



GOLD STANDARD



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HOUSE SESSION - WEDNESDAY, MARCH 21, 2018

HB 628 NAY OTP/A	HB 1275 YEA ITL	HB 1347 YEA OTP/A	HB 1485 NAY ITL	HB 1632 YEA ITL
HB 656 NAY IS	HB 1279 NAY ITL	HB 1373 YEA OTP/A	HB 1507 NAY ITL	HB 1678 NAY ITL
HB 1104 YEA OTP/A	HB 1295 YEA OTP/A	HB 1393 YEA ITL	HB 1609 YEA ITL	HB 1716 YEA ITL
HB 1214 YEA IS	HB 1313 YEA OTP	HB 1422 YEA ITL	HB 1610 YEA ITL	HB 1763 NAY OTP/A

Part Three Continued

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 nine 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

HB 1313, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.

Resources, Recreation and Development: OTP 11-7

PRO-LIBERTY: This bill repeals the prohibitions on carrying a loaded pistol or revolver on an OHRV or a snowmobile.

- This bill is largely a housekeeping bill to align remaining sections of NH law with the constitutional carry provisions enacted in 2017.
- New Hampshire voters affirmed our inherent right to self-defense in 1982 with the adoption of Article 2-a. of the NH Constitution: All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state.
- Under current law, OHRV or snowmobile drivers may be forced to leave firearms unattended in their vehicles or unload them under less-than-ideal conditions prior to engaging in recreation.

HB 1313

YEA OTP

HB 1507-FN, relative to state inspection of new motor vehicles.

Transportation: ITL 15-4

PRO-LIBERTY: This bill provides that new motor vehicles need not be inspected during the three years following the manufacturer's model year.

- 33 states, including states with much harsher winters than NH (e.g. Michigan, Wisconsin, North Dakota, and Minnesota), do not require any periodic safety inspections. Another 6 states require only biennial inspections. This common sense change to eliminate inspections on new vehicles would save residents time and money without any measurable added risk.
- A comprehensive study by Brigham Young University concluded "This finding strongly suggests that vehicle safety inspection programs are no longer necessary, and are simply a form of residual government oversight." (<https://goo.gl/D9rxE7>)

HB 1507

NAY ITL

HB 1422-FN-A, relative to the applicability of certain business tax rate changes.

Ways and Means: ITL 12-9

ANTI-LIBERTY: This bill sets an automatic trigger for cancelling existing planned tax reductions.

- Our ability to attract new businesses and retain existing businesses is vital to the health of our economy. Low unemployment benefits everyone.
- High business tax rates impede New Hampshire's ability to attract and retain businesses.
- When profits are not heavily taxed they can be reinvested to hire more staff, used to create more robust R&D, or invested in capital equipment.

HB 1422

YEA ITL

HB 1609, establishing a local option for an additional surcharge on occupancy under the meals and rooms tax.

Ways and Means: ITL 14-7

ANTI-LIBERTY: This bill allows towns and cities to adopt an additional surcharge under the meals and rooms tax on hotel occupancy.

- Though the initial local option tax in this bill is small, it provides another avenue for taxation which will inevitably grow over time.

HB 1609

YEA ITL

Pulled From Consent

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

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.

- 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 1275

YEA ITL

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

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.

- 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 1214

YEA IS

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.

HB 1678-FN, reducing the penalty for certain first offense drug possession charges.

HB 1678

Criminal Justice and Public Safety: ITL 18-1

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

NAY ITL

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

Regular Calendar

HB 1104-FN, (New Title) relative to dredge and fill permit time limits; relative to time limits under the administrative procedure act; and relative to online filing with the secretary of state's office.

HB 1104

Executive Departments and Administration: OTP/A 7-6

PRO-LIBERTY: This bill limits the time for agencies to act on permits and enforces these limits by presuming non-action is approval.

**YEA
OTP/A**

- This bill, as amended, establishes time limits in several areas in an effort to streamline the process for certain state agency actions. This helps to hold state agencies accountable to action within reasonable time frames.
- This bill also requires the Secretary of State to allow online business and corporate filings by January 1, 2020. While a small improvement, this helps to reduce the burden of interaction with the state.

HB 628-FN, relative to a family and medical leave insurance program.

Finance: OTP/A 15-11

HB 628

ANTI-LIBERTY: This bill, as amended, creates a new mandate on employers and institutes a market distorting/state-mandated price fixing scheme for family medical leave insurance.

- As amended, this bill interferes in the private insurance marketplace by setting a government-selected withholding rate for an insurance product.
- It places a new mandate on private employers to provide family and medical leave insurance from a state-approved list of insurers unless self-insured.
- There are multiple proposed similar federal programs under consideration. Passing any form of state-mandated program now is likely to incur costs for both private employers and state taxpayers that may well be wasted/duplicate efforts.
- Support the majority amendment 2018-1111h but regardless of whether amendment fails or passes, oppose HB 628.
- If the amendment 2018-1111h fails, the bill reverts to its prior form of a government-run program where employees can opt-in anytime, but can only opt-out when starting employment and the opt-out requires an onerous use of a notary. In addition the bill would add more than 40 state employees, increasing the size of state government, and spends nearly \$10 million over 4 years on salaries alone.
- In the prior form of the bill, high-earning workers would have every reason to opt-out since the program would not be financially beneficial to them, contributing to the likelihood of fund insolvency. There was also no provision for fund insolvency; the state and all taxpayers would be on the hook for the mandates that the bill prescribes if the program fails.
- The state of Washington passed similar legislation in 2007, which they *still* have not been able to implement to this day.
- **This bill will be weighted very heavily on the NHLA annual scorecard.**

NAY OTP/A

HB 1763-FN-A, establishing a road usage fee and making an appropriation therefor.

Finance: OTP/A 21-5

HB 1763

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, yet this bill will tax them an extra 30% more than they drive on average.

NAY OTP/A

Pulled from Consent

HB 656-FN-A-LOCAL, relative to the legalization and regulation of marijuana.

Ways and Means: IS 23-0

HB 656

PRO-LIBERTY: This bill ends marijuana prohibition for adults 21 and older in New Hampshire.

- This bill, which allows limited personal possession and cultivation of marijuana for adults 21 and older, already passed the House in a 207-139 vote on January 9.
- The bill would legalize cultivation of six plants, three of which could be mature. It would not regulate or tax the market. Adults in Massachusetts, Maine, five other states, and Washington, D.C. already enjoy the freedom to grow their own limited supply of cannabis without fear of state or local prosecution. 68% of Granite Staters support legalization.
- Vote NAY IS and then YEA OTP.

NAY IS