



NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

HB 186	NAY	OTP
HB 198	NAY	OTP
HB 211	YEA	ITL
HB 293	NAY	OTP
HB 399	YEA	OTP/A
HB 455	YEA	Override
HB 480	NAY	OTP/A
HB 486	YEA	OTP
HB 491	YEA	OTP/A
HB 556	NAY	OTP
HB 605	NAY	OTP/A
HB 641	NAY	OTP/A
HB 664	NAY	OTP

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SENATE SESSION - THURSDAY, MAY 30, 2019

**HB 186, establishing a state minimum wage and providing for adjustments to the minimum wage.**

## HB 186

**Commerce: Re-refer 3-2**

**ANTI-LIBERTY: This bill establishes a state-dictated minimum wage.**

## NAY OTP

- Minimum wage laws decrease the number of entry-level jobs and make it harder for people of low skill to get their start in the workforce.
- Higher wages for everyone are better accomplished through job creation — more jobs mean more competition to hire all workers.
- Employers and employees should be free to negotiate the terms of employment without interference.
- The very idea of a minimum wage is patronizing and demeaning as it implies that individuals don't know how much they're worth and are incapable of negotiating with an employer.
- While the committee recommendation of re-refer is acceptable, should there be a motion to pass this bill in its current form, the appropriate vote is NAY OTP.

**HB 211, relative to inquiries by prospective employers concerning salary history.**

## HB 211

**Commerce: ITL 4-0**

**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.**

## YEA ITL

- This bill prevents employers from asking prospective candidates for their current salary or salary history prior to making an offer of employment with a salary. 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 recent salary and expectations are significantly disconnected from the available budget.
- 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 293, relative to employee credit privacy.**

## HB 293

**Commerce: No Recommendation 2-2**

**ANTI-LIBERTY: This bill prohibits employers from using credit history in employment decisions.**

## NAY OTP

- Employers are already required to get consent of an applicant before acquiring a credit report by federal law. This is not an invasion of privacy if consent is given ([www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf](http://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf)).
- Employers only get a modified variation of credit history. They do not see a credit score. An employer pulling this info has no effect on credit score ([www.businessinsider.com/employers-cannot-check-your-credit-score-2014-5](http://www.businessinsider.com/employers-cannot-check-your-credit-score-2014-5)).
- Employers are already required to notify an applicant of failing to hire due to credit history. This provides the applicant the chance to review the credit history for incorrect information.

## HB 664, relative to vehicle repair standards.

Commerce: Re-Refer 5-0

**ANTI-LIBERTY:** This bill requires an insurer to reimburse an automobile repairer for all repairs if the repairer follows the original equipment manufacturer's recommended collision repair procedures.

- This bill will increase premiums for automobile insurance in New Hampshire by mandating reimbursement from insurance companies for all such recommendations made by original equipment manufacturers (OEM) that a repair shop intends to follow.
- This bill is mandating that OEM recommendations now be required repairs. There are differences between OEM recommendations versus requirements. Recommendations are not held to any standard and mostly include general indemnifying language. Required procedures are things that should or must be undertaken to ensure proper safety standards.
- This bill is classic crony capitalism that will provide an economic incentive for a repairer to complete steps that they do not believe to be necessary but that they know nevertheless they will be compensated for, without an obvious direct expense to their customer.
- While the committee recommendation of re-refer is acceptable, should there be a motion to pass this bill in its current form, the appropriate vote is NAY OTP.

# HB 664

## NAY OTP

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

Election Law and Municipal Affairs: OTP 5-0

**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

## HB 641, allowing municipalities to collect an occupancy fee from operators of local room rentals.

Election Law and Municipal Affairs: OTP/A 3-2

**ANTI-LIBERTY:** This bill creates a new local option rooms tax initially capped at \$2 per night.

- New sources of taxation rarely stay at their initial rate, whether set as a flat dollar amount or as a percentage. While the initial amount is small, the rate will certainly grow over time.
- Hotels already pay property taxes and spur economic activity in the municipalities in which they are located.

# HB 641

## NAY OTP/A

## HB 198, (New Title) clarifying the prohibition against the use of mobile electronic devices while driving.

Finance: OTP 6-0

**ANTI-LIBERTY:** This bill mandates license suspension for second offenses of the prohibition against using mobile electronic devices while driving.

- 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 penalties will only incentivize them even further to try to hide usage.
- 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).

# HB 198

## NAY OTP

## HB 480, relative to sports betting.

Finance: OTP/A 6-0

# HB 480

**ANTI-LIBERTY: This bill creates government-granted monopoly privileges.**

- Selecting special interest agents to conduct gambling operations while prohibiting all others from competing is a clear example of regulatory capture and an unjust use of government power. Proposed RSA 287-I:5 would limit Sports Book Retail Operations to no more than 10 locations.
- This bill would violate Article 83 of the NH Constitution, which states *"Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it."*
- This bill increases the size and scope of government. Once large bureaucracies and moneyed interests are created, they are very difficult to roll back.
- The NHLA would support a bill to more broadly legalize private sports gambling.

## NAY OTP/A

## HB 399, relative to annulment of arrests or convictions for possession of a certain quantity of marijuana.

Judiciary: OTP/A 3-2

**PRO-LIBERTY: This bill establishes a procedure for annulment of arrests or convictions for activities which are no longer a crime in New Hampshire.**

- This bill provides a process for those with criminal records for arrests or convictions for possession of 3/4 of an ounce or less of marijuana prior to September 16, 2017 to have those convictions and arrests annulled.

# HB 399

## YEA OTP/A

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

Judiciary: OTP 5-0

**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

## HB 491, relative to questioning and detaining suspects.

Judiciary: OTP/A 3-2

**PRO-LIBERTY: This bill clarifies that failure to answer a request of a peace officer to identify oneself is not grounds for arrest.**

- Part 1 Art. 15. of the New Hampshire Constitution states *"[Right of Accused.] No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse or furnish evidence against himself."* Remaining silent is constitutionally protected and is not grounds for arrest.

# HB 491

## YEA OTP/A

## NAY OTP/A

## YEA Override

**HB 605, relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting.**

**Judiciary: OTP/A 4-1**

**ANTI-LIBERTY: This bill enables individuals to be charged with crimes who may in no way be participating in such crimes.**

- Under New Hampshire RSA 644:8-a it is already a felony to engage in or promote exhibitions of animal fighting. This bill would expand the law to cover not only these acts but also to ban possession and sale or manufacture of equipment that have uses in both responsible pet ownership as well as in illegal animal fighting.
- While this ban seemingly requires proof of intent, the bar for intent set by this bill is low enough that innocent people run the risk of having to choose between an expensive legal battle and accepting a plea deal to simply move on with their lives.
- This bill states that "the proximity of the object in time and space to the direct violation of this section" can be used to determine intent. A person walking their young pit bull in a neighborhood while responsibly carrying an implement to "break" the bite of a tenacious dog early in its training could easily be caught up in an arrest if there is an animal fight in the area.
- This bill states that intent can be established when a person should reasonably know that an object they sell might facilitate a violation of this section. Someone selling "treatment supplies" must now always profile customers to decide if they may be using the supplies to treat an animal that may have been injured in an animal fight.

### Veto Recommendations

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

**Governor: Vetoed**

**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.