



NEW HAMPSHIRE LIBERTY ALLIANCE

GOLD STANDARD

SB 67 YEA ITL
SB 74 YEA OTP/A
SB 150 NAY OTP
SB 154 YEA OTP/A



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SENATE SESSION - THURSDAY, APRIL 1, 2021

SB 67, relative to paid sick leave.

SB 67

Commerce: ITL 3-2

ANTI-LIBERTY: This bill requires employers to provide paid time off for all employees for illnesses and certain other absences.

YEA ITL

- This bill would increase costs for all employers, many of whom are struggling to stay in business due to the state's response to the COVID-19 pandemic.
- The bill would increase the risks of frivolous legal action as the barrier for a rebuttable presumption of unlawful retaliation is low, allowing nearly any terminated employee to make a reasonable case that termination was related to the provisions of this bill.

SB 150, establishing a dental benefit under the state Medicaid program.

SB 150

Finance: OTP 7-0

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

**NAY
OTP**

- This program provides able-bodied adults in New Hampshire with dental coverage at taxpayer expense.
- This bill would cost state taxpayers 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 would be a 'starting point' as the bill provides no cap on annual per-patient expenses.

SB 74, relative to advance directives for health care decisions.

SB 74

Health and Human Services: OTP/A 5-0

PRO-LIBERTY: This bill clarifies existing New Hampshire RSAs relative to Advance Health Care Directives allowing surrogates to consent to clinical trials or experimental treatments.

**YEA
OTP/A**

- This bill clarifies a number of aspects of the existing New Hampshire RSAs associated with advanced directives for health care including new language that outlines the ability for a surrogate to consent to experimental treatment consistent with authority granted in a durable power of attorney for health care (when such conditions are explicitly mentioned) or consistent with standard guidelines when the durable power of attorney for health care does not cover the topic.
- These changes improve the ability for an individual to delegate a person they trust to ensure their wishes are being fulfilled when they are unable to express their wishes to due to permanent or temporary lack of capacity to make health care decisions.

Judiciary: OTP/A 3-2

PRO-LIBERTY: This bill prohibits any agent of the state from enforcing any Executive Order of the current or future President of the United States that has the purpose or effect of restricting or regulating the right of the people to keep and bear arms.

- An executive order is a published directive from the President of the United States that manages operations of the federal government. To the extent these orders provide clarity to the executive branch on how to carry out the intent of federal laws or the powers explicitly granted to the president, these orders are arguably a necessary use of executive authority. However, for more than one hundred years, presidents from all parties have sought to expand their powers. This bill would modestly restrict such expansion.
- In Federalist 37 (avalon.law.yale.edu/18th_century/fed47.asp), James Madison wrote "*There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates*". While this bill only seeks to limit expansive use of federal executive authority for one purpose, it is a good first step toward ensuring that at least one enumerated right is offered modest protection from infringement by a single branch of government.

**YEA
OTP/A**