



# GOLD STANDARD

HOUSE SESSION - WEDNESDAY, JANUARY 6, 2015

HB 128 NAY ITL	HB 549 NAY OTP/A
HB 197 YEA OTP/A	HB 611 NAY ITL
HB 601 YEA OTP/A	SB 157 NAY OTP/A
SB 110 NAY OTP/A	HB 183 NAY OTP
SB 178 YEA ITL	HB 602 NAY OTP/A
SB 240 YEA OTP	HB 661 NAY OTP/A
HB 512 YEA OTP/A	HB 500 YEA OTP
HB 582 YEA OTP/A	HB 636 YEA OTP/A
HB 605 YEA OTP/A	HB 226 YEA ITL
HB 617 YEA OTP/A	SB 146 YEA OTP/A
HB 218 NAY OTP/A	HB 504 NAY ITL
HB 231 NAY OTP/A	HB 552 NAY ITL
HB 253 YEA ITL	HB 630 NAY ITL
	HB 634 YEA ITL

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## HB 128, authorizing the purchase of health insurance from out-of-state companies.

# HB 128

Commerce Committee Recommendation: ITL 16-4

# NAY ITL

### PRO-LIBERTY: This bill opens the door to more competition and more choice in health care.

- While there may be no companies currently interested in this model, we shouldn't ignore the possibility of a health care startup revolutionizing the industry and looking to do business in NH.
- Technology has transformed many industries both local and global. This has allowed for more job opportunities, better customer service, and lower prices. The health care industry will follow this path and NH customers should be allowed the opportunity to buy healthcare from any insurer willing to sell to them.

## HB 197-FN, relative to sales and samples provided by wine manufacturers.

# HB 197

Commerce Committee Recommendation: OTP/A 15-5

# YEA OTP/A

### PRO-LIBERTY: This bill allows wine manufacturers to establish up to 2 'off site' locations for sampling and purchase of its wines.

- Wine manufacturers should be permitted to sell their product where their potential customers are, not restricted to selling where grapes grow best.
- Allowing local businesses to showcase local products benefits NH residents and helps the NH economy.

## HB 601-FN, relative to cash dispensing machine requirements.

# HB 601

Commerce Committee Recommendation: OTP/A 18-2

# YEA OTP/A

### PRO-LIBERTY: This bill reduces the annual cash machine notification renewal fee by \$45.

- The current fee is excessively high, going beyond covering the administrative costs of regulation.
- The NHLA would more strongly support the bill as originally introduced; eliminating annual notification requirements for cash dispensing machine operators entirely.

## SB 110-FN, establishing the administrative supervision act.

# SB 110

Commerce Committee Recommendation: OTP/A 13-6

# NAY OTP/A

### ANTI-LIBERTY: This bill protects companies practicing "bad business" while keeping their customers in the dark.

- Customers of insurance companies should know if their insurer is insolvent. This intervention in the marketplace is not the job of the state. The risk of losing customers should be enough of a motivator for insurers to follow good business practices.
- Not only does this protect the insurance companies from going out of business, it gives immunity to the government employees who fail to provide proper oversight. This bill only hurts innocent insurance customers.

## SB 178, relative to optometrist participation in vision insurance plans.

# SB 178

Commerce Committee Recommendation: ITL 13-6

# YEA ITL

### ANTI-LIBERTY: This bill would prohibit insurers from requiring an optometrist to participate in a separate vision plan.

- The state legislature should not interfere in private contracts. Optometrists enter these contracts with full knowledge of the obligations of the contract.
- The insurer has the right to limit any conflict of interest to protect their customers and themselves.

## HB 240, prohibiting law enforcement agencies from using a drone to collect evidence.

# HB 240

Criminal Justice Committee Recommendation: OTP 15-2

### PRO-LIBERTY: This bill will limit law enforcement use of surveillance drones to emergencies.

- This bill removes some ambiguity from the use of drones by law enforcement, and attempts to explicitly protect a citizens right to be secure from unreasonable searches under Part First Article 19 of the NH Constitution.
- Law enforcement searches of a person's property by drone should be constrained by 4th Amendment protections of the US Constitution.
- The people of New Hampshire have a right to go about their daily lives without concern that they are being broadly or arbitrarily surveilled by a government drone.

## YEA OTP

## HB 512, prohibiting confiscation of firearms & accessories during a state of emergency.

# HB 512

Criminal Justice Committee Recommendation: OTP/A 9-8

### PRO-LIBERTY: This bill extends protections of the right to gun ownership.

- This bill reinforces an existing ban on confiscation of firearms, adding teeth to penalize those who violate the rights of NH citizens.
- This bill holds officers that infringe the rights of the people of New Hampshire personally accountable, while protecting officers who defend the rights of the people, from disciplinary action.

## YEA OTP/A

## HB 582-FN, repealing the license requirement for carrying a concealed pistol or revolver.

# HB 582

Criminal Justice Committee Recommendation: OTP/A 9-8

### PRO-LIBERTY: This bill eliminates an arbitrary legal distinction between concealed & open carry.

- 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 restores the right of law-abiding citizens to carry protection discreetly.
- Our neighbors Vermont and Maine, two states that allow concealed carry without a permit, rank among the safest places in the country.
- The language of current statute can be selectively interpreted and enforced.
  - This bill eliminates unnecessary and obscure definitions of "open" versus "concealed" carry, which are difficult to interpret, have led to several lawsuits, and unfairly criminalize law-abiding citizens.
  - This bill replaces the subjectivity of the phrase "suitable person," which has in the past been used by biased officials for ethnic, racial, and gender discrimination, with the objective and easily understood phrase of "not prohibited by state or federal law."
- By making the license optional, this bill eliminates a waiting period that has prevented persons who may feel threatened (e.g. a woman suffering from a stalker) from carrying discreet protection when needed. It also facilitates license reciprocity requirements between NH and other states.
- Other states that have enacted constitutional carry have seen either no statistically significant change in violent crime, or a slight downward trend.
- There is no evidence that the current NH pistol license provides a necessary benefit to public safety.

## YEA OTP/A

## HB 605-FN, repealing mandatory minimum sentences.

# HB 605

Criminal Justice Committee Recommendation: OTP/A 14-3

### PRO-LIBERTY: This bill repeals mandatory minimum sentencing for specific crimes.

- Mandatory minimums remove discretion from the courts, often forcing judges to impose sentences far longer than are appropriate for the situation and the crime. Restoring discretion enables the Judiciary to perform its constitutional role.
- Reducing use of excessively long minimum sentences will help slow the growth of prison populations.

## YEA OTP/A

## HB 617-FN-A, requiring state police to wear a camera when interacting with the public.

# HB 617

Criminal Justice Committee Recommendation: OTP/A 14-3

### **PRO-LIBERTY: This bill establishes guidance for the use of Body-Worn Cameras by police.**

- The use of BWCs as outlined in this bill will be a benefit to public safety, foster better interactions between police and members of the public, protect members of law enforcement, promote accountability and assist in investigations.
- BWCs protect both police and the citizens they interact with by providing objective evidence of encounters.
- Mandatory disclosure requirements protect civil rights and likely contribute to better behavior by all parties reducing the utilization of force.
- A 12 month study on the use of BWCs in Rialto, CA found use-of-force by officers wearing cameras fell by 59 percent and complaints against officers dropped by 87 percent compared to the previous year's totals.

## YEA OTP/A

## HB 218-FN, relative to additional funding for third grade proficiency in mathematics.

# HB 218

Education Committee Recommendation: OTP/A 14-6

### **ANTI-LIBERTY: This bill provides fiscal incentives for failure to reach math proficiency standards.**

- The state should not be rewarding failure to meet proficiency standards, in any subject, with taxpayer money. Instead, it should be allowing students, parents, and communities greater educational choice.
- There is little evidence to suggest that the original legislative effort was successful in increasing overall reading achievement.
- The new state assessment for math is only 1 year old, which provides insufficient data to derive a fiscal impact.
- Parents and voters of local school districts are best positioned to determine the strengths and weaknesses of their students and schools.

## NAY OTP/A

## HB 231, relative to applications for school building aid.

# HB 231

Education Committee Recommendation: OTP/A 13-7

### **ANTI-LIBERTY: This bill goes too far in expanding criteria for state building aid.**

- School building projects are better handled locally.
- The criteria for state subsidy for building projects are far too broad, both under this bill, and in current law, including any project that contributes to “operational cost efficiencies” or “educational services”, or even meets “any criteria the state board of education may determine are necessary”
- Rather than subsidizing building projects across the state, state government should focus on allowing greater freedom of choice and competition in education.

## NAY OTP/A

## HB 253, relative to the requirements for filing a charter school application.

# HB 253

Education Committee Recommendation: ITL 14-6

### **ANTI-LIBERTY: This bill creates arbitrary requirements for a charter school application.**

- Basing 25% of the charter's approval on its mission is arbitrary and subjective and could only serve to give more latitude in eliminating public school competition.
- This bill requires evidence that certain types of programs in charter schools will not duplicate those in public schools. This essentially prohibits the charter school from attempting to do better than public schools at the same thing, thus eliminating the chance for competition.
- Often basics (especially in STEM) are required before advanced topics can be understood. Charter schools could have an innovative way to teaching students these advanced topics at a younger age but would not be allowed to offer them the foundation required because such material is already covered by traditional and/or charter schools.
- This bill requires evidence of success before sanctioning an alternate approach. We cannot expect to make progress in childhood education if we refuse to allow innovators to explore new approaches.

## YEA ITL

## HB 549-FN-A-L, allowing school building aid grants for certain authorized projects.

Education Committee Recommendation: OTP/A 17-2

**ANTI-LIBERTY: This bill dramatically increases state government spending, requiring that the state spend at least \$50 million per year on school building aid.**

- Local school districts receive the benefit of building projects and should pay the full cost locally rather than taxing the rest of the state.
- Local districts have less of an incentive to make wise cost trades when planning construction or renovation projects when additional funding is seen as 'free money from the state'.

# HB 549

## NAY OTP/A

## HB 611-FN, requiring legislative approval of contracts involving the state board and DOE.

Education Committee Recommendation: ITL 14-5

**PRO-LIBERTY: This bill prevents the state board and DOE from forming binding agreements with the federal government and other third parties without a public hearing and approval from the legislature.**

- Agreements by the state board and DOE have imposed burdensome and expensive obligations on the state of New Hampshire and local districts.
- The people of New Hampshire have a right to voice their acceptance or rejection of these agreements through their elected representatives.

# HB 611

## NAY ITL

## SB 157-FN, encouraging high school students to pass a US citizenship test.

Education Committee Recommendation: OTP/A 14-5

**ANTI-LIBERTY: This bill erodes local control of school curricula and assessments.**

- The assessment is not optional for schools. The bill as amended states that schools *shall* administer a competency assessment. Schools are likely to choose the US citizenship and immigration test.
- In general it is inexpedient for state legislators to compel schools to adopt particular curricula or assessments. These decisions are far better made locally, by parents and teachers.

# SB 157

## NAY OTP/A

## HB 183, relative to voter registration forms.

Election Law Committee Recommendation: OTP 13-6

**ANTI-LIBERTY: This bill contains language already ruled unconstitutional.**

- **VOTE YEA ON FLOOR AMENDMENT 3030-H AND OTP/A.**
- Representative Hoelzel's floor amendment removes the confusing language that the Supreme Court found unconstitutional.
- The voter registration form should not be used as a platform to inform voters about laws unrelated to voting.

# HB 183

## NAY OTP

## HB 602-FN, relative to the use of drones.

Executive Departments and Administration Committee Recommendation: OTP 12-0

**ANTI-LIBERTY: This bill creates arbitrary restrictions on the private use of drones while allowing government wide latitude.**

- Creating wide ranging restrictions on a new technology risks stifling innovation. New Hampshire residents would be better served by a legislature that narrowly addresses specific problems.
- This bill would end commercial delivery drones before they have a chance to prove themselves viable. Requiring the approval of each property a drone flies over is impractical.
- Drones are available in many sizes and it would be impractical to write one's name, address, and phone number on a small indoor drone. The FAA has enacted rules regarding drones and has exempted small lightweight drones that cause no harm. This bill's definition of drone is too vague.
- This bill allows for the weaponizing of drones by NH police departments, further promoting police militarization, and allows several broad loopholes under which police need not obtain a warrant for drone surveillance. HB240 far better protects the rights of NH residents from warrantless searches.

# HB 602

## NAY OTP/A

## HB 661-FN, relative to record keeping for sold or transferred animals.

Executive Departments and Administration Committee Recommendation: OTP/A 6-5

**ANTI-LIBERTY: This bill burdens animal shelters with extensive new reporting requirements.**

- This bill will increase the costs of shelters and other animal care facilities. The state should be seeking to reduce red tape for these organizations, not increasing it.
- This bill perpetuates the overly broad licensing requirements in RSA 437, which can be interpreted to affect non-professionals.

# HB 661

## NAY OTP/A



## HB 500, repealing the prohibition on the use of silencing devices for taking wildlife.

# HB 500

Fish and Game and Marine Resources Committee Recommendation: OTP 7-5

**PRO-LIBERTY: This bill allows use of suppressors for noise reduction while hunting.**

- 35 states already allow use of suppressors for hunting
- Use of suppressors is already legal in NH for other activities including target shooting. This bill removes an arbitrary discrimination against people that prefer the sport of hunting.
- Firearm suppressors reduce but do not eliminate the noise from discharging a firearm, protecting the hearing of the shooter and anyone else in the area.
- A common complaint among property owners living near hunting grounds is the noise of the firearms used. This annoyance leads to conflict, and motivation to restrict hunting lands. This bill provides a compromise. While a suppressed firearm can still be heard from a distance, it is quiet enough to not wake people living near hunting grounds in the early morning hours when hunting is most common.

## YEA OTP

## HB 636-FN, relative to forfeiture of property.

# HB 636

Judiciary Committee Recommendation: OTP/A 14-5

**PRO-LIBERTY: This important bill protects the rights of NH residents to due process.**

- Civil asset forfeiture involves the taking of property from a person who has not been convicted, or often even charged, with a crime. This bill corrects the injustices in current law, and protects due process, by requiring a criminal conviction prior to forfeiture of assets, and “clear and convincing evidence” on the part of the state.
- This bill ensures that property is returned to innocent property owners in a timely manner, and that they have recourse when it is not.
- This bill greatly reduces perverse incentives and appearances of impropriety by providing that proceeds from asset forfeiture no longer flow directly to the government agencies pursuing the forfeiture.

## YEA OTP/A

## HB 226, allowing municipalities to borrow from their funds under certain conditions.

# HB 226

Municipal and County Government Committee Recommendation: ITL 10-3

**ANTI-LIBERTY: This bill could incentivize towns to borrow irresponsibly to pay their bills.**

- This bill promotes fiscal irresponsibility. Competent budgeting and planning should prevent the need to borrow from existing funds, dedicated to other purposes.
- This bill could produce large property tax spikes as the town's try to re-fund their accounts. Large unexpected spikes in taxes most hurt those on fixed incomes who can't afford to pay.

## YEA ITL

## SB 146, relative to accessory dwelling units.

# SB 146

Municipal and County Government Committee Recommendation: OTP/A 11-2

**PRO-LIBERTY: This bill protects the right of property owners to build accessory dwelling units.**

- Many NH residents are currently prevented by arduous zoning laws from building accessory dwelling units.
- The needs and demographics of NH residents are shifting. Accessory dwelling units make it possible for aging parents to live with adult children, elderly residents to retain their independence by obtaining live-in aid, and young adult children to share housing costs with parents.
- The right of property owners to make their own choices about their property should be respected. Increasing housing flexibility benefits everyone.

## YEA OTP/A

## HB 504, relative to online driver education.

# HB 504

Transportation Committee Recommendation: ITL 10-7

**PRO-LIBERTY: This bill allows students the freedom to learn in a more efficient setting.**

- Many studies have shown online learning to be as effective as in-person classes. (e.g. Russell, T. L. The No Significant Difference Phenomenon. Montgomery, AL:IDEC,1999,17 Barry, M.& Runyan, G).
- Remote learning provides much needed flexibility to students with limited transportation options, or limited means
- Remote learning helps reduce the cost of driver education

## NAY ITL

**HB 552-FN, *developing a plan for the state to accept bitcoin as payment for taxes & fees.***

**HB 552**

**Ways and Means Committee Recommendation: ITL 13-4**

**PRO-LIBERTY: This bill allows greater flexibility for taxpayers**

- There is very little possible downside to this proposal. There is no financial risk to the state; the state will only hold and deal in US dollars. All bitcoin transactions are handled by a third party payment processor, at no cost.
- This legislation may help attract young entrepreneurs to NH, by sending a clear message that NH is technologically progressive, modern, and forward thinking.

**NAY  
ITL**

**HB 630-FN-A, *establishing the New Hampshire video lottery.***

**HB 630**

**Ways and Means Committee Recommendation: ITL 12-7**

**PRO-LIBERTY: This bill reduces property taxes while allowing NH residents access to expanded gaming without creating monopolistic casinos.**

- The state's proceeds, estimated to be \$217 million a year, would reduce the statewide property tax; more than cutting it in half. This would be about a 5% overall cut for taxpayers.
- Past bills created monopolistic privileges for only one or at most a handful of businesses to operate casinos. Existing New Hampshire businesses would have been put at a disadvantage because they would not have been allowed to compete. HB 630, on the other hand, creates a level playing field, open to businesses of any size.

**NAY  
ITL**

**HB 634-FN-A, *applying the interest and dividends tax to trusts, increasing exemptions, and extending the tax to capital gains; and relative to homeowners property tax relief.***

**HB 634**

**Ways and Means Committee Recommendation: ITL 12-7**

**ANTI-LIBERTY: This bill expands taxation.**

- Taxing capital gains disproportionately harms the elderly, who often rely on investments to cover living expenses in retirement. NH already heavily taxes the elderly through high property taxes; this bill would make the situation even worse.
- This bill is another attempt to undermine the NH advantage. We should be seeking to reduce taxes *for everyone*, to encourage growth and prosperity.

**YEA  
ITL**