



# GOLD STANDARD

HB 250 NAY Override  
HB 687 NAY Override  
HB 712 NAY Override  
HB 731 NAY Override  
HB 1166 NAY Override  
HB 1234 NAY Override  
HB 1247 NAY Override  
HB 1454 NAY Override  
HB 1660 NAY Override  
SB 19 NAY Override  
SB 122 NAY Override  
SB 124 NAY Override

NHLIBERTY.ORG JOINT RECOMMENDATIONS - WEDNESDAY, SEPTEMBER 16, 2020

**HB 250, (Second New Title) establishing a dental benefit under the state Medicaid program.**

## HB 250

**Governor: Vetoes**

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

- This program provides able-bodied adults in New Hampshire with taxpayer-funded dental coverage.
- This will likely result in new costs of 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. The bill provides no cap on annual per-patient expenses and therefore the total cost impact may be higher.

## NAY Override

**HB 687, relative to extreme risk protection orders.**

## HB 687

**Governor: Vetoes**

**ANTI-LIBERTY: This bill allows personal property, including firearms, to be taken when no crime has been committed.**

- This bill eliminates traditional due-process protections prior to search and seizure of personal property.
- The bill violates the 4th Amendment protections under the US Bill of Rights and Article 19 of the NH Bill of Rights: "[Art.] 19. *[Searches and Seizures Regulated.] Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions.*"
- The language in the bill allows for hearsay 'evidence' to be admitted into the trial violating Article 15: "[Art.] 15. *[Right of Accused.] No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him;*"
- The respondent will be stripped of personal property and will need to spend time and money via the court system for return of the property without having committed a crime.
- Under this bill, courts are not bound by the traditional rules of evidence typically given to the defendant. (159-E:3 IX)

## NAY Override

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

## HB 712

**Governor: Vetoes**

**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.**

- 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.

## NAY Override

## HB 731, (Second New Title) relative to the state minimum hourly rate.

Governor: Vetoed

# HB 731

**ANTI-LIBERTY: This bill establishes a state-dictated minimum wage.**

- Minimum wage laws decrease the number of entry-level jobs and make it harder for people of low skill to get their start in the workforce.
- Higher wages for everyone are better accomplished through job creation — more jobs mean more competition to hire all workers.
- Employers and employees should be free to negotiate the terms of employment without interference.
- Economic conditions and cost of living vary dramatically across the state. A "one-size-fits-all" approach to a minimum wage will put unreasonable pressure on areas of the state with limited employment opportunities and lower costs of living.
- The very idea of a minimum wage is patronizing and demeaning as it implies that individuals don't know how much they're worth and are incapable of negotiating with an employer.

**NAY  
Override**

## HB 1166, (New Title) relative to unemployment compensation, certain sanitary protections for COVID-19, extending the federal Family and Medical Leave Act for certain COVID-19 protections, and waiving cost sharing for testing and treatment for COVID-19.

# HB 1166

Governor: Vetoed

**ANTI-LIBERTY: This bill increases unemployment compensation rates to be a larger fraction of the individual's normal salary and mandates new paid benefits to be provided by employers.**

- The increases in unemployment provided for in this bill are permanent and not limited to the response to COVID-19. Some employees will end up receiving more money on unemployment than they did while working. This is a disincentive to work and is ultimately harmful to individuals. For example, an individual earning \$192 per week would be eligible for \$220 a week while unemployed.
- The bill also requires unlimited paid time off for COVID-19 testing requested by the employee, as proposed 277:10-a indicates that only the employee request is required to trigger access to a test or time-off for the test.

**NAY  
Override**

## HB 1234, (Second New Title) relative to state and local government administration.

# HB 1234

Governor: Vetoed

**ANTI-LIBERTY: This bill is an omnibus bill that contains approximately 40 different topics, limiting the ability of the public to participate and comment and forcing legislators to accept unrelated provisions in a single vote.**

- This bill raises protectionist barriers by preventing EMTs or paramedics who are nationally certified by the National Registry of Emergency Medical Technicians and licensed in their home state from being employed in New Hampshire without first completing NH's processes for licensing.
- New Hampshire is still in the midst of an opioid crisis and a medical state of emergency. Now is not the time to try a dangerous protectionist experiment that will complicate the process for businesses to attract qualified emergency personnel from other states.
- While the bill contains a number of positive or neutral provisions, the negative provisions and the limited time for public review are unacceptable.

**NAY  
Override**

## HB 1247, (Second New Title) relative to mortgage defaults and nonpayment of rent during the novel coronavirus disease (Covid-19) outbreak state of emergency.

# HB 1247

Governor: Vetoed

**ANTI-LIBERTY: This bill prohibits a landlord from filing a possessory action based on nonpayment of rent that became due during the state of emergency unless the renter has been provided with a written offer to allow payment over a 6 month period that begins from the date of the written offer.**

- This bill provides a one-size-fits-all solution to the complexities the economic hardships created by the COVID-19 pandemic and the associated state actions. Small landlords, who themselves may have felt impacts from the state of emergency, may lose their property, which may also have unforeseen negative consequences for the tenants.

**NAY  
Override**

**HB 1454, (New Title) relative to alternative learning credit rules of the state board of education.**

**HB 1454**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill increases the complexity for organizations looking to offer alternative "Learn Everywhere" for-credit programs by allowing local school boards to reject alternative learning or work-based programs.**

**NAY  
Override**

- Ultimately parents are in the best position to determine what is best for the education of their children. Under current law, parents and alternative learning providers can work with the state board of education to ensure that alternative programs meet education standards. This bill would increase complexity for parents and educators by allowing the local school board to reject the work-based program credit even if it is not executing within the geographic region covered by the board and is supported by the parent.

**HB 1660, establishing a protective order for vulnerable adults.**

**HB 1660**

**Governor: Vetoed**

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

**NAY  
Override**

- 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.

**SB 19, relative to the privacy of certain information concerning public employees.**

**SB 19**

**Governor: Vetoed**

**ANTI-LIBERTY: This bill enables the disclosure of personal information held by the state to a private organization.**

**NAY  
Override**

- This bill allows the state to release the home address, email, and personal phone numbers of state employees to labor unions without regard for whether the employee wishes this data to be released to the organization.
- In 2018, a constitutional amendment passed with 81% of the vote stating "An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent." — this bill would undermine this constitutional right.
- Employees who wish to share this information with their union may already do so voluntarily.

**SB 122, relative to expenditures from the energy efficiency fund.**

**SB 122**

**Governor: Vetoed**

**ANTI-LIBERTY: By eliminating the existing rebate to residential ratepayers, this bill increases a stealthy tax on New Hampshire electricity consumers.**

**NAY  
Override**

- This bill removes long-standing rebates to middle class residential customers, while preserving rebates to commercial/industrial customers, thereby raising rates on residential customers and effectively forcing them to subsidize commercial/industrial customers as well as low-income and local governments.
- Electric rates are already high in New Hampshire. Efficiency projects that are truly fiscally responsible can and will be funded by electricity consumers themselves. It is unfair to force all ratepayers to fund projects for specific consumers, whether private or governmental.
- Rather than putting more money into the hands of government in order to pick winners and losers, the money should remain with the ratepayers where it belongs.

**Governor: Vetoed**

**NAY  
Override**

**ANTI-LIBERTY: This bill increases state interference in the energy marketplace.**

- This bill may increase energy costs in the state by mandating potentially non-competitive energy sources. Should proponents of these sources be correct that they will be cheaper than alternatives, then no state mandate would be needed.
- The bill disadvantages increases in other carbon-neutral energy sources such as nuclear.