



### SPECIAL ORDERS

#### HB 1326 – Relative to the use of long-term antibiotics for the treatment of Lyme disease.

Committee report: Health & Human Services: Interim Study (18–1)      Our recommendation:      **NAY on INTERIM STUDY  
YEA on OTP**

This bill, which protects licensed physicians while providing therapeutic care to patients, is **pro-liberty**:

- A licensed physician should be able to give his or her patient appropriate treatment for this disease without fear of sanctions.

#### HB 1347 – Relative to the right of jury nullification.

Committee report: Judiciary: ITL (13–7)      Our recommendation:      **NAY on ITL**

This bill, which requires courts to instruct jurors as to their right to judge not only the facts, but the law, is **pro-liberty**:

- There is no question about whether jurors have the right to judge the law itself, as well as the facts of the case. This right goes back to the Magna Carta. Short of a constitutional amendment, the Legislature has no ability to remove that right. This bill is about whether jurors should be *informed* of their rights and whether defendants should have the right to explain such rights to the jury.
- In 1992, the United States of America ratified the International Covenant on Civil and Political Rights. In part, this treaty declares that a government “may not stand in the way of people learning about [their rights].”
- The first Chief Justice of the United States, John Jay, wrote, “[Juries] have a right to take it upon [themselves] to judge of both, and to determine the law as well as the fact in controversy.” *Georgia v. Brailsford*, 3 U.S. 1, 4 (1794). Thomas Jefferson wrote, “It is left ... to the juries ... to take on themselves to judge the law as well as the fact” (to Abbe Arnoux, 1789. ME 7:423, Papers 15:283).

#### HB 1645 – Relative to freedom of choice on whether to join a labor union.

Committee report: Labor, Industrial & Rehabilitative Services: ITL (12–1)      Our recommendation:      **NAY on ITL**

This bill, which prohibits collective bargaining agreements that require employees to join a labor union, is **pro-liberty**:

- This bill gives employees the right to choose to join a union or not, as protected by **Part I, Arts. 2 and 4** of the N.H. Constitution.
- States with right-to-work laws on the books have fared better than non-choice states in regards to economic and job growth.
- Compulsory union dues often are spent on partisan political activities, regardless of the individual members’ beliefs.

### REGULAR CALENDAR

#### HB 1278 – Relative to milk producer-distributors.

Committee report: Environment & Agriculture: OTP (12–1)      Our recommendation:      **YEA on OTP**

This bill, which raises the number of quarts sold in the definition of a milk producer-distributor, is **pro-liberty**:

- This bill would increase the freedom of New Hampshire dairy farmers, and provide more choices for consumers as well.
- The minority report suggests that increased regulation is needed, but the current excessive regulation at state and federal levels is one of the reasons dairy farmers face economic difficulties.

#### HB 1201 – Including loaded muzzle-loading firearms in the prohibition of hunting from a vehicle.

Committee report: Fish & Game & Marine Resources: OTP/A (14–1)      Our recommendation:      **NAY on OTP/A**

This bill, which prohibits carrying loaded muzzle-loading firearms in a vehicle, is **anti-liberty**:

- The intent of this bill is to prevent poaching, but outright prohibiting loaded rifles in a vehicle is overly broad and infringes upon citizens’ rights under **Part I, Art. 2-a** of the N.H. Constitution. RSA 207:7 should be repealed, not expanded.

#### HB 1307 – Relative to appointments and reappointments of marital masters.

Committee report: Judiciary: No recommendation      Our recommendation:      **YEA on OTP**

This bill, which requires a public hearing prior to the reappointment of marital masters, is **pro-liberty**:

- This bill would increase the accountability of our public servants, as required by **Part I, Art. 8** of the N.H. Constitution.

#### HB 1330 – Relative to the preservation of religious freedom.

Committee report: Judiciary: ITL (12–6)      Our recommendation:      **NAY on ITL**

This bill, which requires that strict scrutiny be applied when reviewing laws that infringe upon religious freedom, is **pro-liberty**:

- **Part I, Art. 5** of the New Hampshire Constitution states that “no subject shall be hurt, molested, or restrained, in his person, liberty, or estate ... provided he doth not disturb the public peace or disturb others in their religious worship.”
- Current law allows minor regulations—such as zoning ordinances or bureaucratic agencies—to trump citizens’ deeply-held religious convictions, even when such convictions do not directly disturb others.
- Twelve states, including nearby R.I., Conn., and Penn., already have Religious Freedom Restoration Acts similar to HB 1330. These states have not experienced an increase in litigation nor other unintended consequences as a result.

**HB 1522 – Relative to local spending caps.**Committee report: Local & Regulated Revenue: ITL (12–6) Our recommendation: **NAY on ITL**This bill, which affirms the right of municipalities to adopt spending caps, is **pro-liberty**:

- It allows citizens to restrain their government from excessive spending, reining in the natural tendency of governments to grow.
- The specified overrides allow governing bodies to exceed the cap when necessary, but only by a two-thirds vote, so that the appropriate functions of government can be funded.
- A spending cap, being adopted by a majority vote, can be repealed by a majority vote if no longer desired.
- Statutory affirmation of this right will prevent expensive lawsuits, as Concord and Manchester faced from spending cap opponents.

**HB 1679 – Establishing a soft drinks tax.**Committee report: Ways & Means: ITL (13–5) Our recommendation: **YEA on ITL**This bill, which creates a 2% sales tax on soft drinks, and additional taxes, is **anti-liberty**:

- This tax is a classic example of nanny-statism: Impose a tax on a product that some people find unhealthy, in an effort to reduce consumption of such product. Collection of this tax would impose an undue hardship on retailers, and according to public testimony, most likely not even have its intended effect of reducing soft drink consumption.

**CONSENT CALENDAR****HB 1316 – Requiring new construction ... to follow [LEED] guidelines relative to volatile organic compounds.**Committee report: Commerce & Consumer Affairs: ITL (16–0) Our recommendation: **YEA on ITL**This bill, which requires new construction of buildings over 4000 square feet to follow federal LEED guidelines, is **anti-liberty**:

- This simply adds another layer of bureaucracy onto already over-burdened property owners and developers. By adding regulation, we increase the cost of business, with its inevitable effect of higher prices and a drag on the economy.
- Mandates within the code will be costly and difficult to enforce.

**HB 1161 – Repealing the requirement to obtain a license to sell in order to sell pistols or revolvers at retail.**Committee report: Criminal Justice & Public Safety: OTP/A (17–0) Our recommendation: **YEA on OTP/A**This bill, which repeals most state licensing requirements for selling pistols and revolvers at retail, is **pro-liberty**:

- The statute is redundant due to modern federal regulations, and is more of a nuisance to N.H. citizens than any benefit to the state.

**HB 1442 – Relative to residency restrictions on offenders against children.**Committee report: Criminal Justice & Public Safety: ITL (18–0) Our recommendation: **YEA on ITL**This bill, which prohibits sex offenders from living within 2000 feet of schools, is **anti-liberty**:

- Such restrictions are an infringement upon private property rights and do nothing to actually protect children. The Manchester Police testified at the public hearing that such restrictions actually *reduce* compliance with the sex offender registry.
- Additionally, the NHLA supports **OTP on HB 1484**, a bill which prevents towns from creating such residency restrictions.

**HB 1447 – Relative to authorization to use firearms in the compact part of a town.**Committee report: Criminal Justice & Public Safety: OTP (18–1) Our recommendation: **YEA on 2010-0554h**This amendment to HB 1447, which repeals RSA 644:13 in its entirety, is **pro-liberty**:

- A person should not have to ask permission from the local police chief to shoot on their own property. The bill itself attempts to fix RSA 644:13 by replacing permission with notification, but it does so in a manner that simply creates more problems.

**HB 1634 – Relative to assault by strangulation.**Committee report: Criminal Justice & Public Safety: OTP (18–0) Our recommendation: **NAY on OTP**This bill, which classifies strangulation as second-degree assault (a B felony), is **anti-liberty**:

- This would be the first act classified as second-degree assault where the word “injury” does not even appear in the text.
- The definition of “strangulation” contained in the bill is overly broad: Simply blocking a person’s nose or mouth would qualify.
- This bill is defining a simple act, which in a specific instance may cause no harm whatsoever, as a crime. It outlaws consensual activities and would technically apply to some sporting activities or even medical procedures such as throat surgery or intubation.

**HB 1219 – Repealing the wartime registration of aliens laws.**Committee report: Judiciary: OTP (18–0) Our recommendation: **YEA on OTP**This bill, which repeals an unenforced and unenforceable WWI-era law, is **pro-liberty**:

- RSA 114, which this bill repeals, conflicts with the federal alien registration act and is thus unenforceable. In addition the statute could only be enforced during wartime, and the United States hasn’t had a declared war since World War II.
- Currently, security concerns regarding foreign citizens on American soil are almost entirely handled by the federal government.

**HB 1162 – Relative to the wearing of motorcycle protective headgear.**Committee report: Transportation: ITL (19–0) Our recommendation: **YEA on ITL**This bill, which mandates the use of motorcycle helmets, is **anti-liberty**:

- Motorcycle riders should have the right to choose to wear a helmet or not. There are conflicting reports regarding helmet safety itself. This bill would have a negative impact on business and tourism in the state.

*The New Hampshire Liberty Alliance is a non-partisan coalition of New Hampshire citizens working to increase individual freedom in the Granite State. Each year we compile voting records from a wide variety of legislation and release our **Liberty Rating**, grading our state legislators’ support of liberty. These Liberty Watchlists are an effort to highlight bills that, if passed, stand to substantially increase or decrease freedom in New Hampshire. Your vote on these bills may be used in our annual Liberty Rating.*