: This bill dramatically increases taxes on certain electronic cigarette liquid.

- This bill increases the tax rate on open and closed e-cigarette systems. In the case of open systems the tax rate is increased from 8% to 40%.
- This tax hike will increase the risk of death or disease of e-cigarette users. Consumers may opt to obtain these products online or from black market sources that may be distributing contaminated product.

**NAY
OTP**