



# GOLD STANDARD



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SENATE SESSION - THURSDAY, MAY 5, 2016

HB 114 YEA OTP

HB 1127 NAY ITL

HB 1210 YEA OTP

HB 1338 NAY ITL

HB 1570 YEA OTP

HB 512 YEA OTP/A

HB 1138 YEA OTP

HB 1229 NAY ITL

HB 1408 YEA ITL

HB 1637 NAY IS

HB 582 YEA OTP

HB 1153 NAY ITL

HB 1236 NAY ITL

HB 1430 NAY OTP

HB 1644 NAY OTP/A

HB 1118 NAY ITL

HB 1186 NAY ITL

HB 1270 NAY ITL

HB 1471 NAY ITL

HB 1656 YEA OTP

## HB 114, establishing beer specialty licenses.

Commerce: OTP 3-2

**PRO-LIBERTY:** This bill establishes a specialty beer license to allow retailers to sell specialty beers without also requiring them to sell food.

- This bill allows specialty beer retail establishments to obtain a new license that doesn't require a \$3000 inventory value of grocery items.
- Many stores meet the current grocery requirement by keeping Spam, Vienna sausages, and other canned items that don't spoil quickly, which are never sold. For a beer & wine store, this requirement is wasteful, protectionist, and serves as a barrier to entry to small stores.
- This will help to increase beer tourism which is a hot market in New England. New Hampshire is lagging behind neighboring states in this growing market.

# HB 114

# YEA OTP

## HB 1229, prohibiting the inclusion of statewide assessment results in a student's transcript without consent.

Education: ITL 4-0

**PRO-LIBERTY:** This bill gives control over assessment results to students and parents.

- Statewide assessments were designed to measure overall school performance, and are not designed as a measurement of individual student performance.
- Students should not be held accountable to an assessment that changes from year to year and may be based on standards that are not fully implemented.

# HB 1229

# NAY ITL

## HB 1338, relative to student exemption from the statewide assessment.

Education: ITL 4-0

**PRO-LIBERTY:** This bill allows parents to opt their children out of the statewide assessment.

- Parents have a right to direct the education of their children.
- Seven states (Utah, Wisconsin, Pennsylvania, Minnesota, Oregon, Washington, and California) already have opt-out provisions. No state or school district has lost federal funding due to lower participation rates, nor over opt out provisions.
- The new federal law, ESSA, recognizes parents' right to opt out.

# HB 1338

# 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 Avard/Hill amendment 2016-1343s which retains the benefits of the bill as passed by the house and addresses certain technical issues with the house wording.

# HB 1637

# NAY IS

## YEA OTP

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

Finance: OTP 4-2

**PRO-LIBERTY:** House version of SB 116. Makes possession of a NH pistol/revolver license optional; replaces vague term of "suitable" with "not prohibited by state or federal law"; extends license minimum period from 4 to 5 years.

- 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 license, rank among the safest places in the country.
- The language of current statute can be and has been 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 criminalizes 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 with 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.

### HB 1408-FN, relative to a school building inventory.

Finance: ITL 5-1

**ANTI-LIBERTY:** This bill mandates a statewide inventory of approximately 400 school buildings.

- The incremental work increases from individual mandates such as this contribute to an overworked staff and loss of focus on the primary mission of the schools to educate our children.
- There is a cost to gather this data even when using existing staff. Assertions to the contrary imply that the staff at our schools are spending a portion of their day sitting idle.

# HB 1408

## YEA ITL

### HB 1430-FN, relative to registration of compact utility tractors.

Finance: OTP 6-0

**ANTI-LIBERTY:** This bill subjects utility tractors to vehicle registration requirements.

- Compact utility tractors are rarely used on NH's roads and should not be subject to registration fees.
- This bill would create an unnecessary burden on small agricultural businesses.

# HB 1430

## NAY OTP

### HB 1644-FN, relative to screening and intervention for dyslexia and related disorders, establishing a reading specialist position in the department of education, and making a technical correction.

Finance: OTP/A 6-0

**ANTI-LIBERTY:** This bill further increases state level spending on education.

- This bill creates an entirely new level of specialist within the DOE at more expense to the state.
- Programs already exist to identify students who need additional services; this bill is duplicative of services already in place.
- Nongermane committee amendment leaves objectionable portions of bill intact but is otherwise acceptable.

# HB 1644

## NAY OTP/A

**HB 1138, relative to access to investigational drugs, biological products, and devices.**

**HB 1138**

**Health and Human Services: OTP 4-0**

**PRO-LIBERTY: This bill gives terminally ill patients more options for treatment while protecting all involved.**

**YEA  
OTP**

- The individual should be able to make fully informed healthcare decisions about their treatment, and not have to wait for the FDA to approve such treatments.
- Allowing terminally ill patients to try other treatments could save their lives while advancing modern medicine at the same time.
- Some terminally ill patients travel to foreign countries to try these treatments. This bill will allow the patient to remain close to friends and families in their time of need.
- 27 states have passed similar laws.

**HB 1127, relative to qualifications of referees in the superior courts and circuit courts.**

**HB 1127**

**Judiciary: ITL 4-1**

**PRO-LIBERTY: This bill is pro-liberty and brings a level of accountability to marital referees and marital masters.**

**NAY ITL**

- This bill requires that court referees who are not former judges become justices of the peace.
- Currently, referees, as state employees, cannot be impeached if they decide beyond their proper authority, by contrast, justices of the peace can be impeached if necessary.
- The requirement is not arduous. JP is easy to obtain, and allows a five year term before requiring re-approval by the governor and council.

**HB 1270, relative to a jury's determination as to the applicability of a law.**

**HB 1270**

**Judiciary: ITL 4-1**

**PRO-LIBERTY: This bill clarifies the Wentworth instruction given to jurors.**

**NAY ITL**

- Jurors find the Wentworth instruction to be less than clear.
- This instruction to the jury makes clear their right to ignore the law if the result would be unjust.
- Jurors generally do not understand the significant distinction between the terms 'must' and 'should' as used in the Wentworth instruction.

**HB 1681-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs.**

**HB 1681**

**Judiciary: OTP/A 4-0**

**PRO-LIBERTY: This bill, as passed by the house, reduces the harm of the war on drugs, by allowing for safe disposal of hypodermic needles.**

**YEA  
OTP**

- Oppose committee amendment 2016-1487s. Changing this bill to a study committee defers a proven positive step in harm reduction.
- People are more likely to safely dispose of needles if they aren't in danger of arrest.
- Allowing easier access to clean needles will help prevent the spread of dangerous and costly diseases, including hepatitis and HIV.
- Penalizing addicts for possession of a used syringe is a failed approach, which does not help them and endangers the community.
- This bill allows charities to create needle-exchange programs, which have a proven track record of reducing the harm of drug addiction (Steffanie A. Strathdee<sup>1</sup> and David Vlahov, AIDS Science Vol. 1, No. 16, December 2001, also: <https://goo.gl/Q1wQYp>, more: <http://goo.gl/hWuJoa>).

**HB 1186, repealing the law prohibiting coasting of vehicles.**

**HB 1186**

**Transportation: ITL 3-1**

**PRO-LIBERTY: This bill repeals the existing unenforceable prohibition on coasting vehicles.**

**NAY ITL**

- Existing law is not enforceable as there is no external indication that a vehicle is in neutral.
- Coasting can reduce wear on vehicles and save fuel. As long as the rules of the road are followed, there is no danger to others from a coasting vehicle.

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

Ways and Means: OTP 5-0

**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.**

- Eliminates a double tax on property owners transferring their property to themselves.
- 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.

# HB 1656

## YEA OTP

## HB 1210, relative to prescriptions for controlled drugs by telemedicine.

Health and Human Services: OTP 3-1

**PRO-LIBERTY: This bill slightly liberalizes telemedicine by increasing the conditions under which a physician may prescribe controlled substances as part of an ongoing patient relationship.**

- Liberalizing telemedicine can reduce health care costs and expand patient choice.
- The bill requires that the prescriber has a prior in-person practitioner-patient relationship.

# HB 1210

## YEA OTP

## HB 1570-FN, repealing the law governing access to reproductive health care facilities.

Health and Human Services: OTP 3-2

**PRO-LIBERTY: This bill restores freedom of speech on public ways or sidewalks.**

- Freedom of speech should not be restricted on public land paid for by taxpayers.
- The current law is unconstitutional and will cost the state too much to enforce.
- An almost identical Massachusetts law was struck down as unconstitutional by all 9 Supreme Court justices last summer. The plaintiffs in that case were awarded \$1.24 million in legal fees.
- A vote against repeal is a vote to charge taxpayers for an expensive lawsuit that the state will most certainly lose.

# HB 1570

## YEA OTP

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

Judiciary: OTP/A 3-1

**PRO-LIBERTY: This bill extends protection of the right to property 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 individuals 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.

# HB 512

## YEA OTP/A

## HB 1118, relative to the determination of parental rights and responsibilities and establishing a presumption in favor of shared residential responsibility.

Judiciary: ITL 4-0

**PRO-LIBERTY: This bill establishes a rebuttable presumption that shared parenting and shared residential rights and responsibilities are in the best interest of the child or children.**

- Barring extenuating circumstances such as abuse or neglect, it is in the best interest of the child that both parents have continuing involvement in the child's life.
- Multiple studies indicate that share parenting arrangements result in lower risks of fear, aggression or depression. See <http://www.divorceny.com/custody/swedish-survey/> and <http://national.deseretnews.com/article/17236/what-shared-parenting-is-and-how-it-can-affect-kids-after-divorce.html>.
- The bill contains protection to help ensure that a history of abuse or neglect is considered in determining what is in the best interest of the child.

# HB 1118

## NAY ITL

**HB 1153, prohibiting a political subdivision from adopting residency restrictions on sex offenders.**

**HB 1153**

**Judiciary: ITL 2-2**

**PRO-LIBERTY: This bill improves government transparency.**

- There are already many restrictions on where a registered offender can live. These types of restrictions can force people out of affordable housing and sometimes result in homelessness.
- Residency restrictions are an infringement upon fundamental private property rights and do nothing to actually protect victims.
- Limitations on residency can force people on the registry further from the support networks they need the most: jobs, therapy, and public transportation, making it more difficult to re-assimilate into society.

**NAY ITL**

**HB 1236, relative to hearings on modifications of parental rights and responsibilities.**

**HB 1236**

**Judiciary: ITL 4-0**

**PRO-LIBERTY: This bill respects mutually agreeable compromises reached out of court.**

- This bill as amended provides that when the parties agree to a modification of parental rights and responsibilities, the court shall not hold a hearing on the modification unless requested by both parties.
- Mutually agreed-upon parenting plans are a win/win agreements that reduce stress for all involved including the children.
- This bill keeps un-coerced parenting agreements in the control of cooperating parents, avoiding unnecessary litigation and concomitant suffering.

**NAY ITL**

**HB 1471, relative to parental rights.**

**HB 1471**

**Judiciary: ITL 3-0**

**PRO-LIBERTY: This bill recognizes the right of parents to make decisions about the health, education, and welfare of their children.**

- Decisions about child-rearing are the responsibility of parents, not the state.
- This bill does not change existing regulations, but is a valuable statement of principle.

**NAY ITL**