



GOLD STANDARD

SENATE SESSION - THURSDAY, MARCH 3, 2016

SB 481 NAY OTP/A
SB 320 YEA OTP/A
SB 473 NAY OTP
SB 503 NAY OTP/A
SB 384 NAY OTP
SB 325 YEA OTP/A
SB 428 YEA ITL
SB 516 YEA ITL
SB 463 YEA OTP
SB 517 YEA OTP
SB 410 YEA ITL
SB 457 YEA ITL
SB 521 NAY OTP/A

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SB 481-FN, relative to a special health care service license.

SB 481

NAY OTP/A

Commerce Committee Recommendation: OTP/A 4-1

ANTI-LIBERTY: This bill raises new barriers to entry for healthcare service providers.

- This bill contains provisions designed to create or protect health care service monopolies in the state, by limiting competition and preventing competitive price pressures.
- Granting power to the state commissioner of health and human services to make a determination of the need for new facilities effectively enshrines crony capitalism into state law.
- This bill requires all new medical facilities to provide 24/7 emergency services, but exempts existing medical facilities from this requirement, thereby further raising the barrier to entry for new service providers, while shielding existing providers from fair competition.

SB 320, relative to non-academic surveys administered by a public school to its students.

SB 320

YEA OTP/A

Education Committee Recommendation: OTP/A 3-2

PRO-LIBERTY: This bill protects the privacy of students and families.

- This compromise legislation requires parental consent for all non-academic surveys, except the youth risk behavior survey developed by the Centers for Disease Control and Prevention.
- The fact that some students may benefit from social programs does not justify ignoring privacy concerns and parents' right to direct their under-age children's education.
- There is a demonstrated need for this bill. Evidence was provided at the public hearing, showing that some existing surveys are neither anonymous nor optional.

SB 473-FN-A-L, repealing the cap on adequate education grant payments and making an appropriation therefor.

SB 473

NAY OTP

Education Committee Recommendation: OTP 5-0

ANTI-LIBERTY: This bill further increases government spending on education.

- The DoE reports that average per-student spending in NH government schools last year reached almost \$17,000.
- Ever-increasing spending on government education, much of which goes to administrative overhead, has not led to improved outcomes. Private and charter schools regularly achieve superior results at significantly lower cost.
- Instead of continuing to further increase spending on government schools, state legislators should be seeking to empower parents and students to make their own choices among various educational options, and to create an environment of competition for educational dollars.
- If the cap must be removed for legal reasons, adjustments to the formula for education grant payments could be made so as to render the change spending neutral.

SB 503-FN-A, relative to pre-kindergarten education using “pay for success” financing.

SB 503

NAY OTP/A

Education Committee Recommendation: OTP/A 4-1

ANTI-LIBERTY: This bill compels taxpayers to fund yet another optional, experimental program.

- The bill's fiscal note is for \$10M to support a grade level outside compulsory attendance.
- Let the private sector establish pre-school programs, not the state through public private partnerships.
- Not a single Social Impact Bond project has demonstrated success so far.

SB 384, relative to the feeding of wild deer.

SB 384

NAY OTP

Energy and Natural Resources Committee Recommendation: OTP 4-0

ANTI-LIBERTY: This bill mandates that feed vendors add additional labeling to their packaging.

- Requiring feed vendors to add what is effectively a public service announcement to their packaging infringes on free speech.
- Some vendors already have similar labeling but would have to change their packaging just for NH customers. This will add unnecessary costs to the price of animal feed.
- This bill also gives NH Fish and Game discretion to prohibit placing of food for the consumption of deer at any specific location, which is too much power to control activities on private land.

SB 325, relative to vaccines administered by pharmacists.

SB 325

YEA OTP/A

Health and Human Services Committee Recommendation: OTP/A 4-0

PRO-LIBERTY: This bill as amended adds MMR vaccine to the list of vaccines approved for administration to adults by pharmacists.

- Reduces cost and increases convenience for adults who choose to receive MMR vaccine.
- Adults should not be required wait for a more expensive doctors visit in order to receive common vaccines.

SB 428, relative to arbitration agreements in nursing home contracts.

SB 428

YEA ITL

Health and Human Services Committee Recommendation: ITL 3-1

ANTI-LIBERTY: This bill would prohibit nursing homes from making agreement to arbitration a condition of admission.

- Arbitration is generally less expensive, faster, and a private alternative to litigating in the courts.
- This is just one way businesses reduce operating costs. Requiring that all matters be litigated would increase the cost of doing business for nursing homes which would increase the cost to the customer.
- Businesses should be free to refuse service if customers are not willing to agree to their terms, just as customers are free to choose alternative service providers for any reason.

Health and Human Services Committee Recommendation: ITL 2-2**ANTI-LIBERTY: This bill reduces access to affordable healthcare by placing duplicative mandates on health care facilities.**

- Requiring facilities to spend even more money on regulatory compliance diverts resources from real solutions. This state imposed approach to violence prevention would stifle innovation that is already underway across the state. For example, in the absence of this regulatory overhead, New Hampshire Hospital has already begun work on "Project Pause" which uses smartphone technology and data analysis to help predict patients who may become violent.
- Provisions mandating violence record-keeping place further new burdens on facilities. Many hospitals already choose to keep records (in addition to the records already maintained by local authorities). A state imposed mandate will increase the overhead costs of such records keeping.
- Several other states (e.g. NY, CA) have passed similar legislation with no measurable reduction in violence.
- Published studies by medical worker advocates point out that even when violence against a healthcare worker is made a felony offense, states still fail to pursue charges against the criminals committing the offenses. If the state is serious about reducing violence then responsible prosecutions against those who are initiating violence should be preferred over prosecuting hospitals for not managing internal records in a manner consistent with arbitrary state guidelines.

**YEA
ITL****SB 463-FN, suspending the imposition of the death penalty****Judiciary Committee Recommendation: OTP 3-1****PRO-LIBERTY: This bill suspends the imposition of the death penalty until such time that methods exist to ensure that the death penalty cannot be imposed on an innocent person.**

- NH should not risk allowing the state to kill an innocent person.
- As recently as 2014, a death row inmate in TX (Henry Lee McCollum) was conclusively cleared by DNA evidence after having spent nearly 30 years on death row. He is far from the only example of an innocent person being placed on death row; several other examples were heard in testimony. Neither prosecutors nor courts are infallible.
- If a person is convicted and incarcerated, but is later found innocent of wrongdoing, the sentence is at least partially reversible. The death penalty is irreversible.
- There are two primary reasons to apprehend those who commit crimes against persons or property. The first reason is to obtain restitution for the victim of the crime, to whatever extent possible. The second reason is to prevent those who present a continuing threat to others from committing further crimes. Given the availability of secure prison facilities, the death penalty as it exists in New Hampshire is necessary for neither of these purposes.
- As shown in the fiscal note, long term incarceration also costs NH taxpayers less than the death penalty.

**YEA
OTP**

SB 517-FN, increasing the amount deducted from a fine for each day of a person's incarceration

Judiciary Committee Recommendation: OTP 3-1

PRO-LIBERTY: This bill increases the amount deducted from a fine for each day of a person's incarceration from \$50 per day to \$150 per day.

- While it is challenging to determine the total financial burden placed on an individual per day of incarceration, the current 'credit' for incarceration is more than 3.5x lower than the average 8 hour wage in NH (23.12/hr in June 15 per the NH Employment Security) and nearly 2x lower than even the lowest average 8 hour wage in the state (\$11.06/hr). 24hr incarceration places additional burdens beyond lost wages on the incarcerated individual, including costs to a single parent associated with child care. The current deduction is therefore excessively punitive
- The fiscal note for this bill estimates that the average daily cost of incarcerating an individual may be as high as \$110 per day. The current deduction level results in a net loss to the state for each day of incarceration chosen in lieu of fine. The new deduction level will ensure that the state is not penalized in cases where a citizen chooses incarceration instead of fine.

YEA OTP

SB 410

SB 410, relative to an optional ban on plastic bags.

Public and Municipal Affairs Committee Recommendation: ITL 3-1

ANTI-LIBERTY: This bill allows cities and towns to ban the use of plastic bags.

- Consumers and retailers have a right to choose whether or not to use plastic bags.
- A large number of consumers who use plastic bags reuse them for a variety of purposes including waste removal, or recycle them.
- Many of the supposed harms of plastic bags are myths. In many ways, plastic bags are less harmful to the environment than alternatives, including paper bags.

YEA ITL

SB 457

SB 457-FN, relative to reporting of receipts and expenditures by political committees other than political committees of candidates.

Public and Municipal Affairs Committee Recommendation: ITL 3-1

ANTI-LIBERTY: This bill imposes additional, arduous reporting requirements on local PACs.

- Many small, local PACs are run by volunteers. Expecting a complete itemized report within 48 hours of each \$1000 donation increment is unrealistic, and an undue burden on free speech.
- Participation in the new on-line filing tool is better left optional.

YEA ITL

SB 521

SB 521-FN, relative to an OHRV registration fee for persons who are members of an OHRV club.

Transportation Committee Recommendation: OTP/A 5-0

ANTI-LIBERTY: This bill steeply increases OHRV registration fees, especially for those who choose not to join clubs.

- This bill favors certain clubs over others. Different fees for different club affiliations creates a class system, and could hurt non approved clubs and their membership.
- OHRV riders should not be punished with higher registration fees because they choose not to become members of an approved non profit club.
- The \$30 increase is too steep and will hurt OHRV tourism.

NAY OTP/A