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Neil B. Nicholson: Campground bill erodes constitutional rights

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For the Monitor

During this legislative session, a bill was introduced that strips away one of your constitutional rights. The proposed law, Senate Bill 501, sought to give immunity (a free pass from civil liability) to a private campground owner for certain acts of negligence.

This law would allow campground owners to avoid liability for negligence in situations where their paying guests and their children were hurt from any condition deemed an “inherent risk of camping” listed under this proposed legislation (the “Campground Immunity Law”). When the immunity provisions are applied, the Campground Immunity Law eliminates your constitutional right under Part I, Article 20, of the New Hampshire Constitution to a “trial by jury,” a right that “shall be held sacred,” according to our state constitution.

Fortunately, the House Judiciary Committee unanimously voted to “ITL” the bill, deeming it inexpedient to legislate. This unanimous vote from eight Republicans and seven Democrats put the Campground Immunity Law on what is called the consent calendar. It was pulled off the consent calendar by its sponsors, and pushed to the end of the day’s agenda. Even still, the Campground Immunity Law was voted down by 70 votes. That should have preserved your sacred constitutional right since the bill was effectively killed.

Unfortunately, last Thursday, a majority of our state senators attached the Campground Immunity Law as an amendment to an unrelated Fish and Game bill, House Bill 1458. HB 1458 sought to narrowly amend a statute and make the Magnusson-Stevens Fishery Conservation and Management Act exempt from the rulemaking requirements of RSA 541- A. It has nothing to do with campground immunity. Nevertheless, the Fish and Game bill was hijacked by Campground Immunity Law supporters to eliminate one of your constitutional rights.

This political maneuvering is troubling. The full House rejected the Campground Immunity Law, with the unanimous and bipartisan recommendation of the House Judiciary Committee. That committee studied the bill and found that, on balance, it was not a good law for New Hampshire. Nevertheless, efforts persist to use legislative shenanigans to force this bad law on the citizens of New Hampshire and its out-of-state guests.

As an advocate of limited government interference in the free market, and as a vigorous supporter of our state and federal constitution, I respectfully ask our legislators to not further erode our constitutional rights. Please vote down the Campground Immunity Law a second time.

(Neil B. Nicholson is president of the New Hampshire Association for Justice.)