



NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

HB 712 NAY OTP  
 HB 1660 NAY OTP/A  
 SB 436 NAY OTP/A  
 SB 486 NAY OTP  
 SSB 603 NAY OTP  
 SB 620 NAY OTP/A  
 SB 623 NAY OTP  
 SSB 683 NAY OTP/A  
 SB 687 NAY OTP/A  
 SB 726 NAY OTP/A  
 SSB 730 YEA IS  
 SB 732 Neutral  
 SB 750 YEA IS  
 SB 754 NAY OTP/A

NHLIBERTY.ORG

SENATE SESSION - WEDNESDAY, MARCH 11, 2020

**SB 486, relative to insurance plans that cover maternity benefits.**

**Commerce: OTP 3-2**

**ANTI-LIBERTY: This bill mandates additional insurance coverage in a manner that goes beyond the requirements of the Affordable Care Act.**

- Insurance mandates add to the cost of policies by requiring purchasing "insurance" for something that the consumer may or may not want. This may lead to increased premiums for everyone.
- Per the fiscal note, federal law requires the cost of state mandates for policies sold through the insurance exchange to be borne by the State so this bill would increase spending.

**SB 486**

**NAY  
OTP**

**SB 603, relative to financial assistance for biomass and forest product workers.**

**Commerce: OTP 3-2**

**ANTI-LIBERTY: This bill expands state job training and placement spending.**

- While government-sponsored job training programs are effective at spending taxpayer money, there is little evidence that they have any lasting impacts. Taxpayers have been funding jobs programs since the 1960s, yet federal auditors can find little evidence that they are effective: Government Accountability Office, "Multiple Employment and Training Programs," GAO-11-92, January 2011, p. 11 ([www.gao.gov/new.items/d1192.pdf](http://www.gao.gov/new.items/d1192.pdf)).
- New Hampshire's preliminary seasonally-adjusted unemployment rate for January 2020 was 2.6%. The state should not be spending money to provide job matching services as this is already well supported by the free market.

**SB 603**

**NAY  
OTP**

**SB 620, relative to coverage for certain biologically-based mental illnesses.**

**Commerce: OTP/A 3-2**

**ANTI-LIBERTY: This bill mandates additional insurance coverage in a manner may go beyond the requirements of the Affordable Care Act.**

- Insurance mandates add to the cost of policies by requiring purchasing "insurance" for something that the consumer may or may not want. This may lead to increased premiums for everyone.
- Per the fiscal note, federal law requires the cost of state mandates for policies sold through the insurance exchange to be borne by the State so this bill may increase state spending.

**SB 620**

**NAY  
OTP/A**

**SB 623, requiring insurance coverage for PFAS and PFC blood tests.**

**Commerce: OTP 5-0**

**ANTI-LIBERTY: This bill mandates additional insurance coverage in a manner that goes beyond the requirements of the Affordable Care Act.**

- Insurance mandates add to the cost of policies by requiring purchasing "insurance" for something that the consumer may or may not want. This may lead to increased premiums for everyone.
- Per the NH DHHS website ([www.dhhs.nh.gov/dphs/pfcs/blood-testing.htm](http://www.dhhs.nh.gov/dphs/pfcs/blood-testing.htm)), a PFAS blood test cannot: tell you where or how you were exposed to PFAS found in your body; tell you what, if any, health problems might occur or have occurred because of PFAS in your body; or be used by your doctor to guide treatment decisions.
- Per the fiscal note, federal law requires the cost of state mandates for policies sold through the insurance exchange to be borne by the State so this bill would increase spending.

**SB 623**

**NAY  
OTP**

**SB 687, relative to transparency in prescription drug pricing and establishing a New Hampshire prescription drug affordability board.**

**SB 687**

**Commerce: OTP/A 3-2**

**ANTI-LIBERTY: This bill attempts to reduce costs by authorizing new fees on health insurance providers, drug manufacturers, distributors, and others.**

**NAY  
OTP/A**

- This bill mandates new annual reporting requirements on manufacturers and creates a new state bureaucracy that will need to be serviced by these providers in a belief that doing so will improve affordability. This bureaucracy and its reporting requirements, along with new fees, will result in increased costs that will be passed on to New Hampshire residents.

**SB 750, providing for premium-free insurance to persons who donate a kidney.**

**SB 750**

**Commerce: IS 5-0**

**ANTI-LIBERTY: This bill forces state taxpayers to buy organs from kidney donors by funneling taxpayer funds through health insurance premiums.**

**YEA IS**

- Donation of a kidney is currently a deeply personal and altruistic act. While there may be reason to eliminate restrictions on private compensation for the act, New Hampshire taxpayers should not be forced to participate in the practice of organ sales.
- While the appropriate motion for this bill is ITL, IS is acceptable.

**SB 683, establishing a New Hampshire innovation program in the department of business and economic affairs and making an annual appropriation therefor.**

**SB 683**

**Education and Workforce Development: OTP/A 4-1**

**ANTI-LIBERTY: This bill, with the proposed amendment, establishes a committee that pre-supposes that it is the proper role of the state to 'invest' taxpayers' money in risky start-up businesses.**

**NAY  
OTP/A**

- The committee created by this bill is directed to find evidence to support a pre-supposition that it is the proper role of the state to provide funding to start-up businesses.
- The state should not be in the business of choosing winners or losers; all businesses should be allowed to compete in a free market.

**SB 726, relative to programs to aid veterans' access to employment, entrepreneurship, housing, health care and college degrees.**

**SB 726**

**Education and Workforce Development: OTP/A 4-1**

**ANTI-LIBERTY: This bill spends more than a quarter of a million dollars per year on special programs for veterans, performing functions that in many cases are already covered by federal programs.**

**NAY  
OTP/A**

- Many local employers already offer beneficial treatment for hiring and training veterans — it is unclear that additional state spending in the area of job training and apprenticeship will have any positive outcome.
- Proposed changes to 110-B:73-b and 188-F:16-b relative to reducing barriers to employment created by the state's excessive occupational licensing framework are admirable but likely ineffective. Veterans and all New Hampshire residents would be better served by reductions in state-sponsored protectionist legislation.
- While improved outcomes for veterans from this legislation are uncertain, what is certain is that this bill will increase spending and result in higher taxes for everyone, including New Hampshire's veterans.

**SB 730, establishing the granite state paid family leave plan.**

**SB 730**

**Finance: IS 4-1**

**ANTI-LIBERTY: This bill provides a new taxpayer-funded benefit to state employees.**

**YEA IS**

- Many state employees work under collectively-bargained contracts. Providing a new benefit outside of the context of contract negotiations eliminates the option of trading or offsetting other potential salary or benefit increases during negotiations.
- Even prior to covering the cost of any negotiated coverage with a private vendor, this bill would commit the state to spending IT and staff infrastructure costs in excess of \$1.5 million per year.
- While the appropriate motion for this bill is ITL, IS is acceptable.

# HB 712, relative to a family and medical leave insurance program.

# HB 712

Finance: OTP 4-1

**ANTI-LIBERTY: This bill creates a new tax on income from wages of at least 0.5% to implement a new family medical leave program.**

## NAY OTP

- Employees and employers should be free to negotiate benefit programs such as paid family and medical leave insurance without the state forcing all to participate.
- There is a cap on benefits at 85% of the average salary, so workers who make over the average salary will be paying for benefits that they cannot collect and are disproportionately impacted by the legislation.
- The current short-term disability insurance market will be negatively impacted by government interference in the insurance marketplace.
- Long term, the fiscal note for the program estimates that the state of NH will need 43+ additional employees and \$6.6 million per year that would need to be subsidized by the participants.

# SB 754, establishing a dental benefit under the state Medicaid program.

# SB 754

Health and Human Services: OTP/A 4-0

**ANTI-LIBERTY: This bill will increase state spending by providing adults in the Medicaid program with dental coverage.**

## NAY OTP/A

- This program provides able-bodied adults in New Hampshire with taxpayer-funded dental coverage at taxpayer expense.
- Testimony at the public hearing indicated costs between \$6 million and \$11 million in state taxpayer funds and more than \$28 million of taxpayer funding overall when state and federal spending are considered. These costs were stated to be a 'starting point' as the bill provides no cap on annual per-patient expenses.

# SB 436, relative to the penalties for various motor vehicle violations.

# SB 436

Judiciary: OTP/A 4-1

**ANTI-LIBERTY: This bill provides for enhanced penalties for certain motor vehicle violations if the operator was also using a mobile electronic device.**

## NAY OTP/A

- Penalties for each of the violations listed in RSA 265, RSA 265-A, and RSA 630:3 are presumably set based on the potential impact of the infraction. A blanket increase of the penalty when these actions are also accompanied by a mobile device infraction are unlikely to change behaviors of individuals; however, the option of enhanced penalties will be used by prosecutors to coerce individuals to accept a lower penalty plea vs. facing a more serious charge even if the individual is innocent.

# SB 732, prohibiting the sharing of location data.

# SB 732

Judiciary: OTP/A 3-2

**NEUTRAL: This bill prohibits the sharing of location data by providers of mobile services and application providers.**

## Neutral

- This bill attempts to prohibit the sharing of location data with third parties unless the sharing was explicitly authorized by the individual. The intent of this bill is in fact Pro-Liberty. However, there are issues with the language that prevent a positive recommendation for the bill and its associated amendment.
- The bill defines "Authorized Use" in I(a)(1) but never goes on to use the term within the section on restrictions. While it seems likely that judicial review of the law would divine legislative intent, the legislature should seek to tighten the language. An amendment that adds "IV. (f) Any authorized use of location data." should be considered.
- Per I(a)(2), the bill excludes from authorized use location data that is: "shared in exchange for products or **services**." — this is paternalistic in its current form. Individuals should be free to make decisions about trading location data for a product or service, and in fact this directly contradicts I(a)(1), which states that authorized use includes "For the purpose of providing a **service** explicitly requested by such customer".

**ANTI-LIBERTY:** This bill creates a system for issuing a civil restraining order for actions that are already treated as a crime.

- Current statutes [RSA 631: 4,8,9] already address these actions as criminal behaviors: Section 631:4 Criminal Threatening; Section 631:8 Criminal Neglect of Elderly, Disabled, or Impaired Adults; Section 631:9 Financial Exploitation of an Elderly, Disabled, or Impaired Adult.
- This bill violates due process on numerous fronts and because these are civil actions, the poor will not have access to a public defender.
- Further, the decision to seize firearms and prohibit future purchases is made in a proceeding where the normal rules of evidence need not apply as 173-D:4 VI, as proposed, includes *"In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material."*
- The bill prohibits by law, prosecution of those who committed perjury when filing a petition.

**NAY  
OTP**