**HB 1472 - AS INTRODUCED**

2022 SESSION

22-2628
04/11

HOUSE BILL ***1472***

AN ACT prohibiting anti-union activities by employers.

SPONSORS: Rep. Labranche, Hills. 22; Rep. Gallager, Merr. 15; Rep. Laughton, Hills. 31; Rep. Adjutant, Graf. 17; Rep. Ellison, Merr. 27; Rep. Grassie, Straf. 11; Rep. Bouchard, Hills. 11

COMMITTEE: Labor, Industrial and Rehabilitative Services

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ANALYSIS

This bill prohibits an employer from engaging in anti-union activities.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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04/11

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT prohibiting anti-union activities by employers.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 New Section; Labor; Protective Legislation; Anti-Union Activities Prohibited. Amend RSA 275 by inserting after section 1 the following new section:

275:1-a Anti-Union Activities Prohibited.

I. No employer shall promise, threaten, or take any action:

(a) To permanently replace an employee who participates in a strike as defined by section 501(2) of the Labor Management Relations Act, 1947 (29 U.S.C. 142(2)), not prohibited under state law;

(b) To discriminate against an employee who is working or has unconditionally offered to return to work for the employer because the employee supported or participated in such a strike; or

(c) To lockout, suspend, or otherwise withhold employment from employees in order to influence the position of such employees or the representative of such employees in collective bargaining prior to a strike.

II. No employer shall engage in anti-union training of any kind, including requiring or coercing an employee to view a video that casts unions in a negative light.

2 Effective Date. This act shall take effect 60 days after its passage.

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LBA
22-2628
10/18/21

**HB - FISCAL NOTE**
**AS INTRODUCED**

AN ACT prohibiting anti-union activities by employers.

**FISCAL IMPACT: [ X ] State [ X ] County [ ] Local [ ] None**

| | Estimated Increase / (Decrease) | | | |
|---|---|---|---|---|
| **STATE:** | **FY 2022** | **FY 2023** | **FY 2024** | **FY 2025** |
| **Appropriation** | $0 | $0 | $0 | $0 |
| **Revenue** | $0 | $0 | $0 | $0 |
| **Expenditures** | $0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |
| ***Funding Source:*** | [ X ] General | [ ] Education | [ ] Highway | [ ] Other |

**COUNTY:**

| | | | | |
|---|---|---|---|---|
| **Revenue** | $0 | $0 | $0 | $0 |
| **Expenditures** | $0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |

**METHODOLOGY:**

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

| Judicial Council | FY 2022 | FY 2023 |
|---|---|---|
| Public Defender Program | Has contract with State to provide services. | Has contract with State to provide services. |
| Contract Attorney – Felony | $825/Case | $825/Case |
| Contract Attorney – Misdemeanor | $300/Case | $300/Case |
| Assigned Counsel – Felony | $60/Hour up to $4,100 | $60/Hour up to $4,100 |
| Assigned Counsel – Misdemeanor | $60/Hour up to $1,400 | $60/Hour up to $1,400 |
| It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments. | | |

| Department of Corrections | FY 2022 | FY 2023 |
|---|---|---|
| FY 2021 Average Cost of Incarcerating an Individual | $54,386 | $54,386 |
| FY 2021 Annual Marginal Cost of a General Population Inmate | $5,715 | $5,715 |
| FY 2021 Average Cost of Supervising an Individual on Parole/Probation | $603 | $603 |
| NH Association of Counties | FY 2022 | FY 2023 |
| County Prosecution Costs | Indeterminable | Indeterminable |
| Estimated Average Daily Cost of Incarcerating an Individual | $105 to $125 | $105 to $125 |

This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

**AGENCIES CONTACTED:**

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties