



# NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

HB 1104 YEA OTP/A  
 HB 1283 NAY ITL  
 HB 1285 YEA OTP  
 HB 1477 YEA OTP  
 HB 1484 NAY OTP  
 HB 1612 YEA OTP/A  
 HB 1672 YEA OTP  
 HB 1690 YEA OTP  
 HB 1719 YEA OTP/A  
 HB 1720 YEA OTP  
 HB 1744 YEA OTP  
 HB 1753 YEA OTP/A  
 HB 1788 YEA OTP/A  
 HB 1807 NAY OTP

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SENATE SESSION - THURSDAY, APRIL 19, 2018

**HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages.**

**Commerce: OTP 4-0**

**PRO-LIBERTY: This bill allows entertainers in establishments that are licensed to serve alcoholic beverages to drink alcohol while performing.**

- Decisions about whether entertainers in establishments that serve alcohol should be allowed to drink while performing should be left to the business and not mandated by the state.

## HB 1285

### YEA OTP

**HB 1690-FN, relative to liquor licenses.**

**Commerce: OTP 4-0**

**PRO-LIBERTY: This bill puts NH liquor distillers on equal footing with wineries and breweries by allowing liquor festivals.**

- This bill allows liquor distillers to seek additional options to showcase and sell their products. This slightly reduces state barriers to commerce and will promote NH tourism and businesses.
- The craft spirits market is growing, and NH has an opportunity to be at the forefront of this growing industry by allowing liquor festivals.

## HB 1690

### YEA OTP

**HB 1719-FN, relative to donations of liquor to nonprofits.**

**Commerce: OTP/A 3-1**

**PRO-LIBERTY: This bill simplifies the donation of liquors to non-profits by allowing direct donations instead of a complex transaction that achieves the same effect.**

- Nonprofits are important to a free society. This bill allows NH breweries, wineries, and distilleries to make direct donations to nonprofits in an effort to raise money for these organizations.
- This bill reduces the red tape in the donation process and will benefit nonprofits in NH.

## HB 1719

### YEA OTP/A

**HB 1720-FN, relative to the storage of beverages produced by contract brewers.**

**Commerce: OTP 4-0**

**PRO-LIBERTY: This bill allows a NH beverage manufacturer to store contract brewed beverages in NH even if they were brewed out of state.**

- This bill will give NH beverage manufacturers greater control over their own product.
- Proper storage is essential to good quality beverages. By allowing the licensee to store their own product, this could reduce costs to businesses and customers while improving the quality of the product.

## HB 1720

### YEA OTP

**HB 1612, relative to data security in schools.**

**Education: OTP/A 4-0**

**PRO-LIBERTY: This bill requires school districts to have data security plans and policies.**

- To the extent the government has access to anyone's personal information, it has the responsibility to safeguard such information.

## HB 1612

### YEA OTP/A

YEA  
OTP

YEA  
OTP/A

NAY  
OTP

HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program.

Education: OTP 3-1

**PRO-LIBERTY:** This bill clarifies parental ability to have their child not participate in statewide assessments, without fear of penalty.

- At least seven states (Utah, Wisconsin, Pennsylvania, Minnesota, Oregon, Washington, and California) already have opt-out provisions. No state or school district has lost federal funding due to lower participation rates, nor over opt-out provisions.
- The statewide assessment is an accountability tool for districts, not individual students. Parents have rights that districts cannot control, such as determining whether or not their child takes a statewide assessment. This bill recognizes the rights of parents and protects students and districts from penalty.
- Nashua and Manchester school districts have opt-out policies without adversely affecting participation rates.

HB 1104-FN, relative to dredge and fill permit time limits; relative to time limits under the administrative procedure act; and relative to online filing with the secretary of states office.

Executive Departments and Administration: OTP/A 4-0

**PRO-LIBERTY:** This bill limits the time for agencies to act on permits and enforces these limits by presuming non-action is approval.

- This bill establishes time limits in several areas in an effort to streamline the process for certain state agency actions. This helps to hold state agencies accountable to action within reasonable time frames.
- This bill also requires the Secretary of State to allow online business and corporate filings by January 1, 2020. While a small improvement, this helps to reduce the burden of interaction with the state.

HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.

Health and Human Services: OTP 3-0

**ANTI-LIBERTY:** This bill enables the state to seize firearms from a person for emotional neglect of a vulnerable adult.

- The majority of this bill is intended to protect vulnerable adults from exploitation and abuse, including financial exploitation. While this is well-meaning, the bill in its current form is flawed due to an incomplete definition of neglect and for enabling seizure of firearms for neglect findings.
- The bill allows a vulnerable adult to seek a protective order for neglect, which is defined by new section 173-D:2 VIII as *"an act or omission which results or could result in the deprivation of essential services or supports necessary to maintain the minimum mental, emotional, or physical health and safety of a vulnerable adult."*
- Other states with similar laws require that the person being accused of neglect have a caregiver role (e.g. Alabama Title 38-9-2, Montana 52-3-803, New Jersey 52:27D-407). The New Hampshire definition would allow a parent to seek a protective order for neglect against an estranged child who maintains no contact with the parent.
- A simple finding of neglect under this bill would require the defendant's firearms to be seized and held by the police for the duration of the protective order (173-D:6 I).
- An amendment that adjusts the definition of "Neglect" to *an act or omission by a caretaker which results or could result in the deprivation of essential services or supports necessary to maintain the minimum mental, emotional, or physical health and safety of a vulnerable adult* would improve the bill; however even with this change the bill would still enable the seizure of firearms for a finding of neglect. 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 1283, prohibiting sobriety checkpoints.

Judiciary: ITL 4-1

**PRO-LIBERTY: This bill prohibits a law enforcement agency from setting up roadblocks that stop drivers without probable cause.**

- These roadblocks stop all drivers without probable cause under the pretext of encouraging sober driving, but they infringe upon the liberty of law-abiding drivers. There is no evidence that roadblocks are more effective than policing that focuses on erratic driving to establish probable cause for a stop.
- Sobriety checkpoints are conspicuous enough that even impaired drivers can identify the flashing lights far enough in advance to make a legal U-turn and avoid police interaction.
- Arrests for DWI generally make up less than half the arrests at these stops.

# HB 1283

## NAY ITL

**HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less.**

Judiciary: OTP 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 to have those convictions and arrests annulled. HB 640 signed in July 2017 reduced this offense to a violation punishable only by a fine.

# HB 1477

## YEA OTP

**HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies.**

Judiciary: OTP 3-2

**PRO-LIBERTY: This bill prohibits the release of any information related to therapeutic cannabis to federal agencies without a warrant based on probable cause.**

- Federal agencies consider cannabis use to be a crime. The state of New Hampshire has a duty to protect its citizens from overreaching federal agents.

# HB 1672

## YEA OTP

**HB 1753-FN, relative to transportation of alcoholic beverages by a minor.**

Judiciary: OTP/A 4-0

**PRO-LIBERTY: This bill, as amended, increases the list of legal-age relations allowed to accompany a driver under the age of 21 while transporting alcoholic beverages in a vehicle.**

- Current statute allows for drivers under the age of 21 to transport alcohol within a vehicle if they're accompanied by a relation of legal drinking age who is a parent, legal guardian, or spouse. This bill expands the list of chaperones to include stepparent, grandparent, domestic partner, or sibling.
- Simply transporting alcohol in a vehicle is not a risk to the public, and family relations should be allowed to accompany an underage driver without the driver fearing a suspension of their license.

# HB 1753

## YEA OTP/A

**HB 1788-FN-L, relative to costs charged under the right-to-know law.**

Judiciary: OTP/A 3-2

**PRO-LIBERTY: This bill, as amended, sets a maximum rate of 10 cents per page for copies made under the Right-to-Know Law.**

- This bill clarifies existing wording in RSA 91-A:4, IV which previously stated that the person may be charged "the actual cost of" providing the copy. The existing wording is unclear and may result in widely varying costs per page.

# HB 1788

## YEA OTP/A

**HB 1484, relative to late fees in manufactured housing parks.**

Public and Municipal Affairs: OTP 4-0

**ANTI-LIBERTY: This bill prohibits manufactured housing parks from charging a late fee for payments made within 7 days of the due date.**

- The government should not be meddling in private contracts, especially when those contracts are providing a place to live for individuals with very few resources.
- Cities and towns begin applying interest/late fees immediately upon a tax payment being late — this bill holds private individuals to a different standard than the government.

# HB 1484

## NAY OTP