



# GOLD STANDARD



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HOUSE SESSION - THURSDAY, MARCH 7, 2019

CACR 10 YEA ITL	HB 166 NAY OTP	HB 275 YEA OTP	HB 455 YEA OTP	HB 511 NAY OTP/A
CACR 11 NAY ITL	HB 198 NAY OTP/A	HB 359 NAY OTP/A	HB 473 NAY ITL	HB 545 NAY ITL
CACR 12 NAY ITL	HB 230 YEA ITL	HB 364 YEA OTP/A	HB 477 NAY ITL	HB 556 NAY OTP/A
HB 153 YEA OTP/A	HB 249 NAY ITL	HB 395 NAY ITL	HB 486 YEA OTP/A	HB 622 NAY ITL

## HB 249, permitting restaurant owners to allow dogs in restaurants.

Commerce and Consumer Affairs: ITL 14-6

# HB 249

### PRO-LIBERTY: This bill permits restaurant owners to allow all dogs in restaurants.

- Restaurant owners should be able to establish their own animal policies/rules on their private property.
- Restaurant patrons will be made aware of any animal policies via signs on location. At that point, they can make the choice to visit the establishment or not.
- By only allowing service animals, we are providing legal protections for only a certain group of people. This could be abused as restaurant owners on their private property are not legally allowed to ask for service animal documentation.

# NAY ITL

## HB 359, relative to warning labels on prescription drugs containing opiates.

Commerce and Consumer Affairs: OTP/A 12-6

# HB 359

### ANTI-LIBERTY: The bill requires pharmacists and pharmacies to use a new red warning label for any prescription containing opiates.

- This bill increases regulation on an already heavily-regulated pharmaceutical industry.
- Patients taking opiates already know they're taking opiates. The new highly visible warning label will ensure everyone else knows they're taking opiates as well — reducing privacy for patients.
- Doctors and pharmacists should be telling patients the risks of opiates, not relying on warning labels that simply add to the visual clutter on the bottles.

# NAY OTP/A

## HB 473, allowing hobby distillation of liquors.

Commerce and Consumer Affairs: ITL 12-6

# HB 473

### PRO-LIBERTY: This bill would lessen state restrictions on hobby distillation by removing the state restrictions for limited liquor produced from beer or wine.

- While this change would not affect federal law, there is no compelling reason for New Hampshire law to help uphold unwise federal laws.
- Home distilling would be legal in at least 8 states, including Massachusetts and Maine, if not for federal restrictions (<https://hobbydistillersassociation.org/state-laws-by-state.html>).
- New Hampshire has already legalized medical cannabis and may legalize cannabis this term without a corresponding change in federal law. Given that the federal restrictions on cannabis are significantly more restrictive than distillation, it makes little sense to retain a state restriction on this process over concerns that it will still remain illegal at the federal level.

# NAY ITL

## HB 455, relative to the penalty for capital murder.

Criminal Justice and Public Safety: OTP 11-6

**PRO-LIBERTY:** This bill changes the penalty for capital murder to life imprisonment without the possibility for parole.

- Long-term incarceration costs NH taxpayers less than the death penalty.
- 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.

# HB 455

## YEA OTP

## HB 486, relative to department of corrections procedures concerning the requirement for restoration of the voting rights of felons.

Criminal Justice and Public Safety: OTP/A 18-2

**PRO-LIBERTY:** This bill requires that probation-parole officers receive instruction on the current state of the law regarding the rights of individuals who have attained final discharge of their sentence. This bill defines final discharge. It clarifies that someone on probation or parole meets the definition of final discharge.

- This bill increases the accountability of probation and parole officers.
- This bill protects individual voting rights by defining final discharge as the release of a prisoner from incarceration. This includes a person who is on probation or parole.

# HB 486

## YEA OTP/A

## HB 275, relative to school nurse certification.

Education: Without Recommendation 10-10

**PRO-LIBERTY:** This bill returns the minimum qualifications for a school nurse to simply being a registered professional nurse currently licensed in New Hampshire.

- The broad expansion of certification requirements passed in 2016 is an unfunded mandate that places financial and other burdens on school districts. This bill will reduce costs by removing artificial barriers to entry for qualified medical professionals.

# HB 275

## YEA OTP

## HB 545, prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present.

Education: ITL 17-2

**PRO-LIBERTY:** This bill prohibits law enforcement officers from questioning a minor on school property without a parent or guardian present.

- Children may be more prone to false confessions and not understanding their rights. This is particularly a risk when the child is in a school setting where they might normally have an expectation that the adults in the school have their best interests at heart. Children and teens are more prone to giving false confessions than adults, falling prey to the legal high-pressure, manipulative, and deceptive interrogation techniques that may be employed in an attempt to identify a guilty party.
- According to the National Registry of Exonerations, in the last 25 years, 38% of exonerations for crimes allegedly committed by youth under 18 years of age involved false confessions, compared with 11% for adults ([www.innocenceproject.org/false-confessions-more-prevalent-among-teens/](http://www.innocenceproject.org/false-confessions-more-prevalent-among-teens/)).
- Minors are not aware of their constitutional protections and therefore might say something that could be held against them.
- Society has established that age 18 is the age at which someone is mature enough to make responsible decisions, enter into contracts, etc. For example, tanning is prohibited until age 18 under 313-A:31 Tanning of Minors Prohibited.
- A minor might not know that they should have an attorney present for any questioning.

# HB 545

## NAY ITL

## HB 556, allowing municipalities to process absentee ballots prior to election day.

Election Law: OTP/A 12-8

**ANTI-LIBERTY: This bill would allow absentee ballots to be opened and counted prior to the election.**

- This bill would undermine public confidence in elections and reduce the ability for NH citizens to hold the government accountable.
- NH citizens are currently allowed to be observers and challengers in the absentee ballot processing procedure. This bill significantly impacts the ability for citizens to observe the process due to the limited notice that is required for announcing an intent to count ballots ahead of election day.

# HB 556

## NAY OTP/A

## HB 364, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

Health, Human Services and Elderly Affairs: OTP/A 17-4

**PRO-LIBERTY: This bill allows qualifying medical cannabis patients and designated caregivers to cultivate a limited number of plants for therapeutic use.**

- This bill decreases medical costs for patients by allowing them to grow their own medicine.
- People should not have to choose between fearing criminal prosecution and not having access to medicine.
- This bill gives patients better access to their medicine. Many patients do not live near the few dispensaries in the state and will benefit from this bill.

# HB 364

## YEA OTP/A

## HB 511, relative to vaping.

Health, Human Services and Elderly Affairs: OTP/A 20-0

**ANTI-LIBERTY: This bill adds vaping to the indoor smoking ban and adds vaping to the law prohibiting youth access to and use of tobacco products.**

- Private property owners should be able to decide if they will allow or prohibit vaping inside their establishment.
- Studies show that e-cigarettes are a safer alternative to traditional tobacco cigarettes and have a very low risk factor to public health and safety. A 2014 study found that "Even when compared to workplace standards for involuntary exposures, and using several conservative (erring on the side of caution) assumptions, the exposures from using e-cigarettes fall well below the threshold for concern for compounds with known toxicity."
- ([bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-14-18#Sec17](http://bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-14-18#Sec17)).
- There are approximately 50 vaping stores currently in New Hampshire. Adding vaping to the indoor smoking ban will have a negative impact on small business in New Hampshire.

# HB 511

## NAY OTP/A

## HB 153, relative to circumstances under which police officer disciplinary records shall be public documents.

Judiciary: OTP/A 16-3

**PRO-LIBERTY: This bill makes certain disciplinary records concerning law enforcement officers which have been finally adjudicated subject to the Right-to-Know Law.**

- This bill affirms the right of inhabitants to obtain adjudicated disciplinary records for law enforcement officers. Disclosure would be allowed for records relating to police discharge of a firearm that led to serious injury or death.
- It would also permit disclosure of disciplinary records, after final adjudication, if a law enforcement officer has been found guilty of sexual assault or a sustained finding of dishonesty including perjury, false statements, filing false reports, destruction, or falsifying or concealing evidence.
- Public employees who hold extraordinary powers combined with immunities must be held to high standards.

# HB 153

## YEA OTP/A

**HB 622, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.**

**HB 622**

**Labor, Industrial and Rehabilitative Services: ITL 12-6**

**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.**

**NAY ITL**

- 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 limitations of 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).

**HB 166, relative to funding energy efficiency programs.**

**HB 166**

**Science, Technology and Energy: OTP 10-9**

**ANTI-LIBERTY: This bill repeals the requirement for legislative approval for increases to the system benefits charge, allowing the Public Utilities Commission to approve fee increases when such fees are used to fund wealth transfer programs.**

**NAY  
OTP**

- NH residents should not be subject to further increases to the systems benefits charge without approval of elected representatives.

**HB 477, relative to allowance sales under the New Hampshire regional greenhouse gas initiative program.**

**HB 477**

**Science, Technology and Energy: ITL 11-8**

**PRO-LIBERTY: This bill would rebate all funds from auction proceeds deposited into the Energy Efficiency Fund back to New Hampshire ratepayers.**

**NAY ITL**

- The costs of RGGI, which is effectively a carbon tax, are ultimately borne by ratepayers. It therefore makes sense for ratepayers to be rebated the proceeds from sales of carbon allowances.
- Reducing the effective electricity rate, as this bill does, will reduce overhead to NH businesses and help attract new business.

## HB 198, repealing the prohibition on texting while driving.

Transportation: OTP/A 15-3

**ANTI-LIBERTY:** This bill, as amended, increases the penalties imposed for violations of the prohibition against using mobile electronic devices while driving.

- The original bill sought to clean up the RSAs by removing an old RSA involving prohibiting text messaging specifically, which is now redundant with the general mobile-device-while-driving ban.
- The amended version still does that, but in addition severely raises the fines for such usage, as well as possibly suspending someone's license for a second offense.
- Handheld phone bans cause some drivers to hide their phone use, by placing the phone in their lap and taking their eyes off the road, which is far more dangerous. Increasing the fines will only incentivize them even further to try to hide them.
- Studies show that bans on use of handheld devices while driving have had no effect on accident rates (e.g. NE Burger, DT Kaffine, B Yu Transportation research part A: policy and practice 66, 162-172, and IIHS Status Report, Vol. 45, No. 2).
- Vote NAY on the adoption of amendment 2019-0412h, and NAY OTP/A if the amendment does get adopted. If the amendment is defeated, vote YEA OTP on the original bill.

# HB 198

## NAY OTP/A

## HB 230, prohibiting smoking in motor vehicles when a passenger is under 16 years of age.

Transportation: ITL 11-7

**ANTI-LIBERTY:** This unenforceable bill gives police officers a excuse to pull drivers over.

- This bill is unenforceable; since minors don't carry ID, there is no way an officer could tell what their age is.
- Interactions between police officers and private individuals should be minimized, not encouraged. *At best* traffic stops take valuable time away from already time-strapped, hard-working individuals. *At worst*, since situations can escalate out of control, they could end in arrest for completely unrelated reasons.
- With this bill, somebody could be pulled over for vaping, even though studies show that vaping is a safer alternative to traditional tobacco cigarettes and has a very low risk factor to public health and safety ([bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-14-18#Sec17](http://bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-14-18#Sec17)). The bill only mentions the smoking of "tobacco products" and does not differentiate vaping from cigarettes. An officer could even pull someone over just for seeing water vapor in the car, even if the person is vaping a tobacco-free solution.

# HB 230

## YEA ITL

## HB 395, relative to number plates for motor vehicles.

Transportation: ITL 13-7

**PRO-LIBERTY:** This bill removes the requirement for vehicle owners to install a state-mandated front license plate on passenger vehicles.

- Many vehicle types do not include mounting brackets for a front plate, which requires owners to damage/drill into the bumper to install a mount. The state should not require owners to damage their vehicles.
- 20 states in the US and 9 (of 13) Canadian jurisdictions do not require front license plates at all while another 7 states do not require them depending on certain circumstances. Vermont no longer requires a unique front plate as of 2012. Rear-plate-only vehicles are already on our roads.

# HB 395

## NAY ITL

## CACR 10, relating to a state income tax. Providing that revenue from any state income tax shall be returned to the cities, towns, school districts, and counties to assist in property tax relief.

Ways and Means: ITL 16-1

**ANTI-LIBERTY:** This bill provides misleading voter's guide information for a constitutional amendment that attempts to limit how future income tax proceeds would be spent.

- This proposed constitutional amendment states that "any personal income tax enacted in the state shall be returned to the cities, towns, school districts, and counties to assist in property tax relief." while the voter instructions state that "if an income tax is ever enacted, the revenue from it would be used only to reduce property taxes." There is no guarantee in the amendment that the total property tax bill would be less than a prior tax bill — simply that the funding 'would assist in relief', which could be interpreted as offsetting a planned increase in total spending enabled by the new tax.

# CACR 10

## YEA ITL

**CACR 11, relating to taxes. Providing that a broad-based sales tax shall be prohibited.**

**CACR  
11**

**Ways and Means: ITL 12-8**

**NAY ITL**

**PRO-LIBERTY: This CACR would modify the Constitution to prevent the adoption of any new sales taxes.**

- New Hampshire has a strong economy based on not collecting sales taxes. Business at the borders with other states would be hurt if a long-term sales tax were adopted.
- Sales taxes disproportionately impact lower income families, as a larger portion of their income is spent directly on products within the state.
- New Hampshire derives much of its income from tourism. Allowing a sales tax would negatively impact our tourism.

**CACR 12, relating to taxes. Providing that an income tax on personal income shall be prohibited.**

**CACR  
12**

**Ways and Means: ITL 12-8**

**NAY ITL**

**PRO-LIBERTY: This CACR would modify the Constitution to prevent the adoption of an income tax.**

- Taxation of earnings from labor is on a par with forced labor.
- Allowing citizens to keep more of their money would benefit those who want to work harder and earn more.
- New Hampshire has a well-established brand identity as a non-income, non-sales tax state. Establishing in the Constitution the prohibition on an income tax would incentivize companies to locate in New Hampshire to take advantage of this provision. This would increase business revenue to the state.