



NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

HB 602 NAY OTP/A  
HB 605 YEA OTP/A  
HB 636 YEA OTP  
HB 1266 NAY ITL  
HB 1301 YEA OTP/A  
HB 1381 NAY ITL  
HB 1445 NAY ITL  
HB 1584 YEA OTP/A  
HB 1637 Move to Table  
HB 1656 YEA OTP  
HB 1660 YEA OTP/A

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SENATE SESSION - THURSDAY, APRIL 28, 2016

## HB 1266-FN, legalizing firecrackers.

Commerce: ITL 3-2

### PRO-LIBERTY: This bill legalizes additional categories of fireworks.

- The choice of whether to purchase, possess, and use fireworks should be a personal one. Fireworks bans are paternalistic.
- Removing the ban on firecrackers and smoke bombs will increase economic activity in New Hampshire.

# HB 1266

# NAY ITL

## HB 1381-FN, relative to the sale of smoke bombs.

Commerce: ITL 4-1

### PRO-LIBERTY: This bill repeals the ban on smoke bombs.

- Removing the ban on smoke bombs will increase economic activity in New Hampshire.
- Even states with substantially more restrictive fireworks laws allow smokebombs (e.g. this is a class of device that is legal in New York state).

# HB 1381

# NAY ITL

## HB 1637-FN, relative to school attendance in towns with no public schools.

Education: IS 5-0

### PRO-LIBERTY: This bill allows students to be assigned to a public or private school if there is no public school for the child's grade in the child's resident district.

- Allows access to private schools for children in towns with no school building.
- Moves the education system in the direction of the free market by allowing both public and private schools to compete for the students.
- Creates a system to address declining school enrollment by allowing other education options.
- Support TABLING motion to allow sponsor to be present for the vote.

# HB 1637

# Move to Table

## HB 1660-FN-L, relative to eminent domain for gas pipelines and relative to assessment of the land use change tax for eminent domain takings for energy infrastructure.

Energy and Natural Resources: OTP/A 4-1

### PRO-LIBERTY: This bill helps protect property rights from eminent domain abuse.

- Owners of properties being taken may require the taking of the entire property so they will not be forced to live with the project being developed.
- This bill equalizes eminent domain with regard to gas pipelines as it relates to other utilities.
- It allows the owner of the property to select their own appraiser and have the costs of the appraisal paid for by the pipeline company.

# HB 1660

# YEA OTP/A

## HB 1301, relative to the issuance of youth employment certificates.

Executive Departments and Administration: OTP/A 4-0

### PRO-LIBERTY: This bill respects a parent's right to determine the satisfactory level of academic performance required for a youth certificate of employment.

- According to a Harvard Graduate School of education report (<http://nrs.harvard.edu/urn-3:HUL.InstRepos:4740480>), teens who have good high school work experiences are more likely to be inspired to stay in school, graduate, and adopt ambitious goals.
- Existing law grants public school principals or superintendents the exclusive right to approve work certificates. Parents, however, better understand the full set of challenges that the student faces outside of the school.
- Current law effectively requires homeschoolers, charter school students or students attending private schools to seek permission from the local public school's principal/superintendent who has no connection to the student's school work and performance.

# HB 1301

# YEA OTP/A

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

Judiciary: OTP/A 5-0

**ANTI-LIBERTY: This bill creates arbitrary restrictions on the private use of drones while allowing government and business 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's definition of drone is too vague. Drones are available in many sizes; it is impractical for an owner to inscribe name, address, and phone number on even a small indoor toy drone or helicopter. The FAA has enacted rules regarding drones and has exempted small lightweight drones that cause no harm.
- The bill (422-D:3, IX) grants nearly full exception from the provisions of this bill for businesses. This goes beyond mere 'corporate personhood' by exempting businesses from all aspects of the law while still applying the law to all private citizens.

# HB 602

## NAY OTP/A

## HB 605-FN, relative to mandatory minimum sentences.

Judiciary: OTP/A 4-0

**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.

# HB 605

## YEA OTP/A

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

Judiciary: OTP 3-0

**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 several of the injustices in current law, and protects due process, by requiring a criminal conviction prior to forfeiture of assets, and clear and convincing evidence of wrong-doing.
- 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.

# HB 636

## YEA OTP

## HB 1584-FN, relative to the discharge of a person committed for nonpayment of a fine.

Judiciary: OTP/A 3-0

**PRO-LIBERTY: This bill as amended regulates a law enforcement agency's use of body-worn cameras. As amended the new title would be "relative to body-worn cameras for law enforcement officers".**

- 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 years totals.

# HB 1584

## YEA OTP/A

# HB 1445-FN, relative to tinted windows on motor vehicles.

Transportation: ITL 3-2

# HB 1445

**PRO-LIBERTY:** This bill would repeal an existing prohibition on tinted side windows.

- 46 other states already allow tinted side windows, with no widespread problems reported.
- NH law enforcement already encounters tinted windows on the thousands of tourist vehicles that visit NH each year. No widespread problems have been reported with these vehicles, either.
- While we do not support the \$5 annual fee, this bill still represents a clear improvement over current law.

# NAY ITL

# HB 1656-FN, relative to exceptions to the real estate transfer tax.

Ways and Means: OTP/A 5-0

# HB 1656

**PRO-LIBERTY:** This bill establishes exceptions from the real estate transfer tax for certain transfers of title related to changes in form of organization or made between the owners and the entity for no consideration.

- Taxation of 'paper' real-estate transfers for which no true transfer is taking place improperly penalizes property owners who have non-material changes in organizational structure. This bill would prevent application of the real-estate transfer tax in cases where no true transfer is performed.

# YEA OTP