



GOLD STANDARD



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HOUSE SESSION - THURSDAY, MARCH 15, 2018

CACR 19 YEA ITL	HB 1275 YEA ITL	HB 1393 YEA ITL	HB 1485 NAY ITL	HB 1672 YEA OTP
HB 1201 YEA ITL	HB 1279 NAY ITL	HB 1422 YEA ITL	HB 1507 NAY ITL	HB 1678 NAY ITL
HB 1214 YEA IS	HB 1295 YEA OTP/A	HB 1432 YEA ITL	HB 1579 YEA OTP	HB 1694 YEA ITL
HB 1222 YEA ITL	HB 1313 YEA OTP	HB 1442 NAY ITL	HB 1609 YEA ITL	HB 1716 YEA ITL
HB 1246 YEA ITL	HB 1347 YEA OTP/A	HB 1443 YEA OTP/A	HB 1610 YEA ITL	HB 1788 YEA OTP/A
HB 1259 YEA ITL	HB 1373 YEA OTP/A	HB 1462 YEA ITL	HB 1632 YEA ITL	HB 1818 NAY IS

Part Two Continued

HB 1443, relative to a jury's determination as to the applicability of a law.

Judiciary: OTP/A 9-8

PRO-LIBERTY: This bill directs courts to inform juries about their right to judge the facts and the application of the law in relation to the facts in controversy.

- This bill does not create any new power for juries — it simply provides mechanisms for the court to inform them of their longstanding right to judge both fact and law in cases before them.
- While existing law already allows jurors to be informed, this bill provides clear language that will help to ensure that jurors receive consistent and clear instructions.

HB 1443

YEA OTP/A

HB 1579-FN, requiring records to be kept for certain exempt convenings under the right-to-know law.

Judiciary: None

PRO-LIBERTY: This bill requires a minimal set of records be kept for two categories of non-meetings: collective bargaining and consultation with legal counsel.

- When a quorum of a public body meets without notice, concerned citizens may be alarmed. Release of minimal records aids transparency and eases unjustified concerns.

HB 1579

YEA OTP

HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies.

Judiciary: OTP 13-5

PRO-LIBERTY: This bill prohibits the release of any information related to therapeutic cannabis to federal agencies without a warrant based on probable cause.

- Federal agencies consider cannabis use to be a crime. The state of New Hampshire has a duty to protect its citizens from overreaching federal agents.

HB 1672

YEA OTP

HB 1788-FN-LOCAL, relative to costs charged under the right-to-know law.

Judiciary: OTP/A 11-7

PRO-LIBERTY: This bill, as amended, sets a maximum rate of 10 cents per page for copies made under the Right-to-Know Law.

- This bill clarifies existing wording in RSA 91-A:4, IV which previously stated that the person may be charged "the actual cost of" providing the copy. The existing wording is unclear and may result in widely varying costs per page.

HB 1788

YEA OTP/A

HB 1201, relative to an employee's earned but unused vacation time.

Labor, Industrial and Rehabilitative Services: ITL 12-9

ANTI-LIBERTY: This bill requires an employer to pay its employees for unused vacation time.

- Vacation policy is a private agreement between employer and employee and should not be mandated by the state.

HB 1201

YEA ITL

HB 1222, relative to inquiries concerning salary history by prospective employers.

Labor, Industrial and Rehabilitative Services: ITL 12-9

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 prior to making an offer of employment. 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 salary requirements are significantly disconnected from potential salary.
- 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 1222

YEA ITL

HB 1246, relative to the minimum hourly rate for tipped employees.

Labor, Industrial and Rehabilitative Services: ITL 12-9

ANTI-LIBERTY: This bill would raise the minimum wage for tipped employees.

- Employees should be able to work for any agreeable pay, not be constrained by laws.

HB 1246

YEA ITL

HB 1462-FN, relative to health and dental benefits under the workers' compensation law.

Labor, Industrial and Rehabilitative Services: ITL 12-9

ANTI-LIBERTY: This bill adds new mandates on New Hampshire businesses.

- Health insurance is a benefit provided at the discretion of the employer. This bill would mandate that if an employer provides health and dental insurance, that the insurance be extended throughout a period of up to 24 months while an employee is out on workers' compensation.

HB 1462

YEA ITL

CACR 19, relating to right to govern. Providing that the people of the state may enact local laws that protect health, safety and welfare.

Municipal and County Government: ITL 11-8

ANTI-LIBERTY: This constitutional amendment provides carte blanche for local governments 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. This constitutional amendment violates this principle and is a backdoor whose express purpose is to enable prohibitions on liberty.
- Although it might appear that allowing local control would be liberty-enhancing, it would in fact create the opposite situation. In nearly all cases, passing additional laws restricts individuals' liberties, not enhances them. This constitutional amendment would allow local municipalities to pass nearly any law they wanted, further infringing on individuals' liberties. As it stands, local municipalities in NH are only allowed to make laws about things that the state explicitly authorizes. In this sense, the state actually serves to protect individuals from encroachment by local municipalities.
- As one example, NH currently has no restrictions on individuals' ownership of particular knives. Municipalities may not pass additional restrictions. Under this constitutional amendment, municipalities would be able to restrict individuals' freedoms by passing local knife laws.

**CACR
19**

YEA ITL

HB 1259, relative to passenger restraints.

Transportation: ITL 10-9

ANTI-LIBERTY: This bill mandates the use of seatbelts.

- This bill is paternalistic in that it forces adults to wear seatbelts when traveling in motor vehicles.
- Since this bill allows for the violation as a primary enforcement, it increases the potential for contact between law enforcement and citizens, increasing the risk of adverse interactions that otherwise would be avoided.

HB 1259

YEA ITL

HB 1442, relative to driver education.

Transportation: ITL 16-3

PRO-LIBERTY: This bill authorizes an optional waiver of the driver education requirement if a parent provides equivalent classroom instruction and behind-the-wheel training.

- Parents and guardians are capable of providing driving instruction and determining when a teen is ready to take the driver's test and drive.
- This bill does not remove the existing requirement for teen drivers to complete a minimum of 40 hours of practice driving under the supervision of a licensed adult.
- At least 5 states do not require formal driver education.

HB 1442

NAY ITL

Part Three

HB 1432, requiring certain schools to establish nondiscrimination and employee background check policies.

Education: ITL 11-9

ANTI-LIBERTY: This bill imposes new mandates on private schools.

- This bill seeks to impose redundant requirements on private schools that they must already satisfy via federal laws regarding nondiscrimination and background checks.
- The proposed requirements also go beyond those applied to public schools; as an example, district schools do not perform background checks on all volunteers.
- Further, the bill seeks to apply these requirements to schools that accept students using tax-credit programs; however, these programs do not use public funds and are sourced via private donations from individuals and businesses. This is an intrusion in the operation of private organizations and businesses which is a dangerous precedent.

HB 1432

YEA ITL

HB 1694, requiring a civics examination as a high school graduation requirement.

Education: ITL 11-8

ANTI-LIBERTY: This bill requires high school students to pass a citizenship test either similar to or identical to the U.S. citizenship exam.

- Regardless of the subject matter or intent, the legislature should not be involved in telling school districts what should be required for graduation or taught in the schools.

HB 1694

YEA ITL

HB 1818-FN, relative to penalties for certain occupational licensing violations.

Executive Departments and Administration: IS 14-2

PRO-LIBERTY: This bill decriminalizes working.

- This bill reduces the penalties for violations of the statutes or rules regulating various occupations from misdemeanors to violations.
- Vote NAY IS and support OTP.

HB 1818

NAY IS

HB 1279, allowing additional charges under a lease to be included in a demand for rent.

Judiciary: ITL 12-6

PRO-LIBERTY: This bill allows for additional charges, such as late fees and utility costs, to be included in the demand notice.

- Tenants who fall behind in their rent may have a contractual obligation to pay late fees. Under current law the notice of demand may only ask for the late rent.
- Tenants with financial difficulties may have utility service disconnected, or change over to the landlord's account, possibly causing damages.
- If a landlord includes any charge other than the rent in the demand, it will be rejected by the court, requiring further and duplicate actions.
- A notice of demand for rent is not a notice of eviction.

HB 1279

NAY ITL

HB 1295, relative to persons held in civil contempt.

Judiciary: OTP/A 14-3

PRO-LIBERTY: This bill, as amended, prevents a person from having to sell their principal residence or sole motor vehicle to satisfy a finding of civil contempt.

- Incarceration for civil contempt presumes that the debtor has the ability pay the debt. Imprisoning an individual for a debt that they do not have the ability to pay is debtors' prison — an archaic and counter-productive practice.
- Failure to ensure that the person who is being imprisoned for civil contempt has the ability to pay amounts to a failure of due process and maladministration of justice.

HB 1295

YEA OTP/A

HB 1347, relative to information to be included in the minutes under the right-to-know law.

Judiciary: OTP/A 8-7

PRO-LIBERTY: This bill clarifies details needed in meeting minutes.

- Setting out the minimum requirements for meeting minutes will assist clerks in consistently keeping the minutes.
- Good minutes can save taxpayers dollars in unnecessary legal costs resulting from disputes that are caused by the lack of essential details in minutes.

HB 1347

YEA OTP/A

HB 1373, relative to an individual's property right in his or her DNA.

Judiciary: OTP/A 9-6

PRO-LIBERTY: This bill, as amended, recognizes that people have a privacy right in their DNA and genetic information.

- Personal "biometric" data (e.g. DNA, retina/iris scans, etc) should not be involuntarily captured or used.
- At least half of US states have some form of DNA privacy law (<http://www.ncsl.org/research/health/genetic-privacy-laws.aspx>).

HB 1373

YEA OTP/A

HB 1485, relative to security deposits.

Judiciary: ITL 10-8

PRO-LIBERTY: This bill reduces the impact of state-level interference in private contracts by allowing up to two months' rent to be collected for a security deposit.

- Allowing two months' security deposit may enable a person who otherwise would not be qualified to rent an apartment due to poor credit to negotiate with the landlord to offer additional security deposit to offset the risk of prior defaults and failure to pay.
- Over-regulation of rentals reduces the number of investors willing to enter the rental business, and raises rental rates.
- Testimony in committee offered: "only 9 states in the US restrict security deposits to just one month's rent".

HB 1485

NAY ITL

HB 1393, relative to compensation for vacation time and personal time earned.

Labor, Industrial and Rehabilitative Services: ITL 12-9

ANTI-LIBERTY: This bill requires employers to pay terminated employees for vacation time and personal time.

- This bill imposes the will of the state on private employment contracts.

HB 1393

YEA ITL

HB 1716-FN, establishing apprenticeship programs for unemployed workers.

Labor, Industrial and Rehabilitative Services: ITL 11-10

ANTI-LIBERTY: This bill funnels unemployment compensation training funds to union apprenticeship programs for trades selected by the state.

- This bill creates a government jobs program with a \$12 minimum wage, and creates additional bureaucracy to administer the program.
- While government-sponsored jobs 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).

HB 1716

YEA ITL

YEA OTP

NAY ITL

YEA ITL

YEA ITL

Part Three End

This is the end of the regular calendar bills.

HB 1275, relative to the placement of minors at the Sununu Youth Drug Treatment Center.

HB 1275

Children and Family Law: ITL 12-0

ANTI-LIBERTY: This bill mandates treatment and/or forced placement of a minor at the Sununu Youth services center in cases where there is an assertion that a youth was revived with Narcan administered by a first responder.

YEA ITL

- While it is admirable to want to provide assistance to those who are ready for it, mandated placement of minors into a secure treatment facility with others who may have significant substance abuse issues may be counterproductive both to the youth who is being placed as well as to those already receiving treatments.
- A review of available data performed by Yale Review of Law and Social Action titled Involuntary Treatment of Drug Addiction found: "Whatever the terminology used and whatever the means by which coercion is applied, compulsory treatment of addicts is void of benefits and counterproductive of the goals which form the rationale for depriving people of their liberty." (<https://goo.gl/mWfLFz>).

HB 1214, prohibiting the sale of certain furniture with flame retardant chemicals.

HB 1214

Commerce and Consumer Affairs: IS 20-0

ANTI-LIBERTY: This bill bans the sale and distribution of new upholstered furniture for residential purposes that has been treated with flame retardant chemicals while still allowing their use in public facilities including schools.

YEA IS

- This bill enacts a broad ban against treatment of furniture with all current and future chemicals that offer flame retardant properties. This is a legislative overreaction to incomplete science on a specific subset of chemicals by preemptively banning all future uses of treatments with flame retardant properties.
- Proponents of the legislation express concern over limited science which suggests potential health impacts of certain legacy flame retardants to firefighters and children while still allowing children to be exposed to the treatments while in schools.
- The public already has an increasing number of options available for purchasing flammable furniture, including options at NH retailers such as Ethan Allen (https://www.ethanallen.com/en_US/faqs.html).
- While ITL is the appropriate vote, IS is acceptable.

HB 1610, requiring sellers of real property to disclose certain information concerning environmental hazards.

HB 1610

Commerce and Consumer Affairs: ITL 19-0

ANTI-LIBERTY: This bill interferes in private commerce by creating new mandates for sellers of real property.

YEA ITL

- This bill requires sellers of real property to provide notice to buyers of environmentally hazardous sites within one mile of the property, and to disclose water test results if a source of MTBE or perfluorinated chemicals is identified within one mile of the property.
- This is a burdensome and unrealistic requirement.

HB 1632, relative to the labeling of bottled water.

HB 1632

Commerce and Consumer Affairs: ITL 17-1

ANTI-LIBERTY: This bill requires bottled water to be tested for the presence of certain chemicals and labeled with certain results of such tests.

YEA ITL

- New labeling requirements would place an undue burden on retailers, wholesalers, and producers throughout the state and region.
- If there is a widespread public outcry for such labeling, companies (both producers and retailers) will ultimately lead the charge to satisfy customer demand.

PRO-LIBERTY: This bill reduces the penalty for certain first offense drug possession charges from a felony to either a felony or a misdemeanor.

- Allowing for flexibility of charges for victimless crimes reduces the negative impact of the failed war on drugs.