



NEW HAMPSHIRE LIBERTY ALLIANCE

GOLD STANDARD

SB 17 YEA OTP/A
SB 44 NAY OTP
SB 61 YEA OTP
SB 62 YEA ITL
SB 64 NAY OTP



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SENATE SESSION - THURSDAY, FEBRUARY 11, 2021

SB 17, relative to brew pubs allowing customers to bring dogs to outdoor areas.

Commerce: OTP/A 4-1

PRO-LIBERTY: This bill allows municipalities to adopt ordinances allowing brew pubs to allow dogs onto any patio. With the proposed amendment it also allows nanobreweries and brew pubs to enter into contracts with contract brewers to produce beverages on behalf of the nanobrewery/brew pub.

- Operators of these facilities should have the option to conduct business in a manner that they find appropriate and allow the market to decide if the decision is beneficial or not. Per DHHS administrative rules, food service licensees like brew pubs are not allowed to let dogs on their outdoor patios. This bill would address that administrative overreach.
- This bill could be improved if it were expanded to apply to all restaurant open-air patios regardless of whether or not they hold a brew pub license under RSA 178:13.

SB 17

**YEA
OTP/A**

SB 44, establishing the New Hampshire workforce pathway program and commission.

Commerce: OTP 3-2

ANTI-LIBERTY: This bill grows the scope of the existing government-sponsored jobs training program and will result in additional demand for taxpayer funds for centrally-planned job training.

- 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).
- The state should not have a role in determining the training that businesses will require.
- While the bill does not appropriate any new funds, it grows the constituency and argument for additional spending on the fund.

SB 44

**NAY
OTP**

SB 61, prohibiting collective bargaining agreements that require employees to join a labor union.

Commerce: OTP 3-2

PRO-LIBERTY: This bill prohibits collective bargaining agreements that require employees to join or contribute to a labor union and prohibits coercion and intimidation intended to compel an employee to join, affiliate with, or financially support a labor organization or to refrain from doing so.

- The federal National Labor Relations Act (NLRA) contains several coercive mechanisms that infringe upon the rights of workers and business owners. Among these are section 9a which mandates exclusive representation by a single union and mandates that the union representative is given opportunity to be present at grievance adjustment between employers and employees even if the employee does not wish that the representative is present. In addition, it forces employers to recognize and bargain collectively with unions following a majority vote of their workforces.
- Right-to-work is the only way currently permitted under federal law to restore some of the freedom of dissenting workers and their employers to withhold support from unions with whom they disagree. While this bill interferes with freedom of contract, it does so in a way intended to remedy current, more egregious constraints on freedom of contract.
- Public sector collective bargaining is often more harmful than private sector collective bargaining because taxpayers are not directly represented in negotiations. "It is impossible to bargain collectively with the government," said Franklin D. Roosevelt, who opposed public sector unions. Public sector right-to-work reduces union density in government and reduces government spending and taxes (Ichniowski & Zax 1991).
- "... when it came to earning more than nonunion workers, union members in right-to-work states actually out-performed those in non-right-to-work states." ([news.bloomberglaw.com/bloomberglaw-analysis/analysis-are-unions-really-weaker-in-right-to-work-states](https://www.bloomberglaw.com/news-analysis/analysis-are-unions-really-weaker-in-right-to-work-states)). This is potentially due to the incentive for unions to be more responsive to their member's needs when they are not compelled to join.

YEA
OTP**SB 62, relative to electronic cigarettes and the disposal of electronic cigarette devices.**

Commerce: ITL 4-1

ANTI-LIBERTY: This bill prohibits the sale of flavored e-cigarettes and e-cigarette cartridges with an exception for menthol and requires the department of environmental services to make rules relative to the disposal of e-cigarettes.

- This bill requires new regulation on e-cigarettes ostensibly because they contain hazardous materials including lithium-ion batteries. Numerous products offered for sale in the state contain lithium-ion batteries and are not subject to similar regulation. We look forward to opposing the similar bills that will clearly be submitted imposing these new regulations on the Toyota Prius, Bluetooth headsets used to support remote meetings, cell phones, solar panels, and video game controllers.
- Free market solutions to proper battery disposal already exist; there is no need for the state to create new regulations or bureaucracy regarding e-cigarette or any other battery disposal. For example, stores such as Batteries Plus Bulbs will take them for recycling.
- This bill encourages e-cigarette manufacturers to target those in the African American community by prohibiting all flavor additives except menthol. According to at least one study, more than 80 percent of African-American smokers use menthol cigarettes — compared to just 29 percent of white smokers (sph.unc.edu/sph-news/study-finds-menthol-cigarette-marketing-targets-african-americans).

SB 62

YEA ITL

ANTI-LIBERTY: This bill would extend provisions of the federal Family and Medical Leave Act to small businesses normally exempt from the act.

- Finding and retaining qualified employees remains a challenge for small employers, and as a result most employers are already willing to work with their employees through challenging times when possible.
- For very small businesses though, provisions of the federal law intended for large businesses may be impossible to achieve. For example, a small business that employs several members from the same household may be forced to close permanently when they are unable to hire replacement staff to permanent positions due to 29 U.S.C. section 2614 which requires that the employees be returned to similar or equivalent positions upon their return.
- Provisions of the bill that attempt to mitigate this issue, via language that states that the bill does not apply when the commissioner determines there to be an economic hardship, are of little value as the lack of clarity means that neither the employer nor the employees are provided with any certainty as to how and when the provision will be decided.
- While the committee recommendation of rerefer is acceptable, should there be a motion to pass this bill in its current form, the appropriate vote is NAY OTP.

**NAY
OTP**