



NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

HB 109	NAY	OTP
HB 186	NAY	OTP
HB 359	NAY	OTP/A
HB 399	YEA	OTP/A
HB 455	YEA	Override
HB 514	NAY	OTP/A
HB 564	NAY	OTP/A
HB 605	NAY	OTP/A
HB 628	NAY	OTP/A
HB 664	NAY	OTP
HB 696	NAY	OTP/A



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SENATE SESSION - THURSDAY, MAY 23, 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.**

- 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.

## NAY OTP

**HB 664, relative to vehicle repair standards.**

## HB 664

**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.

## NAY OTP

**HB 628, relative to universal changing stations in certain places of public accommodation.**

## HB 628

**Executive Departments and Administration: OTP/A 4-1**

**ANTI-LIBERTY: This bill mandates universal changing stations for use by persons with physical disabilities to be installed in places with the capacity to serve 1,500 or more persons per day.**

- This bill would increase costs to small business of at least \$12,000 ([keeponmovin.org/awarded-12000-from-mceachern-trust-for-adolescent-adult-changing-table/](http://keeponmovin.org/awarded-12000-from-mceachern-trust-for-adolescent-adult-changing-table/)) to purchase and have installed a power height-adjustable changing table. While stadiums and rest areas are explicitly listed, the trigger for this mandate would be locations with the capacity to serve 1,500 or more persons per day. At this threshold even modest-sized high-traffic locations would trigger the mandate, increasing costs.

## NAY OTP/A

## HB 359, relative to warning labels on prescription drugs containing opiates.

Health and Human Services: OTP/A 4-1

**ANTI-LIBERTY: This bill requires pharmacists and pharmacies to use a new red warning label for any prescription containing opiates.**

- This bill increases regulation on an already heavily-regulated pharmaceutical industry.
- Patients taking opiates already know they're taking opiates. The new highly visible warning label will ensure everyone else knows they're taking opiates as well — reducing privacy for patients.
- Doctors and pharmacists should be telling patients the risks of opiates, not relying on warning labels that simply add to the visual clutter on the bottles.

# HB 359

## NAY OTP/A

## HB 109, requiring background checks for commercial firearms sales.

Judiciary: OTP 3-2

**ANTI-LIBERTY: This bill adds a new definition for commercial firearms sales that would result in a transfer being considered a commercial sale even if no money or item of value is exchanged but the transfer is initiated after the firearm was displayed.**

- This bill poorly defines "commercial sale" such that friends and family who happen to innocently plan their next hunting trip while at a gun show could find themselves unknowingly committing a misdemeanor if they swap guns while on that trip.
- The bill will criminalize lawful firearms transactions between friends, family, neighbors, and members of the same shooting club by redefining these isolated events as "commercial sales".
- The newly-mandated background checks are effectively a 'poll tax' on a constitutionally-protected right.
- This bill is unnecessary as private transfer of pistols and revolvers is already regulated under RSA 159:8, III and RSA 159:10 without the unintended consequences added by this bill.

# HB 109

## NAY OTP

## 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 514, imposing a waiting period between the purchase and delivery of a firearm.

Judiciary: OTP/A 3-2

**ANTI-LIBERTY: This bill establishes a waiting period for the delivery of a firearm.**

- This bill bans individuals, including those who already have firearms and women who have reason to fear an attacker, from purchasing a firearm without first waiting a minimum of 9 calendar days.
- Waiting periods make it more difficult for law-abiding citizens to defend themselves and as a result, encourage criminal activity.
- There is no statistical evidence that a waiting period for handgun purchases reduces violence ([www.politifact.com/wisconsin/statements/2015/apr/27/van-wanggaard/no-evidence-waiting-period-handgun-purchases-reduc/](http://www.politifact.com/wisconsin/statements/2015/apr/27/van-wanggaard/no-evidence-waiting-period-handgun-purchases-reduc/)).
- The bill requires licensed firearms dealers to make their business records available for inspection by any law enforcement agency; in addition, there is no warrant requirement, violating the right to privacy under the New Hampshire Constitution Part 1, Article 2-b.

# HB 514

## NAY OTP/A

## HB 564, (New Title) relative to possession of firearms on school property.

Judiciary: OTP/A 3-2

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

- This bill would ban law-abiding adults from carrying a firearm into an area designated as a so-called "safe school zone" and would deny a mother who walks to pick up her child at school a tool to protect herself and her children.
- 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)).
- This bill criminalizes the mere possession of a physical item.

# HB 564

## NAY OTP/A

**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.

**NAY  
OTP/A**

**HB 696, establishing a protective order for vulnerable adults.**

Judiciary: OTP/A 3-2

**ANTI-LIBERTY: This bill allows a person to be deprived of their property, immunities, and privileges without the ability to offer a defense or to meet the witnesses against them face to face as required by Article 15. [Right of Accused.] of the New Hampshire Constitution.**

- This bill allows a vulnerable adult or guardian of 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"*.
- Similar to civil asset forfeiture laws, this bill allows personal property, including cars, animals, and firearms, to be seized prior to the commission of a crime or conviction by the courts, violating various NH Constitution articles, including Part 1 Article 15.
- 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 allow 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 V, 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 696

**NAY  
OTP/A**

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

**YEA  
Override**