



NEW HAMPSHIRE LIBERTY ALLIANCE

GOLD STANDARD

SB 34 NAY OTP
 SB 52 YEA OTP
 SB 61 YEA OTP/A
 SB 74 YEA OTP
 SB 86 YEA OTP/A
 SB 91 YEA OTP/A
 SB 101 YEA OTP/A
 SB 134 NAY OTP/A
 SB 154 YEA OTP/A



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HOUSE SESSION - THURSDAY, JUNE 3, 2021

SB 34, relative to the definition of a controlled drug analog and prohibiting the sale or possession of synthetic urine and urine additives.

SB 34

Criminal Justice and Public Safety: OTP 13-8

ANTI-LIBERTY: This bill inserts a new definition of controlled drug analog, inserts a prohibition on the sale or possession of synthetic urine and urine additives, and repeals obsolete statutes governing the sale of synthetic drugs.

**NAY
OTP**

- This bill broadly bans the sale or possession of synthetic urine. While the intent appears to be to reduce the risk of fraud associated with individuals attempting to sidestep drug testing, the language is so broad that it has unintended and potentially dangerous consequences. Deer hunters will occasionally use urine products to lure bucks into range for a shot. This increases the probability of being able to cleanly take the animal. Some hunters choose to use synthetic urine products for this activity. As written, this bill would ban that practice. While scientific evidence for the transmission of Chronic Wasting Disease (transmitted via a prion) via urine is not settled, some hunters choose to use synthetic urine (v.s. natural deer urine) to mitigate this risk. This bill would eliminate that option.

SB 154, prohibiting the state from enforcing a Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

SB 154

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

PRO-LIBERTY: This bill prohibits any agent of the state from enforcing any executive order, federal regulation, or law that has the purpose or effect of restricting or regulating the right of the people to keep and bear arms unless explicitly enabled by New Hampshire law.

**YEA
OTP/A**

- Self defense is a basic human right. This right is recognized by both the Second Amendment to the United States Constitution as well as Article 2a of the New Hampshire Constitution. As a result, potential infringement on this basic right should necessarily receive close and explicit scrutiny by the representatives of the people. This bill would ensure that state resources are not used to enforce federal laws that infringe upon the right of self-defense.

SB 74, relative to advance directives for health care decisions.

SB 74

Health, Human Services and Elderly Affairs: OTP 16-5

PRO-LIBERTY: This bill clarifies existing New Hampshire RSAs relative to Advance Health Care Directives allowing surrogates to consent to clinical trials or experimental treatments.

**YEA
OTP**

- This bill clarifies a number of aspects of the existing New Hampshire RSAs associated with advance directives for health care including new language that outlines the ability for a surrogate to consent to experimental treatment consistent with authority granted in a durable power of attorney for health care (when such conditions are explicitly mentioned) or consistent with standard guidelines when the durable power of attorney for health care does not cover the topic.
- These changes improve the ability for an individual to delegate a person they trust to ensure their wishes are being fulfilled when they are unable to express their wishes to due to permanent or temporary lack of capacity to make health care decisions.

SB 134, adopting omnibus legislation relative to civil actions and criminal liability.

SB 134

Judiciary: OTP/A 16-4

ANTI-LIBERTY: This bill, with or without the proposed committee amendment, contains a provision that infringes upon private property rights and free speech by prohibiting pointing of a laser pointing device at a structure.

NAY OTP/A

- The provisions of this bill that restrict certain usages of laser pointing devices are ostensibly due to the potential safety hazards of such usage, however the language in proposed 631:3-a II.(a) that prohibits shining the beam of a laser pointing device at a structure is anti-liberty. An individual pointing a laser pointer at a building they own would be violating this provision. In addition, an individual using a laser pointing device to display a message on a public structure such as the base of a bridge would also be in violation of this provision. This is not simply a theoretical concern, as projection of a message safely at the base of a public structure is an approach that has been used in New Hampshire during peaceful political protest.
- Individuals who utilize a laser pointing-based holiday light system to project images on their own home would be at risk of violations and seizure of their device (www.amazon.com/dp/B07SWJ9PSX/).
- Support floor amendment 2021-1801h which mitigates the private property and free speech concerns. If the floor amendment passes, we have no recommendation on the bill. If it fails, oppose the bill.

SB 61, prohibiting collective bargaining agreements that require employees to join a labor union.

SB 61

Labor, Industrial and Rehabilitative Services: OTP/A 11-9

PRO-LIBERTY: This bill prohibits collective bargaining agreements that require employees to join or contribute to a labor union and prohibits coercion and intimidation intended to compel an employee to join, affiliate with, or financially support a labor organization or to refrain from doing so.

YEA OTP/A

- The federal National Labor Relations Act (NLRA) contains several coercive mechanisms that infringe upon the rights of workers and business owners. Among these are section 9a, which mandates exclusive representation by a single union and mandates that the union representative is given opportunity to be present at grievance adjustment between employers and employees even if the employee does not wish that the representative is present. In addition, it forces employers to recognize and bargain collectively with unions following a majority vote of their workforces.
- Right-to-work is the only way currently permitted under federal law to restore some of the freedom of dissenting workers and their employers to withhold support from unions with whom they disagree. While this bill interferes with freedom of contract, it does so in a way intended to remedy current, more egregious constraints on freedom of contract.
- Public sector collective bargaining is often more harmful than private sector collective bargaining because taxpayers are not directly represented in negotiations. "It is impossible to bargain collectively with the government," said Franklin D. Roosevelt, who opposed public sector unions. Public sector right-to-work reduces union density in government and reduces government spending and taxes (Ichniowski & Zax 1991).
- "... when it came to earning more than nonunion workers, union members in right-to-work states actually out-performed those in non-right-to-work states." (news.bloomberglaw.com/bloomberglaw-analysis/analysis-are-unions-really-weaker-in-right-to-work-states). This is potentially due to the incentive for unions to be more responsive to their member's needs when they are not compelled to join.

SB 52, (New Title) relative to municipal charter provisions for tax caps.

Municipal and County Government: OTP 10-9

PRO-LIBERTY: This bill requires city charter exclusions and ordinances that have the effect of a budget cap override to require a supermajority vote.

- New Hampshire municipalities derive the authority for their charters from legislative grants from the general court. This bill clarifies the existing grant of authority for a spending cap provision in city charters. This bill would require that votes or accounting practices that have the effect of redistributing budget items from within the limits of the cap to outside the limits of the cap shall be construed as the functional equivalent to an override and shall require the same supermajority vote as an override threshold.
- This bill retains the authority for a municipality to adopt a cap that excludes dedicated, enterprise, or self-supporting funds or accounts, capital reserve funds, grants, or revenue from sources other than local taxes and adds interest and principal payments on municipal bonded debt to the list of potential exclusions.

SB 52

YEA OTP

SB 86, adopting omnibus legislation relative to planning and zoning.

Municipal and County Government: OTP/A 10-9

PRO-LIBERTY: With the proposed committee amendment, this bill protects the rights of property owners by preventing political subdivisions from adopting restrictions on the installation of safe and commercially available heating or other energy systems of their choice.

- Government is most accountable and accessible when it is most local. Local control is generally preferable to state or national mandates. There is a higher principle, however: the principle of individual liberty. Indeed, the most "local" governance of all is the governance of an individual over his or her own life and property. This bill slightly reduces the ability of a political subdivision to infringe on the rights of property owners by protecting their right to choose an energy system for their property.

SB 86

YEA OTP/A

SB 91, (New Title) adopting omnibus legislation on renewable energy and utilities.

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

PRO-LIBERTY: This omnibus bill makes modest modifications to energy law, but contains a key protection against a transfer of income from regular electricity ratepayers to the special class of net metering generators. It adds language to statute to prevent cost shifts between customers and customer-generators. This change reduces the government's ability to pick winners and losers in the energy business.

- This bill protects ratepayers from escalating energy costs.
- The bill balances the interests of ratepayers and net metering generators, and prevents cost shifting from customers to customer-generators and vice versa.
- The bill replaces language that implies that cost shifting can be just and reasonable.

SB 91

YEA OTP/A

SB 101, increasing the minimum gross business income required for filing a business profits tax return.

Ways and Means: OTP/A 24-0

PRO-LIBERTY: This bill increases the minimum gross business income required for filing a business profits tax return, reducing the burden of preparing tax filings for thousands of businesses who ultimately would not have any tax liability.

- The threshold for filing was last increased to its current value of \$50,000 in 1994; since that time, the actions of the Federal Reserve have devalued US currency such that the same threshold today would be more than \$88,000 (www.usinflationcalculator.com). With the proposed committee amendment, this bill would increase the filing threshold to \$92,000, mitigating the filing cost impacts for businesses that today are required to file but who would not have had to file in 1994. Further, the amendment causes the future filing threshold to automatically adapt based on the regional change to the consumer price index, reducing the need for future legislation.
- Per testimony given in the senate hearing, this bill is estimated to have an effect on 4,664 taxpayers. With the slightly modified filing threshold of this amendment, the number would be slightly higher. Of those who filed business profits tax returns with NH in 2019, the Department of Revenue Administration estimated that 4004 of these businesses that were required to file ultimately had no tax liability, wasting time of the businesses as well as the state in generating and processing these returns.

SB 101

YEA OTP/A