



# NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD



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HOUSE SESSION - WEDNESDAY, APRIL 7, 2021

CACR 1 YEA OTP	HB 139 YEA OTP	HB 227 YEA OTP/A	HB 345 NAY OTP/A	HB 511 NAY ITL
CACR 2 YEA OTP	HB 140 YEA OTP	HB 232 YEA OTP	HB 351 YEA OTP	HB 539 YEA OTP
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HB 80 YEA ITL	HB 196 YEA OTP/A	HB 291 YEA OTP	HB 430 NAY ITL	HB 593 NAY OTP/A
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HB 113 YEA ITL	HB 218 YEA OTP/A	HB 334 YEA OTP	HB 449 YEA ITL	HB 615 YEA OTP/A
HB 119 YEA ITL	HB 221 NAY ITL	HB 338 NAY OTP/A	HB 450 YEA ITL	HB 618 YEA ITL
HB 123 YEA OTP/A	HB 224 YEA OTP/A	HB 341 NAY ITL	HB 507 NAY ITL	

## HB 139, relative to the submission of evidence in divorce proceedings.

Children and Family Law: OTP 8-7

**PRO-LIBERTY:** This bill permits the parties in divorce proceedings to request a continuance if meaningful evidence is submitted less than 5 days prior to the hearing.

- This bill would enable all parties to prepare for the proceedings so that each party will know the issues and be fully prepared on the facts. Providing parties with sufficient time to consider evidence may help the court come to a more equitable decision.
- This bill allows for introduction of new evidence within the 5-day restriction if the evidence was not available 5 days prior to the hearing or if the judge declares it de minimis.

**HB 139**

**YEA  
OTP**

## HB 358, relative to the installation of solar energy systems in condominiums.

Commerce and Consumer Affairs: ITL 12-6

**ANTI-LIBERTY:** This bill will drive up housing costs in NH and interfere in the condominium market.

- This bill would prohibit future condominium bylaws from requiring more than a simple majority vote for the installation of solar photovoltaic energy systems. The result would be that condominium residents could quickly have to absorb increased capital costs that could make the difference between making the mortgage and homelessness.
- As solar costs continue to fall and efficiency increases, if solar is economically viable, it will not require state mandates to force spending increases on condominium residents.

**HB 358**

**YEA  
ITL**

**HB 449, relative to the repair of home appliances.**

**Commerce and Consumer Affairs: ITL 10-8**

**ANTI-LIBERTY: This bill requires home appliance manufacturers to make available to appliance owners and repair providers certain repair-related documentation, parts, and tools.**

- This bill would place a mandate on manufacturers even if they chose not to offer products for sale in New Hampshire, as the bill language places the mandate on manufacturers if a product is "sold or used in this state".
- Businesses should not be mandated to provide repair/service manuals by threat of force from government.

**HB 449**

**YEA ITL**

**HB 450, relative to motor vehicle insurance policy minimums.**

**Commerce and Consumer Affairs: ITL 14-4**

**ANTI-LIBERTY: This bill increases the minimum coverage amount required for motor vehicle liability insurance.**

- Even without an insurance mandate, New Hampshire has among the lowest (7th lowest) rate of uninsured motorists in the country ([www.iii.org/fact-statistic/facts-statistics-uninsured-motorists](http://www.iii.org/fact-statistic/facts-statistics-uninsured-motorists)). Increasing minimum liability limits would drive up insurance costs and might make the difference between an individual having some coverage and no coverage at all.
- This bill would have a disproportionate discriminatory effect on people of modest incomes.

**HB 450**

**YEA ITL**

**HB 593, requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.**

**Commerce and Consumer Affairs: OTP/A 18-1**

**ANTI-LIBERTY: This bill would make it a violation for any food delivery platform to arrange for the delivery of food without having an agreement in place with the restaurant or store.**

- This bill limits choices for consumers and increases the complexity of commerce in the state.
- Had the terms of this bill been in place at the start of the restrictions imposed by the Governor due to the pandemic, consumers would have been left with fewer choices and a longer transition to finding more food delivery choices.
- Restaurants can already include flyers or other informational materials with their take out orders pointing consumers to preferred vendors.

**HB 593**

**NAY  
OTP/A**

**HB 618, relative to the sale and distribution of polystyrene food service products.**

**Commerce and Consumer Affairs: ITL 10-9**

**ANTI-LIBERTY: This bill prohibits sale of many 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 618**

**YEA ITL**

**CACR 8, relating to firearms. Providing that the legislature make no law restricting the right to own, carry, or use firearms or firearm accessories.**

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

**PRO-LIBERTY: This proposed constitutional amendment clarifies the protections afforded in article 2-a of the New Hampshire Constitution to better affirm that it prevents the state or its political subdivisions from restricting the right own, carry, or use firearms. Further, it precludes New Hampshire law enforcement from participating in enforcement of federal laws that infringe upon rights protected under the New Hampshire Constitution.**

- Though the existing article 2-a language of the New Hampshire Constitution fairly clearly outlines protection of the right to keep and bear arms, it is clear that the meaning is not well understood by some in the legislature. This amendment would help provide much needed clarity.
- The 10th amendment in the Bill of Rights, reserves all powers not delegated to the Federal Government for the states and firearms laws were not delegated to the Federal Government.

**CACR 8**

**YEA  
OTP/A**

## **HB 66, relative to the use of deadly force by a law enforcement officer.**

**Criminal Justice and Public Safety: ITL 14-7**

**PRO-LIBERTY: This bill seeks to prevent a law enforcement officer from using deadly force to effect an arrest when there is no risk to human life nor risk of serious injury.**

- Under current law, deadly force is deemed reasonably necessary for any case where an officer believes an arrest is lawful and the officer believes there is apparently no other possible means of effecting the arrest (RSA 627:5 VIII). This bill would retain a law enforcement officer's ability to utilize deadly force in self-defense or defense of another, as well as in cases where the officer believes a suspect is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay. However, this bill would remove the authority to utilize deadly force for arrests of simple non-violent crimes in order to effect an arrest.

# **HB 66**

## **NAY ITL**

## **HB 123, granting immunity from prosecution for prostitution for reporting a sexual assault.**

**Criminal Justice and Public Safety: OTP/A 17-4**

**PRO-LIBERTY: This bill provides immunity from prosecution for prostitution for a person reporting to law enforcement that such person or another person is the victim of a sexual assault.**

- An individual who has been victimized should not fear further victimization by the state if they seek help.

# **HB 123**

## **YEA OTP/A**

## **HB 195, adding display of a firearm as an exception to reckless conduct.**

**Criminal Justice and Public Safety: OTP 11-10**

**PRO-LIBERTY: This bill clarifies existing law by adding language that indicates mere display of a firearm does not constitute reckless conduct.**

- This common sense clarification states that display of a firearm does not constitute reckless conduct as defined by RSA 631:3.
- While the committee minority indicates that this bill is not needed since they believe RSA 631:4 already covers this case, the existing language in this section is inadequate as it explicitly only exempts defensive display of a firearm from consideration of the Criminal Threatening section of the RSA.

# **HB 195**

## **YEA OTP**

## **HB 196, adding trespass as an exception to the charge of criminal threatening.**

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

**PRO-LIBERTY: This bill allows one to protect their property and display a firearm to protect their person or property without being charged with criminal threatening.**

- This bill allows a property owner to brandish a weapon to warn off a threatening trespasser.

# **HB 196**

## **YEA OTP/A**

## **HB 307, relative to the state preemption of the regulation of firearms and ammunition.**

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

**PRO-LIBERTY: This bill explicitly states that political subdivisions of the state will have no authority to govern firearms, firearms components, ammunition, ammunition components, firearms supplies and accessories, or knives. It includes fines for offenders and legal fees for petitioners.**

- Citizens are expected to follow the state law, regardless of their awareness of the statute. This bill clarifies that local public officials need to also follow state statutes and provides a mechanism for enforcement.
- This bill prevents localities from creating a patchwork of different firearms restrictions that would potentially entrap someone driving from one town to another.

# **HB 307**

## **YEA OTP/A**

**HB 334, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.**

**HB 334**

**Criminal Justice and Public Safety: OTP 11-10**

**PRO-LIBERTY: This a modest improvement to New Hampshire's existing constitutional carry law which corrects an oversight that mandates a permit when carrying a pistol or revolver when operating a snowmobile or Off Highway Recreational Vehicle (OHRV).**

**YEA  
OTP**

- New Hampshire voters affirmed our inherent right to self-defense in 1982 with the adoption of Article 2-a. of the state Constitution: *"All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state."*
- A requirement to have a license to carry a concealed firearm is an infringement on an individual's right to self-defense. This bill removes the infringement of the right of law-abiding citizens to carry protection discreetly when operating snowmobiles or OHRVs.

**HB 338, relative to penalties for dog theft and tampering with a dog's radio collar.**

**HB 338**

**Criminal Justice and Public Safety: OTP/A 19-2**

**ANTI-LIBERTY: This bill, with the proposed committee amendment, makes the crime of dog theft and the crime of intentional poisoning of a dog a class B felony on the first offense and a class A felony on subsequent offenses.**

**NAY  
OTP/A**

- Under current law, theft or poisoning of a dog is an unspecified misdemeanor. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor. If class B, the punishment can be a fine and up to one year in prison. As a society we must recognize that not all crime can or should come with a potentially dramatically life-altering penalty. While we might imagine such penalties only being used against the most heinous of actors, prosecutors often 'stack' charges to bully potentially innocent individuals into accepting lesser charges.
- Restitution for the victim should be the primary goal of the criminal justice process. A dog is not mere property and thus while it is unlikely that a uniquely property rights-based solution to the anguish of the owner and the animal is entirely sufficient, it is not clear that enhanced retribution by state actors, particularly for the first offense, remedies the situation either.

**HB 507, prohibiting no-knock warrants.**

**HB 507**

**Criminal Justice and Public Safety: ITL 11-9**

**PRO-LIBERTY: This bill prohibits a law enforcement officer from seeking, executing, or participating in the execution of a no-knock search warrant.**

**NAY ITL**

- "No-knock" warrants allow law enforcement to use force to gain entry into a residence without giving any prior notice or announcing their entry. This is dangerous both for the police and the potentially-innocent occupants of the household as the resulting confusion dramatically increases the probability of inadvertent injury or death.
- Per the New Hampshire Law enforcement manual ([www.doj.nh.gov/criminal/documents/law-enforcement-manual.pdf](http://www.doj.nh.gov/criminal/documents/law-enforcement-manual.pdf)) the purpose of 'knock and announce' is to protect people's rights to privacy in their homes and to prevent unnecessary violence that could result from unannounced entries.

**HB 511, relative to the penalties for possession of certain controlled drugs.**

**HB 511**

**Criminal Justice and Public Safety: ITL 12-7**

**PRO-LIBERTY: This bill makes the first 4 convictions of controlled substances under 4 ounces a misdemeanor offense instead of a felony. The bill makes possession of rohypnol (aka "roofies", date rape drug) a felony offense.**

**NAY ITL**

- This bill reduces the severity of charges for the possession of small amounts of schedule I-IV substances.

## HB 539, relative to records of communications common carriers.

Criminal Justice and Public Safety: OTP 13-8

**PRO-LIBERTY:** This bill requires that customer information in records of communications common carriers only be provided pursuant to a search warrant or a judicially-recognized exception to the warrant requirement.

- Under current law, otherwise-private information held by communication common carriers must be provided to the state upon written demand of the attorney general. This is incompatible with the spirit and potentially the letter of the New Hampshire Constitution which states that "[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."
- Inhabitants' private information should be protected and require judicial review of the requests of agents of the executive branch to reduce the risk of abuse.

# HB 539

## YEA OTP

## HB 546, relative to 911 immunity for reporting that a person has been the victim of a violent crime.

Criminal Justice and Public Safety: OTP 16-5

**PRO-LIBERTY:** This bill provides immunity from controlled substance-based criminal charges for a person who reports to law enforcement that an individual has been the victim of a violent crime.

- This bill would save lives by encouraging people to call 911 or otherwise seek medical attention when a violent crime has been committed.
- The purpose of state restrictions on controlled substances is ostensibly to reduce the risk of harm. Current law may increase that risk in some cases by causing an individual to delay requests for help for fear of criminal prosecution. In addition, current law increases the risk that the perpetrator of a violent crime may escape punishment due to witnesses being afraid to report the crime. This bill would reduce that risk.

# HB 546

## YEA OTP

## HB 557, relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement.

Criminal Justice and Public Safety: ITL 11-10

**PRO-LIBERTY:** This bill prevents the commissioner of corrections from using isolation as a punishment for prisoners.

- This bill does not abolish solitary confinement in New Hampshire, which is ordinarily authorized under the statutes permitting punitive, medical, and administrative segregation. However, it does repeal a particular authority to impose solitary confinement for "ill language" or "refractory" behavior. The language repealed is archaic and the provision outdated. Experts now recommend that solitary confinement be used only to protect prisoners or guards from those prisoners who engage in violence or threats.
- While this bill prevents the commissioner of corrections from using isolation as a punishment for prisoners, it does not prevent them from using said isolation to protect the prisoners. See: [www.scientificamerican.com/article/neuroscientists-make-a-case-against-solitary-confinement](http://www.scientificamerican.com/article/neuroscientists-make-a-case-against-solitary-confinement)

# HB 557

## NAY ITL

## HB 612, relative to the penalty for overtaking a school bus.

Criminal Justice and Public Safety: ITL 12-9

**ANTI-LIBERTY:** This bill updates the penalty to the average, but requires the judge shall (vs may) suspend the driver's license.

- This bill updates the penalty to require the suspension of a driver's license. The punishment is excessive.

# HB 612

## YEA ITL

## CACR 3, use of money raised by taxation for education. Providing that money raised by taxation may be applied for the use of religious educational institutions.

Education: OTP 11-8

**PRO-LIBERTY:** This amendment provides that money raised by taxation may be applied for the use of religious educational institutions.

- This amendment will, if approved, allow money raised by taxation to be granted to or applied for the use of a school of a religious sect or denomination.

# CACR 3

## YEA OTP

<p><b>HB 71, relative to school district emergency special meetings.</b></p> <p><b>Education: OTP/A 11-9</b></p> <p><b>PRO-LIBERTY: This bill prohibits the superior court from allowing special school meetings for recent items that were not approved or were rejected at the regular meeting.</b></p> <ul style="list-style-type: none"> <li>This bill prohibits the superior court from allowing special school meetings for a collective bargaining agreement that was voted down at the regular meeting.</li> </ul>	<p><b>HB 71</b></p> <p><b>YEA</b></p> <p><b>OTP/A</b></p>
<p><b>HB 140, relative to private rights of action regarding pupil safety.</b></p> <p><b>Education: OTP 12-8</b></p> <p><b>PRO-LIBERTY: This bill creates a private right of action (against a public school) for bullying and cyberbullying that happens as a result of gross negligence or willful misconduct in violation of any provision of RSA 193:F.</b></p> <ul style="list-style-type: none"> <li>This bill provides the opportunity for an aggrieved party who wins a suit against a school district or charter school to recover legal costs.</li> </ul>	<p><b>HB 140</b></p> <p><b>YEA</b></p> <p><b>OTP</b></p>
<p><b>HB 278, relative to the use of unused district facilities by chartered public schools.</b></p> <p><b>Education: OTP 11-9</b></p> <p><b>PRO-LIBERTY: This bill requires school districts with unused properties to offer them for lease or sale to charter schools.</b></p> <ul style="list-style-type: none"> <li>This bill provides a requirement to school districts to offer unused properties to charter schools for sale or lease.</li> <li>Taxpayer-funded properties would be used for instruction of students instead of potentially being abandoned and becoming dilapidated.</li> </ul>	<p><b>HB 278</b></p> <p><b>YEA</b></p> <p><b>OTP</b></p>
<p><b>HB 282, relative to a private school that is approved as a tuition program.</b></p> <p><b>Education: OTP/A 12-8</b></p> <p><b>PRO-LIBERTY: This bill deletes the requirement that a private school be nonsectarian in order to be approved as a school tuition program.</b></p> <ul style="list-style-type: none"> <li>Under current law, if there is no public school for the child's grade in the resident district, the school board may assign the child to another public school or private school; however, current law precludes private sectarian schools. This bill would remove that restriction. This increases the schools that parents can choose from, if they live in a tuitioning town and their school board contracts with such schools, giving them the ability to choose a school that fits their child's needs.</li> </ul>	<p><b>HB 282</b></p> <p><b>YEA</b></p> <p><b>OTP/A</b></p>
<p><b>HB 388, relative to changing a pupil's school or assignment because of a manifest educational hardship.</b></p> <p><b>Education: OTP/A 11-9</b></p> <p><b>PRO-LIBERTY: This bill, with the proposed committee amendment, allows parents to request that a child with manifest educational hardship be transfer to an approved private school.</b></p> <ul style="list-style-type: none"> <li>Under current law, a parent may request that a student be moved to a public school in another district if the child is experiencing manifest educational hardship at the geographically-assigned school. This bill would expand the options to include the possibility of utilizing a private school to address the issues if the private school is approved and contracted by a local public school board. That is the same as existing law for when the student transfers to an out-of-district public school; this bill extends that provision to private schools.</li> </ul>	<p><b>HB 388</b></p> <p><b>YEA</b></p> <p><b>OTP/A</b></p>
<p><b>HB 291, relative to public inspection of absentee ballot lists.</b></p> <p><b>Election Law: OTP 11-9</b></p> <p><b>PRO-LIBERTY: This bill attempts to make the absentee ballot process for an election transparent. It requires the secretary of state to provide these reports for elections.</b></p> <ul style="list-style-type: none"> <li>This bill requires the secretary of state to make information regarding mail-in ballots in elections available upon request.</li> <li>Increasing transparency in elections is key to legitimate elections.</li> <li>Mail-in ballots are a likely source of voter fraud (<a href="http://nypost.com/2020/08/29/political-insider-explains-voter-fraud-with-mail-in-ballots/">nypost.com/2020/08/29/political-insider-explains-voter-fraud-with-mail-in-ballots/</a>).</li> </ul>	<p><b>HB 291</b></p> <p><b>YEA</b></p> <p><b>OTP</b></p>

# HB 177

## HB 177, prohibiting the siting of a landfill near a state park.

Environment and Agriculture: ITL 10-9

**ANTI-LIBERTY: This bill prohibits the siting of new landfills if any portion of the landfill is within two miles of a state park.**

- This is an arbitrary restriction on the placement of new landfills that may result in both 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 "(e)nsure 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)

# YEA ITL

# HB 209

## HB 209, relative to the licensure and regulation of music therapists.

Executive Departments and Administration: ITL 10-9

**ANTI-LIBERTY: This bill expands occupational licensing in New Hampshire.**

- Per the RSA proposed by the bill (326-M:1 V), 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, increase costs, and ultimately grow state government.
- Music therapists already work in New Hampshire. This license enables Medicaid/insurance reimbursement which increases federal spending.

# YEA ITL

# HB 218

## HB 218, repealing RSA 321 regarding itinerant vendors.

Executive Departments and Administration: OTP/A 10-9

**PRO-LIBERTY: This bill repeals unnecessary state licenses, although localities can still issue their own.**

- State licensure provides an obstacle to doing business in-state with no increase in protection for citizens.

# YEA OTP/A

# HB 345

## 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.

# NAY OTP/A

# HB 417

## HB 417, relative to the powers of the governor during a renewal of a declared state of emergency.

Executive Departments and Administration: OTP/A 16-2

**PRO-LIBERTY: This bill, with the proposed committee amendment, requires legislative oversight of executive power during a renewed state of emergency.**

- This bill would terminate a state of emergency 30 days after it has been declared unless renewed by the legislature, while still allowing for incremental extension in the cases where the legislature is unable to meet.
- In addition, renewed emergencies would require legislative approval of any executive orders issued. Any federal or private emergency funding to the state would go through the governor and the Executive Council, and would also be required to go through the general court fiscal committee.

# YEA OTP/A

**HB 606, exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics.**

**HB 606**

**Executive Departments and Administration: OTP 10-8**

**PRO-LIBERTY: This bill states that a person may provide barbering, cosmetology, or esthetics services without payment of services and not be guilty of a misdemeanor.**

**YEA  
OTP**

- While the exemptions to licensing in this bill are only a small positive improvement to New Hampshire's overly burdensome licensing scheme, the bill still represents a positive step forward by eliminating one risk of selective enforcement that could be used to target historically disadvantaged communities.

**HB 143, relative to an electronic prescription drug program.**

**HB 143**

**Health, Human Services and Elderly Affairs: OTP/A 19-2**

**ANTI-LIBERTY: This bill would limit consumer choice and limit the ability for market forces to moderate the prices of certain prescription drugs.**

**NAY  
OTP/A**

- Doctors and patients should be free to agree on the format in which prescriptions are provided.
- The bill would reduce patients' control over their own prescriptions by denying them a physical copy.
- A paper prescription can be more convenient for patients who are traveling or are otherwise unable to use their regular pharmacy.

**HB 221, making the state vaccine registry an opt-in program.**

**HB 221**

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

**PRO-LIBERTY: This bill makes the state immunization registry an opt-in program rather than an opt-out program.**

**NAY ITL**

- While existing law allows individuals to opt-out of the immunization registry, this bill would require an explicit opt-in. This reduces the risk that an individual's data would be included in a registry without their consent due to error, loss of opt-out information, or failure to understand what is being offered to them.
- Article 2-b of the New Hampshire Constitution states "*An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.*" — this recognizes that the state should not presume to know the individual's intent without explicitly asking them.

**HB 381, relative to laboratory testing.**

**HB 381**

**Health, Human Services and Elderly Affairs: OTP 14-7**

**PRO-LIBERTY: This bill enables laboratories offering testing on a direct access basis to allow individuals to order their own lab tests at their own expense without a doctor's order.**

**YEA  
OTP**

- Individuals should have the right to control their own health decisions — with or without the advice of a physician.
- State-imposed restrictions on the availability of medical tests based on a fear that individuals lack the ability to interpret results are paternalistic.

**HB 160, relative to notice of rent increases in certain residential rental property.**

**HB 160**

**Judiciary: ITL 11-10**

**ANTI-LIBERTY: This bill would make rent increases unenforceable by landlords unless they inform tenants of the increase within a notice period required by law.**

**YEA ITL**

- Tenants and landlords should be free to agree on rental terms without the interference of the government.
- This bill would impose additional record-keeping requirements on landlords, the costs of which would surely be passed along to tenants.
- Any bill which makes rental property management less attractive to landlords will eventually lead to fewer properties on the rental market. At this time of skyrocketing housing costs and reduced inventory, this will hurt marginal tenants most.
- Rent control begins with restrictions on the terms of contracts by setting a baseline of restrictions on contract that are then cited as part of the justification for further restrictions.



**HB 206, relative to collective bargaining agreement strategy discussions under the right-to-know law.**

**HB 206**

**Judiciary: OTP 11-10**

**PRO-LIBERTY: This bill would require the negotiating by public employers and the union representing the public employees to be done in open sessions.**

**YEA  
OTP**

- Currently everything about collective bargaining is done in secrecy. Letting the represented parties know how their representatives are advancing their interests will empower both taxpayers and rank and file union membership.
- 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 227, relative to termination of tenancy at the expiration of the tenancy or lease term.**

**HB 227**

**Judiciary: OTP/A 12-9**

**PRO-LIBERTY: This bill, as amended, gives tenants 30 days notice that there will not be a renewal, after which the landlord has cause to start an eviction.**

**YEA  
OTP/A**

- Common sense would lead a person to believe that at the end of a lease, with proper notice, a landlord would be able to reclaim their property, and if necessary, evict the tenant; however, courts have found that given current New Hampshire law, the end of a lease that is not renewed is not sufficient grounds for eviction.
- A lease agreement is a contract between two parties to provide safe access to a property for a pre-determined period of time. Absent this bill, the time provisions of a lease are not meaningful.

**HB 232, relative to nonpublic sessions under the right to know law.**

**HB 232**

**Judiciary: OTP 11-10**

**PRO-LIBERTY: This bill restricts nonpublic sessions to negotiations of price for property sale or acquisition.**

**YEA  
OTP**

- Under current law, nonpublic sessions can be used for meetings to consider the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. This grant of secrecy is broader than what is required to support negotiations and unnecessarily restricts the public's access to information. This bill would limit the broad grant for secrecy so that it only applies to meetings discussing amount paid, offered, or accepted.

**HB 288, eliminating the housing appeals board.**

**HB 288**

**Judiciary: ITL 15-6**

**ANTI-LIBERTY: This bill eliminates a low cost way for property owners to secure justice when local governments violate their right to build housing.**

**YEA ITL**

- The Housing Appeals Board (HAB) reduces the cost of legal disputes between municipalities and landowners by providing an alternative to the court system.
- The HAB helps discourage land use boards from unlawfully delaying development approvals.
- HAB works just like other appeals boards that the state has used successfully.

**HB 402, relative to takings of property in a declared emergency.**

**HB 402**

**Judiciary: OTP 11-10**

**PRO-LIBERTY: This bill provides for modest protection of private property rights by adding a requirement that 2/3 of the House and Senate must agree to emergency takings.**

**YEA  
OTP**

- Article 2 of the New Hampshire Constitution states "*[Natural Rights.] All men have certain natural, essential, and inherent rights among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness....*" Though New Hampshire has not yet seen abuse of the existing broad grant of emergency taking power, as we have witnessed over the past year, emergency powers can be abused beyond what is intended in original legislative authority. This bill would place a modest check on potential future executive abuse of power.

## NAY ITL

# HB 440

## YEA OTP/A

# HB 542

## YEA OTP/A

# HB 550

## YEA ITL

# HB 566

## YEA OTP/A

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

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/](http://www.scotusblog.com/case-files/cases/mccullen-v-coakley/))
- Many of the complaints SB 319 looked to resolve are already covered by existing statutes.

### HB 440, relative to the protection of religious liberty.

Judiciary: OTP/A 11-10

#### PRO-LIBERTY: As amended, this bill will allow a court challenge of civil rights restrictions under a state of emergency.

- This bill helps to clarify that civil liberties are to be protected not only when it is convenient. The bill would provide the ability to challenge violations of constitutional protections and civil liberties.
- RSA 4:45 and 4:47 give the governor authority to act in a state of emergency, but those actions taken must do so while protecting the rights of the people of New Hampshire.

### HB 542, relative to the applicability of a state of emergency declaration to a house of worship.

Judiciary: OTP/A 11-10

#### PRO-LIBERTY: This bill provides that any prohibition on in-person gatherings during a declared state of emergency shall not apply to houses of worship.

- The amended version of this bill recognizes the religious freedom outlined in the United States and New Hampshire Constitutions. Our system of government guarantees the free exercise of religion and the right of people to peaceably assemble, yet under current law we allowed these rights to be trampled through simple executive action.
- While this bill would preserve the ability of the government to require religious organizations to comply with the least restrictive possible neutral health and safety regulations believed to be essential to further a compelling government interest, and this is likely to be subject to future abuse and broad interpretation, the bill is an important step toward reinforcing the protections outlined in the Constitution.

### HB 550, relative to the nonpayment of rent during the state of emergency.

Judiciary: ITL 11-10

#### ANTI-LIBERTY: This bill seeks to delay evictions during the current state of emergency for which numerous sources of aid have already been provided.

- This bill assumes landlords have no costs involved in offering their rentals. When landlords are forced to absorb the costs of non-payment, they will increase rents to factor in losses. This bill will increase already high rents.

### HB 566, relative to sealing records in nonpublic session under the right-to-know law.

Judiciary: OTP/A 11-10

#### PRO-LIBERTY: This bill with the proposed committee amendment requires that sealed minutes of a nonpublic session related to the acquisition, sale, or lease of real or personal property be released once the transaction closes or the public body decides not to proceed.

- While there may be value to holding some information in confidence during negotiations on the acquisition or sale of property to ensure that a public body can effectively negotiate with a third party, once the transaction is abandoned or completed, the public has a right to know how their representatives came to the conclusions that led to the outcome of the transaction. This is a small step to add more transparency to government.

**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.**

**YEA ITL**

- 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.

**HB 113, relative to payment for earned but unused vacation or personal time.**

**HB 113**

**Labor, Industrial and Rehabilitative Services: ITL 11-9**

**ANTI-LIBERTY: This bill requires an employer to pay its employees for unused vacation time.**

**YEA ITL**

- Vacation policy is a private agreement between employer and employee and should not be mandated by the state.

**CACR 5, New Hampshire general court. Providing that the provision for compensation of legislators is removed.**

**CACR 5**

**Legislative Administration: ITL 9-6**

**ANTI-LIBERTY: This bill would eliminate the constitutional limit on legislator salary.**

**YEA ITL**

- The existing constitutional language on legislator salary provides a cap on compensation that prevents individuals from taking on a role in the legislature as a career. This bill would remove that language as a first step toward setting a higher salary via statute, as discussed in the minority committee report.
- The existing modest compensation increases the probability that individuals will only attempt to serve for a limited number of terms and saves New Hampshire taxpayers from being compelled to further fund an organization that demonstrably has as its goal the expansion of state power.

**CACR 9, relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens.**

**CACR 9**

**Municipal and County Government: OTP 10-9**

**PRO-LIBERTY: This bill limits the acceleration of property tax increases.**

**YEA  
OTP**

- Slowing down the rate of taxation increases encourages localities to manage spending.
- More money in the hands of citizens increases development and participation in the local business economy.

**HB 243, relative to the form of municipal budgets.**

**HB 243**

**Municipal and County Government: OTP/A 10-9**

**PRO-LIBERTY: This bill requires municipal, district, and administrative unit budgets to use full line item detail and publish data in industry-standard spreadsheet format.**

**YEA  
OTP/A**

- 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 266, relative to enforcement of immigration laws and the prohibition of sanctuary policies.**

**HB 266**

**Municipal and County Government: OTP 10-9**

**ANTI-LIBERTY: This bill requires cities and towns to comply with ICE (U.S. Immigration and Customs Enforcement) detainer requests that hold individuals for whom there is no criminal warrant reviewed by a judge.**

**NAY  
OTP**

- An ICE detainer request is not a warrant. They are issued by an official from the executive branch without any judicial review to determine if probable cause exists to hold the individual named in the request. As events in the last several years have revealed, unfettered power in the hands of federal agencies can and will be abused if not held at least partially in check by a moderately independent judicial branch.
- The lack of oversight in ICE detainers increases the risk of errors. U.S. Army veteran and U.S citizen Rennison Castillo was held for seven months by ICE before they realized their error ([www.foxnews.com/world/rennison-castillo-gets-apology-and-400000-after-government-wrongly-tries-to-deport-him](http://www.foxnews.com/world/rennison-castillo-gets-apology-and-400000-after-government-wrongly-tries-to-deport-him)).
- This bill would remove all discretion from local officials by requiring that they **shall** "Fully comply with, honor, and fulfill any instruction or request made in the detainer request" (proposed 103-A:3 I(a)) such that even a local law enforcement officer who knew that an individual was a US citizen would be compelled to keep them imprisoned.
- The Frequently Asked Questions published by ICE ([www.ice.gov/identify-and-arrest/detainers/ice-detainers-frequently-asked-questions](http://www.ice.gov/identify-and-arrest/detainers/ice-detainers-frequently-asked-questions)) state that if a local law enforcement agency believes the individual to be a US citizen that they should notify the ICE Law Enforcement Support Center at (802) 872-6020. At this point, local law enforcement has kidnapped a US citizen who has no criminal warrant, and the remedy is to make a phone call?
- Support motion to Table or Indefinitely Postpone.

**HB 341, relative to permissible residential units in a residential zone.**

**HB 341**

**Municipal and County Government: ITL 10-9**

**PRO-LIBERTY: This bill preempts local regulation of private property to the extent that such regulation prohibits the building of multifamily homes on a single parcel (up to four units) in certain areas.**

**NAY ITL**

- By enhancing the rights of private property owners, this bill is emphatically pro-liberty.
- Lack of suitable housing in New Hampshire may be relieved if property owners have the freedom to build multi-unit homes on their parcels.

**HB 439, relative to the powers of city councils.**

**HB 439**

**Municipal and County Government: OTP 10-9**

**PRO-LIBERTY: This bill limits the authority of city councils to make bylaws and ordinances to those by which they are specifically empowered by state statute.**

**YEA  
OTP**

- This is a modest change that removes one overly vague delegation of power to city councils by eliminating the phrase in statute "They may make any other bylaws and regulations which may seem for the well-being of the city; but".
- Even with this change, city councils are still delegated substantial authority to adopt bylaws and ordinances as RSA 47:17 contains a large number of other explicit grants of authority.

**HB 588, relative to building codes for tiny houses.**

**HB 588**

**Municipal and County Government: ITL 10-9**

**PRO-LIBERTY: This bill defines tiny houses and provides for the authority and requirements for municipal regulation.**

**NAY ITL**

- This bill on net increases liberty, because it legalizes tiny houses statewide, whereas they are at present legal only in a few towns.
- The committee summary makes note that the New Hampshire Municipal Association opposed the bill as they felt that very few people would have interest in this as a housing solution. This may in fact be the case but this position fundamentally undermines the rights of private property owners by supplanting the wishes of the property owner with an assumption made by a political subdivision of the state.

## HB 158, relative to the definition of prime wetland.

Resources, Recreation and Development: ITL 11-10

**ANTI-LIBERTY: This bill expands the definition of prime wetland for local protection in fill and dredge permits.**

- Current law defines prime wetlands as having to be at least 50 feet wide within a two-acre area as well as meeting other criteria. This bill would allow municipalities to include narrower sections in the wetlands definition if they demonstrate that the section would provide "a significant contribution to the primary wetland functions", however there is no definition of 'significant' and the bill's language that requires municipalities to "consider any potential adverse effects on the landowner from including any narrower portion" is similarly ill-defined and likely to be meaningless in practice.
- Expansion of the prime wetlands designation proposed by this bill will have a negative effect on land owners who will be subject to new stringent permitting on usable land presently not under such requirements.

# HB 158

## YEA ITL

## HB 80, relative to expenditures from the energy efficiency fund.

Science, Technology and Energy: ITL 11-10

**ANTI-LIBERTY: This bill increases residential electricity costs by \$5 million per year. It spends that money on state-sponsored energy efficiency, taking away the choice of how people spend their money.**

- Approximately \$5 million of RGGI-sourced funds are rebated each year to New Hampshire residential ratepayers and another \$12 million to commercial and industrial customers. This bill would eliminate the residential rebate and provide it to fund centrally-planned energy efficiency projects.
- The imbalance in this bill would makes residential ratepayers subsidize commercial/industrial customers' energy efficiency — corporate welfare.

# HB 80

## YEA ITL

## HB 119, relative to legislative approval of the New Hampshire general court for increases in the systems benefit charge.

Science, Technology and Energy: ITL 11-9

**ANTI-LIBERTY: This bill removes language from statute that requires the Legislature to approve increases in the systems benefits charge. Legislative oversight of any non-essential expenses, such as energy efficiency, is necessary for prudent governance.**

- New Hampshire ratepayers should not be subject to further increases to the systems benefits charge without approval of elected representatives. The charge is a hidden tax on ratepayers.
- Absent legislative oversight, there is a possible increase in this charge from \$62 million in 2020 to \$280 million by 2023.

# HB 119

## YEA ITL

## HB 168, requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.

Science, Technology and Energy: ITL 12-9

**ANTI-LIBERTY: This bill imposes California emissions standards on New Hampshire and sets mandates for electric vehicle (EV) sales.**

- This bill would fine New Hampshire dealerships for not selling enough EVs. This would distort market forces and potentially lead to higher EV costs and crowd out lower income state residents.
- Consumers are already starting to adopt EVs as prices are coming down and range is increasing. New Hampshire citizens would be better served by removing state-imposed fees and removing barriers to the entry of new energy sources in the market, which would drive down New Hampshire's high electrical costs, and allowing the free market to adopt sales of EVs through normal human action.

# HB 168

## YEA ITL

## HB 351, relative to the system benefits charge.

Science, Technology and Energy: OTP 11-9

**PRO-LIBERTY: This bill requires legislative approval of increases to the systems benefits charge.**

- This bill provides visibility and accountability for certain increases in electricity costs.
- The bill gives voters a say in how government-mandated charges get spent.

# HB 351

## YEA OTP

## HB 224, relative to tinted windows on motor vehicles.

Transportation: OTP/A 12-7

**PRO-LIBERTY: This bill would relax the existing prohibition on aftermarket tinted side windows.**

- Only 3 states including New Hampshire have a prohibition on window tinting ([instamotor.com/blog/window-tinting-laws-50-states](http://instamotor.com/blog/window-tinting-laws-50-states)).
- New Hampshire law enforcement already encounters tinted windows on the thousands of tourist vehicles that visit New Hampshire each year. No widespread problems have been reported with these vehicles.
- It is unfair to allow out-of-state visitors to drive with tinted windows while prohibiting New Hampshire residents the same freedom.
- With the recommended committee amendment, aftermarket side window tinting would be allowed to the same degree as is currently already allowed when provided directly from the vehicle manufacturer.

# HB 224

## YEA OTP/A

## HB 260, relative to number plates for motor vehicles.

Transportation: OTP/A 10-9

**PRO-LIBERTY: This bill removes the requirement for certain vehicle owners to install a state-mandated front license plate on passenger vehicles.**

- Many vehicle types do not include mounting brackets for a front plate, which requires owners to damage/drill into the bumper to install a mount. The state should not require owners to damage their vehicles. While the committee amendment dramatically reduces the positive impacts of the original bill, it still represents a meaningful step in the correct direction.
- 20 states in the US (up from 19 in 2018 with the addition of Ohio) and 9 (of 13) Canadian jurisdictions do not require front license plates at all while another 7 states do not require them depending on certain circumstances. Vermont no longer requires a unique front plate as of 2012. Rear-plate-only vehicles are already on our roads.

# HB 260

## YEA OTP/A

## HB 300, relative to driver education.

Transportation: ITL 13-6

**PRO-LIBERTY: This bill allows a waiver to institutional driver's education if a parent or guardian provides instruction.**

- The current driving instruction option requires that parents/guardians drive with their children to and from these mandatory courses and then the parents wait in the parking lot during the course, taking time that could be better used for one-on-one instruction with their children.
- This bill would not do away with driving schools but it will provide a choice for parents allowing them to focus their efforts on the approaches that are most effective for their children.
- Who has the greater interest in a child being well-taught in driving: an instructor or a parent?

# HB 300

## NAY ITL

## HB 352, relative to operation of recreational vehicles on state highways.

Transportation: ITL 10-9

**ANTI-LIBERTY: This bill would create new state licensing requirements by requiring the commissioner of the department of safety to adopt rules relative to the safe operation of recreational vehicles on state roads and highways.**

- New restrictions placed on New Hampshire inhabitants should not be considered lightly. This bill requires a single individual to adopt new restrictions without any guidance from the legislature that would constrain the nature of the new restrictions.

# HB 352

## YEA ITL

# CACR 1

**CACR 1, taxes. Providing that an income tax on earned personal income shall be prohibited.**

**Ways and Means: OTP 13-10**

**PRO-LIBERTY: This CACR would modify the Constitution to prevent the adoption of an income tax.**

- Taxation of earnings from labor is on a par with forced labor.
- Allowing individuals to keep more of their money would benefit those who want to work harder and earn more.
- New Hampshire has a well-established brand identity as a non-income, non-sales tax state. Establishing in the Constitution the prohibition on an income tax would incentivize companies to locate in New Hampshire to take advantage of this provision. This would increase economic activity in the state.
- A larger variety of taxing methods obfuscates the true cost of government. Preventing the adoption of a new source of taxation helps to ensure that the populace is better aware of the costs imposed by the actions of the state.

**YEA  
OTP**

# CACR 2

**CACR 2, taxes. Providing that any broad-based sales tax shall be prohibited.**

**Ways and Means: OTP 13-10**

**PRO-LIBERTY: This CACR would modify the Constitution to prevent the adoption of any new sales taxes.**

- New Hampshire has a strong economy based on not collecting sales taxes. Business at the borders with other states would be hurt if a long-term sales tax were adopted.
- Sales taxes disproportionately impact lower income families, as a larger portion of their income is spent directly on products within the state.
- New Hampshire derives much of its income from tourism. Allowing a sales tax would negatively impact our tourism.

**YEA  
OTP**

# HB 615

**HB 615, reducing the penalty for certain first offense drug possession charges.**

**Ways and Means: OTP/A 15-6**

**PRO-LIBERTY: This bill makes modest improvements by reducing some of the harm of the state's failed War on Drugs.**

- This bill is a "right on crime" adjustment to criminal penalties for drug offenses. It slightly reduces some maximum sentences for first-time offenders and eliminates some mandatory minimum sentences. Research overwhelmingly shows that sentence length does not deter crime very much. Probability of punishment is a far more effective deterrent.
- Shorter sentences make it possible for first-time offenders to rehabilitate and become productive members of society.
- By reducing the population of nonviolent offenders in prison, this bill will reduce state spending and taxation.

**YEA  
OTP/A**

## Consent Calendar Bills

# HB 111

**HB 111, establishing a cause of action against the state to protect individual rights.**

**Judiciary: OTP 19-2**

**PRO-LIBERTY: This bill modifies qualified immunity to give citizens a path to seek redress when their rights are violated by the state.**

- Constitutional rights are inherent and violations of those rights, even by a government agency, must be addressed.
- This bill does NOT place a burden on employees of the State. Instead, this bill changes the incentive structure in agencies to ensure training and employee guidelines do not violate rights.
- Permits the government to fire the bad actor. So, if nothing else, a government will not be left on the hook in perpetuity for a bad actor who continually violates constitutional rights.
- Offers an opportunity to restore trust between the citizenry and their government by treating all citizens equally under the law.

**YEA  
OTP**