



GOLD STANDARD

HB 1239 NAY OTP
HB 1247 NAY ITL
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HB 1624 NAY OTP



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SENATE SESSION - THURSDAY, APRIL 14, 2016

HB 1239, relative to certain terminology in the education statutes.

HB 1239

Education: OTP 4-0

ANTI-LIBERTY: This bill attempts to standardize terminology in the education statutes.

- The bill's sponsor testified during the committee hearing that this bill is intended to be a 'housekeeping' bill to address consistency in terminology but as currently submitted, the bill inadvertently results in material changes in the relationship between the state board of education and local school boards. While we support the intent of clear and consistent language in the statutes, in its current form, the risks far outweigh any potential benefit that could be realized from 'housekeeping' consistency updates. The following issues would need to be addressed for the bill to limit its scope to housekeeping and clarity :
- In most of the bill, existing statutes that utilize terminology of 'educational' or 'curriculum' standards have been replaced with the consistent and defined language of 'academic standards'. However, in part II, the bill simply deleted 'curriculum and educational' standards instead of replacing it with the words 'academic' standards. The resulting language greatly expands the scope of potential rule making power that RSA 186:8 grants the state board. The deletion would now allow the state board of education to define standards outside of the context of academic standards.
- The proposed change to RSA 193-C:1, II-III goes beyond mere clarification of terms. Previously this RSA indicated that statewide assessments were an effective measure of accountability for our schools. The changes in the bill go beyond ensuring accountability of the school by adding that the statewide assessments are intended to measure "student performance". One potential interpretation of this addition is that the statewide assessments and academic standards could be used in student grading or promotion in lieu of locally developed proficiency standards. Since this is not the intent of the existing statute, this can easily be interpreted as a material change to the intent of the law.
- Finally, the key to this bill being simply a housekeeping bill is the extent to which 'academic standards' are aligned with the intent of current law. This bill broadly defines 'academic standard' as "what a student should know and be able to do at each grade level" but provides no constraints that align the standards with the existing definition of academic topics included in an adequate education per RSA 193-E:2-a. The definition should be clarified to "what a student should know and be able to do at each grade level for each of the topics enumerated in RSA 193-E:2-a, I."

NAY OTP

HB 1300, relative to the content of patriotic exercises in public schools.

HB 1300

Education: OTP 3-1

ANTI-LIBERTY: This bill requires public schools to dedicate up to two days each year to discuss the words, meaning and history of the Pledge of Allegiance and Star Spangled Banner.

- The legislature shouldn't be dictating curriculum from Concord. Local school districts are in a better position to understand the educational needs of their students.
- Requiring the same discussion twice each year throughout a public school career crowds out other significant and relevant topics including the Declaration of Independence, and the Constitution.

NAY OTP

HB 1624-FN, relative to electioneering by public employees.

Public and Municipal Affairs: OTP 5-0

HB 1624

ANTI-LIBERTY: This bill prohibits all persons from engaging in electioneering that utilizes government equipment.

- This bill attempts to clarify existing law that prohibits the use of public property for electioneering by public employees. The bill amends the current law to replace 'property' with 'equipment' which is an appropriate change to prevent the restriction from applying to real property such as public sidewalks. In modifying the existing statute, the language was changed so that restriction on use of government equipment now applies to *all people* - not just government employees. As a result, a private citizen using government equipment such as a computer in a library or an open wifi access point in a government building would violate the law as amended by this bill.
- The applicability to 'all persons' will create inadvertent violators of the law and would potentially penalize those who have no special access to government property.
- Although use of government equipment for electioneering by any party forces the public to financially support electioneering activities that they potentially find offensive, the risk of misdemeanor prosecution for inadvertent violation is an unacceptable potential outcome of this bill.
- The bill would allow off-duty public employees to utilize public property (such as office space to which they have unique access) for electioneering while citizens are denied this right.

NAY OTP

HB 1616-FN, relative to drivers licenses and identification cards that are compliant with federal identification law.

Transportation: OTP/A 4-1

HB 1616

ANTI-LIBERTY: This bill assists the federal government in violating the privacy of NH residents.

- The federal REAL ID act establishes a national identification card, and requires holders of REALID-compliant identification to allow their photos and social security numbers to be held in government databases. These requirements open New Hampshire citizens up to identity theft and privacy violations.
- Currently, 28 states do not comply with REAL ID. For almost a decade, the Department of Homeland Security has repeatedly postponed enforcement of REAL ID. They will continue to do so, so long as states fulfill their obligation to defend the rights of their residents from this unconstitutional mandate.
- Contrary to the house majority blurb, this bill provides no substantial protections against the entry of NH residents' data into federal databases. In fact, it explicitly enables it (section 15).
- The state of NH as an organization has no obligation to provide real ID compliant cards, or DHS accessible databases. The state does have an obligation to do everything in its power to protect its residents from federal privacy intrusions.
- Providing REAL ID-compliant cards at the same price as non-compliant cards, and stamping the latter as non-compliant, will make it practically feasible for DHS to move forward on their enforcement objectives, mandating that everyone get the national ID card.
- This bill is not "opt in". The bill authorizes sharing of data for both REAL ID-compliant and non-compliant cards with federal databases, gutting privacy protection for all NH residents, including those choosing non-compliant IDs.
- Since 2010, a bipartisan majority in New Hampshire has firmly rejected compliance with the REAL ID Act.

NAY OTP/A

HB 1247, relative to poker in private residences.

Ways and Means: ITL 3-0

HB 1247

PRO-LIBERTY: This bill allows the playing of poker games in a private residence.

- Currently NH law creates criminals of homeowners and their guests who happen to gather for an evening of recreational poker.
- This bill takes the reasonable step of legalizing poker in private residences, so long as there is no house, rake, or similar.
- Private, voluntary transactions between adults taking place on private property should not be prohibited by the state.
- There is no revenue impact to the state.

NAY ITL