



NEW HAMPSHIRE LIBERTY ALLIANCE

GOLD STANDARD

SB 63 YEA OTP
 SB 219 YEA OTP
 SB 316 NAY OTP
 SB 352 NAY OTP
 SB 403 NAY OTP/A
 SB 414 NAY OTP
 SB 417 NAY OTP/A
 SB 454 YEA IS
 SB 496 YEA ITL
 SB 538 YEA ITL



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HOUSE SESSION - THURSDAY, MAY 2, 2024

SB 417, relative to out-of-home placements for children.

Children and Family Law: OTP/A 11-0

ANTI-LIBERTY: This bill, with the proposed committee amendment, increases the risk of a parent being denied custody of their child.

- This bill changes the criteria that a court must use to support a decision to award custody to an individual other than a parent from a determination that the parent "has abused or neglected the child or is otherwise unfit" to a set of criteria that go far beyond abuse and neglect.
- The new criteria that the state may now use to decide to award custody to someone other than the parent include the ability to meet the "unique needs of the child" and "the condition of the parent's home" (without suggesting that the evaluation should be limited to the health and safety of the home). Of note, such criteria are not explicitly applied to the "fictive kin".
- Child custody in unclear instances of a fit parent is never easy. It is tempting to look at these criteria and assume that a court is making a trade between a risky situation with a parent and a safe situation with fictive kin, licensed foster home, or group or residential care. In practice, even with licensing and direct state control, children who are not placed with parents may remain at great risk — and one needs to look no further than the state's failure at the Sununu Youth Services Center to recognize that bad situations are not guaranteed to be made better simply because the state intervenes.
- While there are no error-free solutions to family situations that have deteriorated enough that all reasonable people would assume the need for community intervention, this bill shifts the balance of power too far toward the state in adding criteria that encourage outside-of-family placement for cases that go beyond the safety of the child.

SB 417

NAY OTP/A

SB 316, establishing a penalty for a person who transports fentanyl class drugs into New Hampshire with the intent to distribute.

Criminal Justice and Public Safety: Without Recommendation

ANTI-LIBERTY: This bill adds a mandatory minimum sentence of 5 years for individuals transporting fentanyl into NH with an intent to distribute and adds a new clause allowing for asset forfeiture of vehicles that were involved.

- The War on Drugs has clearly failed; heroin was first federally regulated more than 100 years ago, yet is still beyond the control of governance even today. While it is tempting to look at the lists of arrests week after week in the news and think we are just one more arrest from a solution, it is clear that the enforcement-centric approach is a failure.
- During the public hearing in the senate, testimony was provided that indicated that there is no evidence that mandatory minimum drug sentences reduce use of drugs, drug sales, or overdose deaths.
- With or without this bill, fentanyl remains illegal in the state.

SB 316

NAY OTP

SB 414

**NAY
OTP**

SB 219

**YEA
OTP**

SB 352

**NAY
OTP**

SB 403

**NAY
OTP/A**

SB 414, relative to establishing a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting.

Criminal Justice and Public Safety: Without Recommendation

ANTI-LIBERTY: This bill requires a mandatory minimum sentence of 10 years for cases where a death results from sharing a controlled drug.

- As written, this bill removes discretion from a judge when sentencing individuals involved in tragic situations. If a couple, unwisely but voluntarily, regularly purchases and shares controlled substances and then one member dies as a result of the use, the judge will now be required to sentence the surviving member to 10 years in prison.
- The bill may have unintended consequences of increasing deaths, as a friend may flee when there is still a chance to save an individual, for fear of this prosecution that leaves no room for understanding the totality of circumstances.

SB 219, (New Title) requiring mandatory reporting by school districts of school expenses.

Education: Without Recommendation

PRO-LIBERTY: This bill requires school districts to post mandatory reports of school expenses, including average cost per pupil, average teacher salaries, and top administrator salaries. It also creates a civil remedy for the enforcement of this requirement.

- This bill enhances public awareness of the cost incurred by public school administrators through requiring the posting of administrator salaries before any meeting in a school district where a budget is under consideration.
- Enhanced transparency in government increases public trust and awareness.

SB 352, establishing an early detection cancer screening pilot program for active and retired firefighters.

Health, Human Services and Elderly Affairs: OTP 20-0

ANTI-LIBERTY: This bill establishes an early detection cancer screening pilot program in the Department of Safety, Division of Fire Standards and Training and Emergency Medical Services, for retired and full-time active firefighters in New Hampshire.

- New Hampshire already heavily subsidizes the healthcare insurance of first responders in New Hampshire.
- This bill is the \$5 million start of a large, new program whose ongoing price tag is to be assumed by the New Hampshire taxpayer.
- First responders who believe they are at an increased risk of cancer can consult with their professional medical doctors and decide on an appropriate course of action to be covered by the health insurance they currently have.
- The pilot program is not powered to provide meaningful statistics in the form of a randomized controlled trial to determine if spending the additional funds makes first responders better off or if it instead subjects them to needless screenings and invasive follow-up procedures with no overall survival or quality-of-life benefits.

SB 403, (New Title) relative to the health care workforce.

Health, Human Services and Elderly Affairs: Without Recommendation

ANTI-LIBERTY: This bill creates a new certification for certified community health workers with vague responsibilities that increases Medicare and Medicaid costs to the taxpayer.

- This bill creates a formal certification for "community health workers" and expands Medicaid coverage so that tax dollars will be used to pay for their services. The bill defines the responsibilities of community health workers to include "informal and motivational counseling" and "other services that the commissioner defines by rules".
- This extraordinarily vague definition puts taxpayers on the hook to fund a broad range of activities that are not specified in the bill, but which could be introduced later without adequate vetting by the legislature.
- This bill has the consequence of potentially raising the costs shouldered by New Hampshire taxpayers by untold millions as ill-defined benefits can be loosely interpreted to mean anything.

SB 496, directing the department of health and human services to establish a climate and health protection program.

SB 496

Health, Human Services and Elderly Affairs: ITL 12-8

ANTI-LIBERTY: This bill creates a new tax obligation to study naturally occurring climate variation and how it may not or may affect people.

YEA ITL

- This bill creates a new cost to be funded by taxpayers to study ailments that are already well understood as to cause and effect on the population. This bill simply tries to associate these issues with climate variance at a significant cost to taxpayers.
- Instead of attempting to attribute cost to associating an ailment with naturally occurring climate variance, the people are better served by allowing private researchers to find actual scientific remedies.

SB 63, (New Title) relative to the adoption of public health ordinances by municipalities.

SB 63

Municipal and County Government: OTP 10-8

PRO-LIBERTY: This bill makes a modest change to the conditions under which unelected health officers may make regulations.

**YEA
OTP**

- Under current law, health officers of towns may make regulations on nearly any topic related to public health.
- The bill restricts health officers' regulatory authority to prevention and removal of nuisances and other similar threats to public health. In the public hearing, testimony was provided indicating that nuisances are well-defined in law. While there is a history of even clearly-defined limits on government power being 'redefined out of existence', the updated language certainly confers no additional powers and may provide some bounds on abuse of power.

SB 538, relative to zoning procedures concerning residential housing.

SB 538

Municipal and County Government: ITL 9-8

ANTI-LIBERTY: This bill authorizes mandatory inclusionary zoning, i.e., prohibitions on building certain housing developments without deed-restricted units renting at below-market rates.

YEA ITL

- This bill creates more mandatory inclusionary zoning, which raises housing costs and therefore limits the overall access to housing in New Hampshire.
- To make such a project economically viable, a developer has to raise rents on other tenants living in the exact same types of units. This is unfair and does nothing for average housing costs.

SB 454, increasing the annual real estate transfer tax revenue contribution to the affordable housing fund.

SB 454

Ways and Means: IS 11-8

ANTI-LIBERTY: This bill doubles the cost of the affordable housing fund.

YEA IS

- This bill doubles the cost to the General Fund of New Hampshire for the Affordable Housing Fund from \$5 million to \$10 million annually.
- It is more efficient, ethical, and rational to reduce the cost of housing by reducing the high property taxes associated with housing than to incur the cost of taxing citizens and returning a small portion of that to a few select people.
- While ITL is the preferred motion, IS is acceptable.