



# GOLD STANDARD



NHLIBERTY.ORG

HOUSE SESSION - WEDNESDAY, MARCH 11, 2020

|                   |                   |                   |                   |                   |
|-------------------|-------------------|-------------------|-------------------|-------------------|
| CACR 17 YEA ITL   | HB 1229 Oppose    | HB 1350 YEA ITL   | HB 1459 NAY OTP/A | HB 1552 NAY OTP/A |
| HB 546 NAY OTP/A  | HB 1247 NAY OTP/A | HB 1374 NAY OTP   | HB 1460 NAY ITL   | HB 1559 YEA OTP/A |
| HB 1102 NAY OTP/A | HB 1253 NAY OTP/A | HB 1376 YEA OTP/A | HB 1463 NAY ITL   | HB 1564 NAY OTP/A |
| HB 1114 NAY ITL   | HB 1275 NAY ITL   | HB 1391 YEA OTP/A | HB 1472 NAY OTP/A | HB 1570 YEA ITL   |
| HB 1115 YEA ITL   | HB 1280 NAY OTP/A | HB 1401 NAY OTP/A | HB 1483 YEA OTP/A | HB 1589 YEA ITL   |
| HB 1143 NAY OTP   | HB 1285 NAY OTP/A | HB 1410 NAY OTP/A | HB 1487 YEA ITL   | HB 1608 NAY OTP/A |
| HB 1159 YEA IS    | HB 1286 NAY OTP/A | HB 1422 YEA IS    | HB 1496 NAY OTP/A | HB 1617 NAY OTP/A |
| HB 1160 NAY OTP   | HB 1287 NAY OTP/A | HB 1423 NAY OTP   | HB 1500 NAY OTP/A | HB 1622 NAY OTP/A |
| HB 1169 NAY OTP/A | HB 1309 NAY ITL   | HB 1444 NAY OTP/A | HB 1502 NAY ITL   | HB 1630 YEA OTP/A |
| HB 1186 NAY OTP   | HB 1312 YEA OTP/A | HB 1451 NAY OTP   | HB 1533 YEA ITL   | HB 1676 Oppose    |
| HB 1202 NAY ITL   | HB 1319 NAY OTP/A | HB 1455 NAY OTP/A | HB 1539 NAY OTP/A | HB 1701 NAY OTP/A |
| HB 1226 YEA OTP   | HB 1345 YEA OTP/A |                   |                   |                   |

## HB 546, relative to the regulation of art therapists.

Commerce and Consumer Affairs: OTP/A 10-9

# HB 546

# NAY OTP/A

**ANTI-LIBERTY: This bill restricts competition and access to art therapy services by imposing arduous and excessive licensing requirements.**

- Only 13 states currently license art therapy. Licensing often creates unintended consequences and in this case, restricts access to resources. As hiring a certified and licensed professional becomes more expensive, more individuals will seek substitutes to professional services or neglect to obtain services entirely in order to save money.
- The requirements of this bill are excessive, mandating thousands of hours of school and thousands of hours of additional experience, under specific conditions. It prohibits even those who are licensed therapists who have received training in art therapy and have years of experience, but hold a more generalized degree in psychotherapy, from serving as art therapists.
- Licensing is no replacement for references and reputation. Some licensed service providers are incompetent and many unlicensed service providers are highly competent. Licensing creates a false sense of security for consumers and reduces the overall quality of work provided by raising barriers to entry and reducing competition.
- Licensing makes it more difficult even for experienced, educated, and competent workers to start small businesses. We should be reducing the already significant regulatory load on small businesses, not increasing it.

**HB 1102, requiring food service establishments to establish food allergy awareness procedures.**

**Commerce and Consumer Affairs: OTP/A 16-4**

**ANTI-LIBERTY: As amended, this bill requires that all food service establishments must at all hours have a person in charge who is a certified food protection manager, with approved training, as well as mandating signage.**

- Many restaurants are already choosing to cater to the needs of customers with food allergies and sensitivities, both to improve business, and to protect against liability. General mandates, like this one, have unintended consequences and are often poorly suited to situations in which they are applied.
- The position of food production manager was added by HHS to regulations in 2019, and is not codified into current law.
- This bill is poorly and confusingly written, first applying section 143-A:8-a to, "Each food service establishment licensed by the state under RSA 143-A:6" then stating in Section 143-A:8-a part III that "This section shall not apply to any food service establishment exempt from licensure or inspection under RSA 143-A:5", but then amending the exceptions in RSA 143-A:5 to say that the allergy provisions of Section 143-A:8-a (which is all of it) will be applied to certain categories of exempt establishments.
- Current New Hampshire law exempts locally-licensed food service establishments and food retail stores from state licensure. This bill overrides that longstanding policy, and local control, by directly imposing HHS regulations on locally-licensed establishments.
- If a person is allergic, informing the restaurant before ordering is common sense. To mandate that private parties place signs explaining common sense is an unlimited and unending task, and not an appropriate role of the state.

## NAY OTP/A

**HB 1186, establishing a committee to study the filing of certain organizational income reports with the secretary of state.**

**Commerce and Consumer Affairs: OTP 11-9**

**ANTI-LIBERTY: This bill creates a political investigatory commission from members of the house and senate who are tasked to investigate for-profit and non-profit advocacy and lobbyist organizations and refer cases to the attorney general or secretary of state.**

- No objective criteria is established for which organizations will be subject to inquiry, which runs the risk of this being a political witch hunt.
- Investigations initiated from a highly politicized body such as the general court that target advocacy and lobbyist organizations may have a chilling effect on freedom of speech and political activism in New Hampshire.

## NAY OTP

**HB 1280, relative to copayments for insulin.**

**Commerce and Consumer Affairs: OTP/A 12-8**

**ANTI-LIBERTY: This bill eliminates the option for individuals to access policies with deductibles for insulin.**

- While it may be comforting to feel as if we are saving individuals money, each new mandate we add increases the total cost for insurance and may end up making the difference between a family being able to afford insurance and not being able to afford it.
- Deductibles in medical insurance policies allow insurers to offer policies at lower costs because it helps ensure that the customer takes total cost into account. This changes the incentive structure so that there is no reason for someone to choose a lower cost and potentially equally effective generic equivalent since their costs will be the same. This will further drive premium increases.

## NAY OTP/A

## HB 1287, relative to the duration of antibiotic therapy for tick-borne illness.

Commerce and Consumer Affairs: OTP/A 11-7

**ANTI-LIBERTY: This bill requires insurance coverage for long-term antibiotic therapy for tick-borne illness.**

- The details of insurance coverage ought to be left to the free market to work out. When specific treatments are mandated to be covered by insurance, the increased costs are borne by all policyholders.
- Traditionally, where we have had insurance coverage mandates, they were for therapies where there was the highest degree of scientific consensus recommending it, considering efficacy, safety and cost-effectiveness. This is not the case here. For example, the CDC explicitly recommends against long-term antibiotic treatments for Lyme, saying it has outcomes that are no better than a placebo, but brings risks of serious, sometimes deadly complications both for the individual taking the medication and others due to the creation of antibiotic-resistant bacteria.
- This change would be considered a state-mandated benefit, and under federal law, the cost of coverage for this benefit for policies sold through the health insurance exchange would have to be borne by New Hampshire taxpayers.
- Although we support the "right to try" for patients, and would not outlaw long-term antibiotic treatments for Lyme, neither should we mandate that all insurance plans cover this treatment.

# HB 1287

## NAY OTP/A

## HB 1345, relative to the organization of alternative treatment centers.

Commerce and Consumer Affairs: OTP/A 11-9

**PRO-LIBERTY: This bill removes the requirement that medical cannabis alternative treatment centers only be organized as not-for-profit entities, allowing the option of these entities to operate for-profit.**

- This bill reduces restriction on trade and therefore reduces the impacts of state interference in the marketplace.
- Profit represents the creation of wealth from mutually-beneficial transactions. The opportunity to create wealth promotes investment and employment.

# HB 1345

## YEA OTP/A

## HB 1410, prohibiting the use of flavors and certain chemicals in vaping products.

Commerce and Consumer Affairs: OTP/A 11-9

**ANTI-LIBERTY: This bill increases the risk of disease in New Hampshire residents.**

- This bill bans e-cigarette liquid flavors other than menthol and tobacco.
- Adults should be free to utilize products that they choose without the interference of the state.
- This flavor ban may result in more adults smoking cigarettes for a longer period of time as they may not be able to find a low/no-nicotine vaping alternative that allows them to transition to a potentially less harmful alternative. A report by the National Academy of Science found that "across a range of studies and outcomes, e-cigarettes appear to pose less risk to an individual than combustible tobacco cigarettes." ([nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx](https://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx)).
- Highly publicized deaths associated with vaping are primarily linked to black market alternatives (<https://www.npr.org/2019/12/19/789892785/>). This bill would encourage growth of black market alternatives where consumers are left with little recourse from harmful products due to fears of retribution by the state.

# HB 1410

## NAY OTP/A

## HB 1455, relative to vehicle repairs.

Commerce and Consumer Affairs: OTP/A 13-7

**ANTI-LIBERTY: This bill would increase the cost of auto insurance premiums by limiting the ability of insurers to negotiate what is reasonable in the repair process.**

- This bill forces insurance companies to pay for work that may not be required. It elevates manufacturer "recommendations" to the level of manufacturer "requirements," and requires payment of all such repairs. While the committee amendment attempts to mitigate this through the inclusion of "rebuttable presumption" language, the cost and risk associated with defending a position likely will result in 'defensive repairs' and drive costs needlessly higher.

# HB 1455

## NAY OTP/A

# HB 1472

**NAY  
OTP/A**

# HB 1483

**YEA  
OTP/A**

# HB 1500

**NAY  
OTP/A**

# HB 1564

**NAY  
OTP/A**

# HB 1589

**YEA  
ITL**

## HB 1472, restricting the distribution of plastic straws.

Commerce and Consumer Affairs: OTP/A 12-8

**ANTI-LIBERTY: This bill prohibits a food service business from providing single-use plastic straws unless explicitly requested.**

- By stating that the request must be explicitly from the customer, this bill leaves open to confusion whether a business may offer the straw in the absence of a request and therefore infringes on free speech.
- The bill is likely to increase CO<sub>2</sub> emissions: many customers will pull away from a drive-through window at an establishment that only provides "on request" plastic straws, only to later find that they lack the ability to consume their beverage while on the road, requiring a return trip to the window.
- The majority committee blurb indicates "This practice has been in place in some NH cities over the past three years with an estimated decrease of plastic straw use of 90%. Some restaurants have converted to paper and other biodegradable material straws." — This is an indication that market forces are already addressing public concerns.

## HB 1483, relative to allowing dogs on open air restaurant patios.

Commerce and Consumer Affairs: OTP/A 14-6

**PRO-LIBERTY: This bill gives restaurant owners the option of allowing dogs in outdoor dining areas.**

- Restaurant owners should be able to establish their own animal policies/rules on their private property. This bill is a small step in that direction.
- 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.

## HB 1500, relative to a student loan bill of rights and a student loan ombudsman.

Commerce and Consumer Affairs: OTP/A 12-8

**ANTI-LIBERTY: This bill increases the costs of doing business and will result in increased spending of taxpayer funds.**

- This bill creates a new salaried state government employee and will increase costs for the New Hampshire banking department that will likely result in additional spending in the coming years. The purpose of this new spending is to ensure that students are aware of the implications and programs available associated with student loans. Colleges and universities already fill this need.
- This bill will increase the cost of being in the student loan business and will result in additional costs which will be passed on to future student borrowers.

## HB 1564, prohibiting the use of polystyrene foam.

Commerce and Consumer Affairs: OTP/A 11-8

**ANTI-LIBERTY: This bill prohibits sale of most foods in polystyrene containers.**

- This bill would increase the costs to consumers as polystyrene is an inexpensive means to temporarily store food and insulate food at the same time.
- Polystyrene cups require less energy to produce than paper cups, meaning less energy is consumed when they are disposed of.

## HB 1589, requiring businesses in the state to take cash for monetary transactions.

Commerce and Consumer Affairs: ITL 12-7

**ANTI-LIBERTY: This bill would limit the speech of individuals running retail establishments by prohibiting them from posting signs that indicate cash payment is not accepted and would require that all establishments accept cash.**

- Businesses should be free to determine appropriate means of payment, and customers are free to decide if these means of payment are acceptable and make decisions about where to shop.
- The poor wording of the bill's mandate on "cash", without any additional qualifiers, would seem to require that merchants accept the Venezuelan Bolívar. This is problematic because the socialist policies that Venezuela has pursued have resulted in substantial devaluation of their cash, and this bill would prohibit retailers from charging a higher amount to offset their risk of further devaluation.

**HB 1701, relative to the recycling of single use plastics.**

**Commerce and Consumer Affairs: OTP/A 12-7**

**ANTI-LIBERTY: This bill would create a new salaried state position to oversee a single-use single plastic recycling program that largely already exists.**

- Hannaford, Shaws, Market Basket, Target, Whole Foods, Wal-Mart and many other stores already provide this service without the need for a government mandate or salaried position.

**HB 1701**

**NAY  
OTP/A**

**HB 1159, relative to cyberbullying, cyberstalking, and doxxing of a public servant.**

**Criminal Justice and Public Safety: IS 14-6**

**ANTI-LIBERTY: This bill would make it a misdemeanor for anyone to reveal personally-identifiable information of a public servant if the purpose could be interpreted as harassing, threatening, or intimidating that public servant.**

- Public servants who do not like the political positions of their constituents will use this as a weapon to silence dissent. There is no enhanced penalty in the bill to provide enhanced punishment for false reports.
- Harassment is already a crime under RSA 644:4 for all forms of communication.
- Threatening is already a crime under RSA 631:4.
- While the appropriate motion for this bill is ITL, a vote for IS is acceptable.

**HB 1159**

**YEA IS**

**HB 1350, requiring a locking safety device be provided for commercial firearm sales and transfers.**

**Criminal Justice and Public Safety: ITL 12-8**

**ANTI-LIBERTY: This bill prohibits the sale or transfer of a firearm unless accompanied by an approved safety device.**

- Most gun locks distributed with new firearms as required by federal law are little more than a collection of metal and plastic that is destined for a landfill, and unnecessarily add waste.
- Responsible firearms owners use and store firearms responsibly with or without a mandate for a disposable lock.

**HB 1350**

**YEA ITL**

**HB 1374, relative to voluntarily surrendered firearms.**

**Criminal Justice and Public Safety: OTP 12-8**

**ANTI-LIBERTY: This bill would allow state agencies to waste taxpayer money.**

- Under current law, voluntarily-surrendered firearms must be sold at public auction or kept by the state agency for its own use, with the proceeds from firearms sold at public auction deposited in the general fund. This bill would change that so instead of selling an asset and adding to the general fund, the agency would be able to potentially spend taxpayer funds to destroy the firearm.
- Requiring that the firearms be sold is a means to keep government honest about the final transfer of the firearm so it does not get 'lost'.

**HB 1374**

**NAY  
OTP**

**HB 1608, prohibiting the manufacture, sale, transfer, and possession of large capacity ammunition feeding devices.**

**Criminal Justice and Public Safety: OTP/A 11-9**

**ANTI-LIBERTY: This bill prohibits the manufacture, sale, transfer, and possession of standard-capacity firearm magazines.**

- The bill language redefines standard-capacity magazines to be high-capacity magazines based on an arbitrary number of rounds.
- Criminalizing the mere possession of an item is antithetical to a free society. Crimes should be punished; but mere possession of a physical item like a stamped metal part with a spring and a molded plastic insert should not be punishable.
- The amendment allows a carve out for movies, but still prohibits a person from purchasing a similar size magazine to protect themselves.
- A number of people in New Hampshire are employed making parts used in firearm magazines, and these jobs would be at risk of being located to other states.

**HB 1608**

**NAY  
OTP/A**



## HB 1285, relative to possession of firearms on school property.

Education: OTP/A 12-8

**ANTI-LIBERTY: This bill creates unarmed victim zones in and around schools.**

- This bill would ban law-abiding adults from carrying a firearm on school property and would deny a mother who walks to pick up her child at school a tool to protect herself and her children.
- This bill would mandate that firearms be left in vehicles which would increase the risk of theft.
- Studies have shown no correlation between the enactment of gun-free zones and improved safety ([www.rand.org/research/gun-policy/analysis/gun-free-zones.html](http://www.rand.org/research/gun-policy/analysis/gun-free-zones.html)).

# HB 1285

## NAY OTP/A

## HB 1423, relative to reports on education tax credit scholarships.

Education: OTP 11-8

**ANTI-LIBERTY: This bill increases costs for administering education tax credit scholarships.**

- The education tax credit scholarship program already has reporting requirements in the existing law. This bill expands the reporting requirements, including requiring receipts. This expands the existing requirement to report on administrative expenses while simultaneously increasing those expenses.
- Ultimately, this bill will result in less time or funding being available to help students participating in the program.

# HB 1423

## NAY OTP

## HB 1459, relative to non-academic surveys administered by a public school or a chartered public school to its students.

Education: OTP/A 11-8

**ANTI-LIBERTY: This bill erode parental involvement in the non-academic surveys that their children may be required to complete.**

- Prior to SB 43 in 2017, schools would routinely ask students to complete non-academic surveys and questionnaires to assess their attitudes, values, decision-making, and behaviors. SB 43 modified the law to require parents to explicitly give permission for these non-academic surveys. This bill would remove that protection and erode parental involvement by forcing a parent to explicitly opt their child out of these surveys. Further, this bill would allow schools to rely on the student to deliver the notice which may result in parents not even having the opportunity to opt out.
- In the spring of 2014, Bedford middle school students were given an objectionable survey. Out of 160 questions, there were many in-depth inquiries pertaining to sexual activity and preference, suicide, and drug use. In 2018, a Bedford guidance counselor plead guilty to four counts of felonious sexual assault. Allowing staff such as this to participate in the administration of potentially sensitive topics without explicit authorization by the parents is unacceptable.

# HB 1459

## NAY OTP/A

## HB 1487, relative to freedom of speech and association on college campuses.

Education: ITL 12-7

**ANTI-LIBERTY: This bill commandeers private educational facilities and regulates them as if they were a public forum.**

- Although free speech in public forums is to be protected, a private college, like any other private entity, has the right to set and enforce its own rules regarding acceptable expression and communications.
- The voluntary freedom of association between the student and the college is impaired when a college cannot discipline a student for infraction of campus speech codes.
- Although a nod to the rights of religious colleges is made, this is only for colleges *controlled* by a religious organization. Under this bill, a college administration could not discipline a student who disrupted a meeting of a student ministry prayer session voluntarily organized by students, if done at a secular college.

# HB 1487

## YEA ITL

**HB 1319, prohibiting the siting of new landfills or expansions of existing landfills near state parks, national parks, or United States Department of Agriculture forest land.**

**HB 1319**

**Environment and Agriculture: OTP/A 11-9**

**ANTI-LIBERTY: This bill prohibits issuance of a permit for new or expanded landfills within two miles of the boundary of any state or national park.**

**NAY  
OTP/A**

- This is an arbitrary restriction on both the placement of new landfills and sustainment of existing landfills that may result in increased costs and a manufactured crisis of a shortage of landfill space.
- This restriction may result in the placement of a landfill at a far greater distance from the source of the waste, potentially resulting in a higher lifetime usage of energy to dispose of waste in a landfill.
- Existing law already mandates that permits "ensure that appropriate measures will be taken to prevent present and future damage to the public health and safety or to the environment, in the event that the operations at the facility are abandoned, interrupted, or stopped." — RSA 149-M:9 X(b)

**HB 1422, establishing a moratorium on the issuance of permits for new landfills or the expansion of existing landfills for the purpose of studying the creating of municipal waste districts.**

**HB 1422**

**Environment and Agriculture: IS 15-5**

**ANTI-LIBERTY: This bill establishes a 2-year moratorium on the issuance of permits for new landfills or the expansion of existing landfills for the purpose of studying the creating of municipal waste districts.**

**YEA IS**

- Per the fiscal note, the prohibition would result in the temporary closure and cessation of activities at two privately owned and operated municipal solid waste landfills. These two landfills receive approximately 65% of waste generated in the state and their closure would result in expenditures for transportation and disposal, as waste would have to be trucked to out-of-state landfills.
- This bill would risk a dramatic increase in the energy usage to transport and dispose of New Hampshire waste and would force cost increases and a crisis that is not otherwise needed.
- The manufactured crisis would no doubt be exploited by future legislation that would attempt to 'solve' the state-created crisis with additional taxes and spending.
- While the appropriate motion for this bill is ITL, a vote of IS is acceptable.

**HB 1570, establishing an architectural paint program.**

**HB 1570**

**Environment and Agriculture: ITL 19-0**

**ANTI-LIBERTY: This bill establishes a paint recycling program that requires producers of paint sold at retail in New Hampshire to create a program for collecting, transporting, recycling, processing, and disposing of post-consumer paint.**

**YEA ITL**

- The Dept. of Environmental Services does not have the resources to manage and review the audits the proposed program requires.
- This bill will not only increase paint prices in NH, it will also increase taxes to cover the costs of managing the program.
- Smaller paint companies will not be able to afford the cost of this program, and will be forced out of NH, leaving customers fewer options for paint.
- Consumers would be charged a fee during purchase, forcing users who use all of their paint to subsidize inefficient users of paint.

**HB 1630, relative to pet vendors.**

**HB 1630**

**Environment and Agriculture: OTP/A 19-1**

**PRO-LIBERTY: This bill increases the limit of pets that may be transferred without a pet vendor license from 25 to 35 dogs and from 25 to 50 cats.**

**YEA  
OTP/A**

- The bill also contains provisions to provide an option to individuals who have a long-standing hobbyist service to transiently and moderately exceed the limit and seek exemption from licensure. This could happen in cases where a hobbyist breeder has a larger-than-normal litter.

**HB 1253, establishing an advisory council on the dispensing of eyeglasses and contact lenses.**

**HB 1253**

**Executive Departments and Administration: OTP/A 11-8**

**ANTI-LIBERTY: This bill establishes an advisory council that will seek to increase barriers to entry for registered opticians.**

**NAY  
OTP/A**

- There is no compelling public need for this new advisory council. Establishing the council and requiring it to meet quarterly will set the expectation that the council needs to justify its existence and will result in additional rules and continuing education mandates that will increase costs and limit entry into the marketplace.

**HB 1286, relative to the licensure and regulation of music therapists.**

**HB 1286**

**Executive Departments and Administration: OTP/A 14-5**

**ANTI-LIBERTY: This bill expands occupational licensing without a compelling public interest.**

**NAY  
OTP/A**

- Per the proposed amended bill, music therapy does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder. Music therapists are not qualified mental health professionals.
- This bill would simply create a new state-granted barrier of entry into a profession that will limit consumer choices and ultimately grow state government.

**HB 1275, relative to laboratory testing.**

**HB 1275**

**Health, Human Services and Elderly Affairs: ITL 16-4**

**PRO-LIBERTY: This bill allows individuals to order their own laboratory testing without a licensed medical practitioner's order.**

**NAY ITL**

- Allowing individuals to get routine testing done without having to see a physician first will increase personal freedom and potentially reduce costs.
- The majority report seems to assume that the laboratory testing will be done exclusively for "diagnosing" or following up on particular disorders or conditions. However, there may be any number of other reasons for an individual to order tests. For example, an individual might be working to get in better shape via diet and exercise, and is using the labs to track their progress via their base metrics.
- Preventing individuals from ordering their own tests is paternalistic and presumes to know what their intentions are.

**HB 1143, repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.**

**HB 1143**

**Judiciary: OTP 12-8**

**ANTI-LIBERTY: This bill repeals limited liability for firearm and ammunition sellers and manufacturers.**

**NAY  
OTP**

- Firearms dealers and manufacturers are already required to meet numerous federal, state, and local regulations, regulations that exceed other industries. There is no need to have these regulations if the consumer can then sue them even if they are not party to the sale.
- New Hampshire has a significant number of firearms manufacturers (<http://www3.nssf.org/share/PDF/EconomicImpact/2018data/newhampshire.pdf>) and this bill would put those firms at financial risk or force them to consider moving those jobs elsewhere.
- According to the CNBC, the medical industry is the 3rd leading cause of death (<https://www.cnbc.com/2018/02/22/medical-errors-third-leading-cause-of-death-in-america.html>) yet has a similar protection: 508:18 Liability Limited; Health Care Facilities and Personnel.

**HB 1169, relative to requiring a roll call vote when one member of a public body participates electronically.**

**HB 1169**

**Judiciary: OTP/A 12-8**

**ANTI-LIBERTY: This bill hurts government transparency.**

**NAY  
OTP/A**

- Under current law, votes in meetings of public bodies subject to RSA 91-A are required to use a roll call vote for all votes when a member participates and votes electronically. This bill would eliminate that requirement and reduce transparency.
- In the modern era, particularly for the smaller boards to which the existing law applies, the requirement for roll call is a small inconvenience and certainly is far less than the overhead that government regulations regularly place upon private individuals.



**HB 1202, relative to matters discussed in nonpublic session under the right-to-know law.**

**HB 1202**

**Judiciary: ITL 16-3**

**PRO-LIBERTY: This bill outlines the rights of an individual being discussed in a nonpublic session under the right-to-know law.**

**NAY ITL**

- Under current law, a public body normally subject to RSA 91-A may hold a private meeting to discuss matters that would likely adversely affect the reputation of any person, other than a member of the public body itself, unless the person being discussed requests an open meeting. This bill would allow the person being discussed in the private session to be present, optionally with council present at the session, and provide them with 48 hours notice to support their ability to attend. This would help to protect the rights of the person being discussed.
- The committee majority expresses concerns that a 48 hour delay could raise a safety issue; however, if there are truly safety issues, nothing in the law would prevent engagement of law enforcement. In addition, existing law already provides that a person being discussed should have the option for an open meeting, which already presumes that prior notification of a reasonable amount of time should be provided. This bill simply clarifies that notification time frame.

**HB 1226, prohibiting surveillance by the state on public ways or sidewalks.**

**HB 1226**

**Judiciary: OTP 16-3**

**PRO-LIBERTY: This bill prohibits the state and its political subdivisions from utilizing technological surveillance techniques to determine the location of motor vehicles or the identity or location of pedestrians.**

**YEA  
OTP**

- In 2018, New Hampshire citizens overwhelmingly approved an amendment to the state constitution: **[Art.] 2-b. [Right of Privacy.] An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.** This bill is a small step in that direction and will help to ensure that our state remains relatively free from broad-based technological surveillance.

**HB 1247, relative to notice of rent increases in certain residential rental property.**

**HB 1247**

**Judiciary: OTP/A 12-7**

**ANTI-LIBERTY: This bill requires in-person or certified mail notice of at least 60 days of a proposed rent increase that exceeds 5 percent or notice of at least 90 days of an increase that exceeds 8 percent.**

**NAY  
OTP/A**

- Terms for permissible increases should be the subject of private rental and/or lease agreements and not done by state mandate.
- This places a burden upon property owners that the state has not chosen to place upon themselves. Increases in taxes or utility rates driven by state policy come with no such in-person or certified mail requirement, and may also result in a landlord facing state-driven increases in costs that will not be able to be passed on to tenants.
- This bill will tend to drive up rents as property owners manage their risk of unexpected cost increases by passing on higher initial rental costs in the initial agreement.

**HB 1312, relative to persons held in civil contempt.**

**HB 1312**

**Judiciary: OTP/A 16-3**

**PRO-LIBERTY: This bill, with the committee amendment, requires family division circuit courts to make written findings of fact prior to incarcerating a person for civil contempt.**

**YEA  
OTP/A**

- This bill would still allow courts to apply an extreme sanction of incarceration for civil concept when a parent disregards child support obligations, but would require that there be written findings of fact to support the incarceration.
- While it may be comforting to believe courts always make the right decisions and avoid 'debtor prison' sanctions, the evidence suggests that improper decisions can and do happen. In 2014, the ACLU of New Hampshire secured the release of three people imprisoned for failing to pay court-imposed fines that they could not afford ([www.aclu-nh.org/en/cases/modern-day-debtors-prisons](http://www.aclu-nh.org/en/cases/modern-day-debtors-prisons)). The temptation to incarcerate someone who is unable to pay when child support is involved is even higher than when simple fines are unpaid. While abuses may be rare, this will be of little comfort to an individual who is unjustly incarcerated.

**HB 1376, establishing a civil penalty for unauthorized sharing of electronic location information.**

**HB 1376**

**Judiciary: OTP/A 11-8**

**PRO-LIBERTY: This bill prohibits mobile telecommunications service providers from sharing location data without an explicit request or affirmative waiver.**

**YEA  
OTP/A**

- Individuals should have an expectation of privacy unless they have been informed and consent to sharing data.

**HB 1391, relative to prohibiting discrimination in housing against persons with pets.**

**HB 1391**

**Judiciary: OTP/A 10-9**

**PRO-LIBERTY: This bill, as amended by the committee, represents a modest improvement in the freedom to contract.**

**YEA  
OTP/A**

- This bill allows for the option of a modest additional security deposit for new rental agreements allowing pets. This provides more freedom both for property owners who will better be able to manage risks associated with pet damage and for renters who may see an increase in available properties willing to accept pets.
- The potential increased supply of properties willing to accept pets may reduce rents as renters with pets often have few options to choose from due to the increased risks and/or perception of increased risks of property damage.
- No new security deposits are allowed for a support or service animal to which a person with disabilities would be entitled pursuant to the Federal Fair Housing Act or for an animal that a tenant was permitted to have in her or his household prior to the passage of this legislation.

**HB 1539, relative to the relocation of children with elevated lead levels.**

**HB 1539**

**Judiciary: OTP/A 11-7**

**ANTI-LIBERTY: This bill will increase rents and reduce availability of safe and affordable housing.**

**NAY  
OTP/A**

- This bill would potentially subject property owners to significant and unpredictable costs by requiring the property owner to pay moving expenses and differential rent for renting a new property. The rent differential will result in rent increases for any property currently renting below the HUD rate as property owners will need to manage their risk. These increases at the bottom of the market are likely to result in additional rent increases in other properties.
- If the parties wish to agree to a lump sum payment in lieu of moving expenses and potential rental subsidy, this bill would require that the property owner refund the full security deposit regardless of any damage to the property or rental arrears. This would encourage disgruntled tenants who wish to break a lease to damage an older property including any prior HUD approved ([www.hud.gov/sites/documents/LBPH-15.PDF](http://www.hud.gov/sites/documents/LBPH-15.PDF)) encapsulation abatement as a means to break the lease. This could result in lead exposures to children in the dwelling and nearby dwellings, resulting in this bill having the opposite of the intended effect.

**HB 1559, relative to sealing records in nonpublic session under the right-to-know law.**

**HB 1559**

**Judiciary: OTP/A 10-9**

**PRO-LIBERTY: This bill provides for a modest improvement in government transparency.**

**YEA  
OTP/A**

- With the committee amendment, this bill would automatically unseal minutes from nonpublic sessions associated with the acquisition, sale, or lease of real or personal property after one year unless a majority of the members vote that the minutes should remain sealed.
- People have a right to know how their money is being spent, and what policies are being enacted in their name. Pragmatically, transparency is required in order to keep corruption and waste in check. While it is always challenging for the public to hold officials accountable, without reliable information it is nearly impossible.

**HB 1115, relative to the discharge of a firearm in the compact part of a city or town.**

**Municipal and County Government: ITL 17-1**

**ANTI-LIBERTY: This bill infringes upon the rights of property owners.**

- Under current law, firearms may be safely utilized outside of the compact area of a town, which includes areas at least 300 feet from nonresidential and commercial buildings. This distance and the associated property usage were already defined when properties were acquired. This bill would increase the distance to 900 feet, which would deny full use of property that may have been acquired with this specific usage in mind.

**HB 1115**

**YEA ITL**

**HB 1160, allowing municipalities to collect an occupancy fee from operators of local room rentals.**

**Municipal and County Government: OTP 10-7**

**ANTI-LIBERTY: This bill authorizes local municipalities to impose a \$2 per day local occupancy tax.**

- Occupancy taxes in NH are already high enough.
- If local hotel operators wish to cooperate on efforts to increase local tourism, they can do so voluntarily — they should not be compelled to do so by local government.
- There is little-to-no accountability to local government to spend this money effectively, since local businesses cannot opt out. Government can waste the money, or effectively use it to offset existing expenses, since money is fungible. This should be accomplished on a voluntary basis, so that the fund is accountable to local operators.

**HB 1160**

**NAY  
OTP**

**HB 1309, relative to the effect of warrant articles.**

**Municipal and County Government: ITL 10-7**

**PRO-LIBERTY: This bill would require that approved petition warrant articles be binding on the applicable town or school district unless restricted by any other provision of law.**

- Once a governing body has voted to approve a petition warrant article, it is a reasonable expectation of the voters that the warrant would be carried out.
- Article 1 of the New Hampshire Constitution states: "All men are born equally free and independent; Therefore, **all government of right originates from the people, is founded in consent**, and instituted for the general good.". Failing to carry out a legal article is in direct opposition to the consent of the people.

**HB 1309**

**NAY ITL**

**HB 1451, relative to the definition of contracts relative to official ballot default budgets.**

**Municipal and County Government: OTP 10-8**

**ANTI-LIBERTY: This bill would shift power from away voters in SB2 towns.**

- Under current law the default budget, based on the prior year budget, serves as an important check on proposed spending increases since voters and leaders understand that rejecting the operating budget warrant article will result in flat spending or the need to call a special meeting to consider a revised operating budget. This bill would weaken that check on run-away spending increases by allowing the default budget to be an increase over the prior year.

**HB 1451**

**NAY  
OTP**

**HB 1460, relative to the form of municipal budgets.**

**Municipal and County Government: ITL 10-8**

**PRO-LIBERTY: This bill requires governing bodies and local budget committees to use full line-item detail in active spreadsheet format for all budgets.**

- This bill increases government transparency by increasing the level of detail and usability of budget data, which will help support the ability of the public to understand how the governing body proposes to spend taxpayer funds.

**HB 1460**

**NAY ITL**

## HB 1533, limiting the increase in property taxes for certain persons.

Municipal and County Government: ITL 16-2

**ANTI-LIBERTY:** This bill will financially hurt most property owners in New Hampshire by increasing their property taxes to defray the limited increase in their neighbors' tax rate.

- Property taxes are too high in NH, and giving a select group of people a limit on tax increases is unconstitutional. The difference will have to be made up by the other property owners, who already suffer from a significant tax burden.
- The legislature should be looking at ways to reduce everyone's taxes instead of trying to limit the increase of a few. Lower taxes for all through lower spending is more sustainable than trying to limit increases for some.

# HB 1533

## YEA ITL

## HB 1229, requiring proposed natural gas facilities to include decommissioning costs.

Science, Technology and Energy: None

**ANTI-LIBERTY:** This bill requires proposed natural gas facilities to include decommissioning costs in its application and requires a separate state-managed fund be created to cover 25 percent of the decommissioning costs.

- This bill creates an additional unique burden on natural gas facilities that is not applied to certain other facilities such as geothermal, wind, solar, and hydro-power.
- While one may argue the merits of tracking decommissioning costs for aggressively modified land use, this bill requires that the separate fund be able to be raided by future actions of the legislature due to the clause that requires that the decommissioning fund also be used for "significant changes in regulatory procedures" that might impact ability to provide services.
- According to testimony, under existing law the SEC cannot issue a certificate to any energy facility project that lacks plans for a fully-funded decommissioning plan.

# HB 1229

## Oppose

## HB 1444, requiring the adoption of vehicle emissions standards based on the California clean car standards.

Science, Technology and Energy: OTP/A 10-8

**ANTI-LIBERTY:** This bill delegates New Hampshire consumer choices for vehicles to a legislative body outside of the state.

- This bill increases regulation on automobiles, which may increase costs to consumers.
- This bill reduces New Hampshire sovereignty and delegates New Hampshire's regulatory environment to individuals that residents of our state never voted for.
- The state should be looking to reduce state barriers to lower electricity costs by eliminating ratepayer subsidy for unreliable and unaffordable power sources. This would help all New Hampshire residents and make electric vehicles more attractive without resorting to increased regulation.

# HB 1444

## NAY OTP/A

## HB 1496, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Science, Technology and Energy: OTP/A 10-8

**ANTI-LIBERTY:** By eliminating the existing rebate to residential ratepayers, this bill increases a stealthy tax on NH electricity consumers.

- This bill, with the committee amendment, removes long-standing rebates to residential customers, while preserving rebates to commercial/industrial customers, raising rates on residential customers and effectively forcing them to subsidize commercial/industrial customers.
- Electric rates are already high in NH. Efficiency projects that are truly fiscally responsible can and will be funded by electricity consumers themselves. It is unfair to force all ratepayers to fund projects for specific consumers, whether private or governmental.
- Money raised through RGGI, originally slated to support energy efficiency programs, was instead misappropriated into the general fund in 2010. Rather than putting more money into the hands of government in order to pick winners and losers, the money should remain with the ratepayers where it belongs.

# HB 1496

## NAY OTP/A

## HB 1676, requiring monitoring of certain radioactive air pollutants.

Science, Technology and Energy: None

**ANTI-LIBERTY: This bill increases state spending to replicate monitoring sites that are already in place.**

- This bill increases state spending — plausibly greater than \$100,000 per year — with equipment purchase and maintenance.
- There is an extensive network of monitors that are deployed and have been since the Seabrook Station came online. No significant incidences have ever occurred. The nearby Portsmouth Naval Shipyard also monitors for nuclear pollutants. These are external monitoring stations.
- Seabrook Station has over 80 monitors inside the plant and on its property.

# HB 1676

## Oppose

## HB 1114, relative to state motor vehicle inspections.

Transportation: ITL 18-2

**PRO-LIBERTY: This bill would reduce the burden on NH citizens by removing annual vehicle inspection requirements for private passenger vehicles that are used for non-commercial purposes.**

- 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.
- Yearly inspections are a special hardship on those with older vehicles and lower incomes, who often need the vehicle in order to get to work. Vehicles often fail for causes that have no material impact on safety.
- 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 1114

## NAY ITL

## HB 1401, prohibiting smoking and e-cigarettes in motor vehicles when a passenger is under 16 years of age.

Transportation: OTP/A 10-9

**ANTI-LIBERTY: This bill prohibits smoking cigarettes or e-cigarettes in a vehicle when a passenger under 16 years of age is present.**

- The government does not have the right to demand what someone does in their own private property.
- Police should be solving crimes and not trying to catch moderately 'irresponsible' parents.

# HB 1401

## NAY OTP/A

## HB 1463, relative to the operation of a mixed use school bus.

Transportation: ITL 10-9

**PRO-LIBERTY: This bill removes the commercial license requirement for mixed-use school bus drivers and allows use of a passenger vehicle for transporting students.**

- This bill will help the barrier to entry for school bus drivers. There is a shortage of bus drivers, and removing the commercial license requirement for passenger vehicles and mixed-use (van) school buses could help alleviate the labor shortage.
- As more and more students are being driven to and picked up from school, the need for large 72 passenger school buses is shrinking. By reducing the regulation on small mixed-use and passenger vehicles, it will lower the cost of transportation for many school districts.
- Parents carpool kids all the time and don't get commercial licenses. Requiring a commercial license to operate a passenger vehicle or minivan is an overreach of government regulation that doesn't do anything to keep kids safe.
- The committee majority assertion that "there is no way to ensure or enforce any safety measures on non-certified drivers" is disingenuous given the 28,948 words in RSA 265 "Rules of the Road" alone.

# HB 1463

## NAY ITL



## HB 1502, relative to equipment required for vehicle inspections.

Transportation: ITL 15-5

**PRO-LIBERTY:** This bill allows non-functional aftermarket equipment to be on the vehicle and pass inspection so long as the needed safety equipment works.

- This bill is a common sense approach to vehicle safety. If the vehicle meets safety standards of the state, we should not reject a safety inspection on aftermarket items that don't reduce vehicle safety.
- Unused, non-functional-but-installed fog lights could cause a vehicle to fail inspection even if the primary driving lights work perfectly. This inspection rule does not help safety, and causes unnecessary repairs to vehicles that aren't safety related.

# HB 1502

## NAY ITL

## HB 1552, requiring learner's permits for certain persons seeking drivers' licenses.

Transportation: OTP/A 11-9

**ANTI-LIBERTY:** This bill increases state bureaucracy and regulation without any demonstrated benefit.

- This bill will increase the barrier to a young adult starting to drive by delaying their learning until they can schedule a written test.
- Requiring a written exam prior to hands-on learning with a responsible adult will disadvantage individuals who have alternate learning styles.
- This bill may result in less safe roads as teens who delay hands-on driving experience may have fewer hours behind the wheel when they are first able to drive on their own.

# HB 1552

## NAY OTP/A

## HB 1617, clarifying the prohibition against the use of mobile electronic devices while driving.

Transportation: OTP/A 10-9

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

- This bill severely raises the fines for mobile electronic device usage and requires suspending an individual's license for a third 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).

# HB 1617

## NAY OTP/A

## HB 1622, relative to the use of passenger restraints in motor vehicles.

Transportation: OTP/A 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.
- According to the CDC, New Hampshire already has a lower rate of death from vehicle accidents than the national average ([www.cdc.gov/motorvehiclesafety/pdf/seatbelts/Restraint\\_Use\\_in\\_NH.pdf](http://www.cdc.gov/motorvehiclesafety/pdf/seatbelts/Restraint_Use_in_NH.pdf)).

# HB 1622

## NAY OTP/A

## CACR 17, relating to taxation. Providing that a new state broad-based tax may be enacted only to reduce property taxes.

Ways and Means: ITL 17-3

**ANTI-LIBERTY:** This proposed constitutional amendment provides that a state broad-based tax may only be enacted to reduce property taxes.

- This proposed constitutional amendment is misleading as there is nothing that would prevent property taxes from being raised in a subsequent year, resulting in a total tax burden and/or property tax burden that is higher than when the broad-based tax was introduced. The bill is intended to provide cover for a new broad-based tax that ultimately will hurt New Hampshire residents.

## CACR 17

## YEA ITL