



GOLD STANDARD



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HOUSE SESSION - WEDNESDAY, FEBRUARY 24, 2021

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|-----------------|------------------|------------------|------------------|------------------|
| HB 63 YEA OTP/A | HB 107 YEA ITL | HB 345 NAY OTP/A | HB 430 NAY ITL | HB 594 NAY OTP/A |
| HB 76 YEA ITL | HB 197 YEA OTP/A | HB 349 YEA OTP | HB 532 NAY OTP/A | HB 614 YEA OTP/A |
| HB 81 YEA OTP | HB 246 YEA ITL | HB 365 YEA ITL | HB 590 YEA ITL | HB 624 YEA OTP |
| HB 96 YEA ITL | HB 274 YEA ITL | HB 420 NAY ITL | | |

Regular Calendar Part One

This issue contains recommendations for sessions scheduled on February 24th and 25th.

HB 76, prohibiting paper billing fees.

Commerce and Consumer Affairs: ITL 13-6

ANTI-LIBERTY: This bill prohibits a person or company (but not the government) from charging an additional fee for paying by mail or receiving a paper billing statement.

- Individuals should be allowed to determine business practices, and their customers can decide if those practices meet their needs. The state should not be playing a role in mandating or prohibiting fees.
- This bill would result in consumers who are using potentially lower cost methods of paying bills subsidizing the individuals who choose to use legacy payment methods.
- This bill would harm the environment by encouraging greater consumption of paper and fuel required to deliver the paper.

HB 76

YEA ITL

HB 63, relative to the reversal or forgiveness of emergency order violations.

Criminal Justice and Public Safety: OTP/A 11-10

PRO-LIBERTY: This bill would, once the state of emergency ends, reverse state-imposed sanctions imposed on individuals or businesses for violations of the governor's emergency orders related to the COVID-19 pandemic.

- The emergency orders were imposed by the executive branch without explicit legislative approval. While RSA 4:45 grants broad powers to enforce laws, rules, and regulations it does not grant the unilateral privilege for the executive branch to create new laws.
- The New Hampshire Constitution, Part I, Article 2 guarantees the rights to life, liberty, and property. The emergency orders punished citizens for exercising these rights.

HB 63

YEA OTP/A

HB 96, establishing the office of school counseling and psychology, establishing the position of school counselor coordinator, and making an appropriation therefor.

Education: ITL 11-9

ANTI-LIBERTY: This bill establishes the position of school counselor coordinator as well as the office of school counseling and psychology within the Department of Education. Annual cost expectation for this position is \$106,000 in salary with \$17,000 in projected annual expenses.

- This bill would create a new position starting at a cost of \$123,000/yr to increase annually.
- This bill establishes no clear objective to be measured against this cost.
- This would entice expansion and therefore more spending in the future.

HB 96

YEA ITL

HB 594, relative to the school building aid program.

Education: OTP/A 20-0

ANTI-LIBERTY: This bill dramatically increases state government spending, requiring that the state spend at least \$50 million per year on school building aid.

- Local school districts receive the benefit of building projects and should pay the full cost locally rather than taxing the rest of the state.
- Local districts have less of an incentive to make wise cost trades when planning construction or renovation projects when additional funding is seen as 'free money from the state'.
- In 2016, HB 549 with similar provisions was struck down on consent with the committee noting *"The concept of school building aid was vital to our state in past decades when growing student populations put great pressure on communities to add new school buildings. Most of this past decade has seen significant declines in enrollment. Therefore, the legislature saw less urgency in this part of the budget versus some others"*. Even before the pandemic, public school enrollment continued to decline after 2016, and though it is reasonable to assume that not all of the additional decline that happened as a result of the governor's response to the pandemic will remain permanent, mandating an increase in spending on buildings with dwindling enrollment is fiscally unwise.

HB 594

NAY OTP/A

HB 532, creating an animal records database.

Environment and Agriculture: OTP/A 16-2

ANTI-LIBERTY: This bill creates an animal health database and requires pet vendors, animal shelters, and vets to submit electronic records to the department of agriculture.

- This bill will allow the state to create a database of health records for animals, but also allows the department of agriculture to collect any data they deem necessary. This is an overreach of the state's responsibility.
- With data breaches increasing every day, we should not be creating more targets for bad actors to attack to get personal information. While the intentions of the bill are in good faith, this database will only grow with time and reach into other aspects of NH citizens' lives. The language of "The commissioner shall also ensure that the database is secure from unauthorized access or use" is little more than wishful thinking, and attempts to achieve this mandate will drive development and sustainment costs far beyond what was listed in the original fiscal note.
- Municipalities already get vaccination records. By requiring the veterinarians to do more paperwork and government filing, it will only increase healthcare costs of animals. This type of regulation has killed the healthcare industry and will kill the pet care industry next if we allow this bill to pass.

HB 532

NAY OTP/A

HB 274, relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

Executive Departments and Administration: Without Recommendation

ANTI-LIBERTY: This bill increases state spending by more than \$40 million each year.

- This bill requires state taxpayers to fund a portion of the retirement system for city/town teachers, police, and fire department members. These costs are currently paid locally. While net government spending by the state and its political subdivisions under a static evaluation of the bill is neutral, funding is best managed locally to avoid increases in spending that naturally result when politicians are spending "other people's money".
- Increased state funding to municipalities rarely results in local property tax relief as municipalities grow long-term spending even on 'one-time' money. Municipalities already have a means of achieving local property tax relief by reducing the number of employees to align with the reduced student populations across the state.

HB 274

YEA ITL

HB 246, establishing a protective order for vulnerable adults.

HB 246

Health, Human Services and Elderly Affairs: ITL 14-7

ANTI-LIBERTY: This bill creates a system for issuing a civil restraining order for actions that are already treated as a crime.

YEA ITL

- Current statutes [RSA 631: 4,8,9] already address these actions as criminal behaviors: Section 631:4 Criminal Threatening.; Section 631:8 Criminal Neglect of Elderly, Disabled, or Impaired Adults.; Section 631:9 Financial Exploitation of an Elderly, Disabled, or Impaired Adult.
- Further, the decision to seize firearms and prohibit future purchases is made in a proceeding where the normal rules of evidence need not apply as 173-D:4 VI, as proposed, includes *"In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material."*

HB 420, relative to the use of funds in the drug forfeiture fund.

HB 420

Judiciary: ITL 15-6

PRO-LIBERTY: This bill modifies the drug forfeiture fund to expand its use to include costs of drug treatment, mental health treatment, rehabilitation, prevention, or education.

NAY ITL

- The War on Drugs has clearly failed; heroin was first federally regulated more than 100 years ago, yet is still beyond the control of governance even today. While it is tempting to look at the lists of arrests week after week in the paper and think we are just one more arrest from a solution, it is clear that the enforcement-centric approach is a failure.
- While this bill would still allow the use of forfeiture funds for state and local costs associated with an enforcement approach to drug issues, it is a small step in the right direction by allowing for a less harmful use of these funds.

HB 590, relative to paid sick time.

HB 590

Labor, Industrial and Rehabilitative Services: ITL 11-9

ANTI-LIBERTY: This bill requires employers to provide paid time off for all employees for illnesses and certain other absences.

YEA ITL

- This bill would increase costs for all employers, many of whom are struggling to stay in business due to the state's response to the COVID-19 pandemic.
- The bill would increase the risks of frivolous legal action as the barrier for a rebuttable presumption of unlawful retaliation is low, allowing nearly any terminated employee to make a reasonable case that termination was related to the provisions of this bill.

HB 614, exempting the state and political subdivisions from payment of the costs of compliance with the renewable portfolio standard.

HB 614

Science, Technology and Energy: OTP/A 11-9

PRO-LIBERTY: This bill prevents ratepayers from double paying for the renewable portfolio standard (RPS) on their personal electric bill and then paying it again on their property tax bill.

**YEA
OTP/A**

- This bill gives municipalities the choice to opt-out of the RPS exemption. It shifts no costs to other ratepayers.
- While we support the committee minority's desire to bring capital investment to the to the state and attract high tech firms, this can best be done by restoring the New Hampshire Advantage and reducing property tax rates.

HB 624, decreasing the fee to file a petition for a declaratory ruling with the site evaluation committee.

HB 624

Science, Technology and Energy: OTP 19-1

PRO-LIBERTY: This bill makes the Site Evaluation Committee process more accessible to the average citizen for getting answers to complaints about an energy project's terms and conditions.

**YEA
OTP**

- This bill lowers costs for citizens to ask for a decision on a complaint, reducing fee from \$10,500 to \$250.

HB 81, relative to the justified use of deadly force upon another person.

Criminal Justice and Public Safety: OTP 11-10

PRO-LIBERTY: This bill protects residents who use deadly force on their own property to protect family members or guests.

- New Hampshire law already protects residents who must defend themselves against the threat of unlawful force while on their own property.
- This bill would simply extend that protection to residents who defend their family or guests in similar circumstances.

HB 81

**YEA
OTP**

HB 197, relative to the use of deadly force in defense of another.

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

PRO-LIBERTY: This bill protects individuals who use deadly force to defend themselves or others in any home or vehicle.

- New Hampshire law already protects residents who must defend themselves against the threat of unlawful force while on their own property.
- This bill would simply extend that common sense protection to individuals who are defending their family or others including those in a vehicle.

HB 197

**YEA
OTP/A**

HB 365, giving peace officer status to federal law enforcement officers.

Criminal Justice and Public Safety: ITL 17-4

ANTI-LIBERTY: This bill expands the authority of the U.S. Customs Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms, and the U.S. Marshalls to carry out law enforcement operations in the state of New Hampshire.

- Every time a law enforcement officer with police power interacts with a private citizen, there is always the possibility of overreaction and unintended deaths, injuries, and destruction of property. Giving the power to arrest to more officers increases the likelihood of violence, not peace.
- Policing is a local issue, and getting federal officers involved in law enforcement problems has led to increased militarization of local police services. Certifying federal police to make arrests in New Hampshire would be a step in the wrong direction.

HB 365

YEA ITL

HB 349, relative to certification requirements for school nurses.

Education: OTP 12-8

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 349

**YEA
OTP**

HB 345, establishing a license for mushroom harvesters.

Executive Departments and Administration: OTP/A 12-7

ANTI-LIBERTY: This bill creates a new license for wild mushroom foragers and dealers.

- All NH residents deserve the opportunity to earn an honest living. Occupational licenses are permission slips from the government and routinely stand in the way of honest employment, and are designed to exclude entry into the marketplace.
- Consumers and employers, not the state, should decide who is qualified for which jobs.
- This bill attempts to address prior incremental erosion of liberty with further incremental erosion by adding this new license to mitigate the adoption of the 2017 Food and Drug Administration Food Code by the NH Department of Health and Human Services. The appropriate action is to reverse that prior error.

HB 345

**NAY
OTP/A**

HB 430, repealing the prohibition on entering or remaining on a public way or sidewalk adjacent to a reproductive health care facility.

HB 430

Judiciary: ITL 11-10

PRO-LIBERTY: This bill repeals a violation of the First Amendment.

- Whereas the NHLA has a policy of not taking positions on the issue of abortion in general, this bill's restoration of freedom of expression protected by the First Amendment merits our taking a position in support of this bill.
- This bill repeals the "buffer zone" created by SB 319 (2014), restoring the right of people to peacefully assemble, as provided by the protections of the First Amendment.
- This law has been in place for more than 6 years and appears to be unenforced. Buffer zones are reminiscent of the abhorrent "free speech zones" at presidential events. A similar Massachusetts law was already struck down by the U.S. supreme court in a 9-0 opinion (McCullen v. Coakley, 573 U.S. 464 (2014) — www.scotusblog.com/case-files/cases/mccullen-v-coakley/)
- Many of the complaints SB 319 looked to resolve are already covered by existing statutes.

NAY ITL

HB 107, relative to the minimum hourly rate.

HB 107

Labor, Industrial and Rehabilitative Services: ITL 19-1

ANTI-LIBERTY: This bill establishes a state-dictated minimum wage of \$22.50 per hour.

- 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 private sector 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.
- Economic conditions and cost of living vary dramatically across the state. A "one-size-fits-all" approach to a minimum wage will put unreasonable pressure on areas of the state with limited employment opportunities and lower costs of living.
- 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.

YEA ITL