



# NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

SB 15 NAY OTP  
 SB 135 NAY OTP  
 SB 170 YEA ITL  
 SB 199 YEA ITL  
 SB 231 YEA ITL  
 SB 234 NAY OTP/A  
 SB 249 NAY OTP  
 SB 253 YEA ITL  
 SB 266 NAY OTP/A  
 SB 271 NAY OTP/A  
 SB 279 NAY OTP/A  
 SB 282 NAY OTP/A  
 SB 301 NAY OTP  
 SB 304 YEA ITL

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SENATE SESSION - THURSDAY, MARCH 14, 2019

**SB 271, relative to requiring prevailing wages on state-funded public works projects.**

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

**ANTI-LIBERTY: This bill mandates federally-determined prevailing minimum wages on state-funded public works projects.**

- This bill would impose significant additional recordkeeping and weekly reporting requirements for contractors supporting state projects. These increased overhead costs, which are not directly represented by the fiscal note, would ultimately be borne as additional costs to the taxpayer.
- The bill mirrors similar federal legislation (Davis Bacon Act) which was passed with the deliberate intent to prevent non-unionized, less established, minority laborers from competing with established, unionized, white workers during the depression. While times have changed and the intent of this bill may be somewhat different, the effect will still be to dramatically increase the risk and/or cost of employing workers with potential for growth but with lower demonstrated skill level.
- Small firms may not have the personnel to absorb compliance overhead costs. This bill would have the effect of biasing state contracts toward larger/established firms.

**SB 271**

**NAY  
OTP/A**

**SB 279, relative to access to fertility care.**

**Commerce: OTP/A 5-0**

**ANTI-LIBERTY: This bill mandates new coverage for health insurance, driving up rates for everyone, and will require funding of expensive treatments from the state's general fund for those purchasing coverage on the ACA marketplace.**

- In 2018 the average annual premium for employer-based family coverage rose 5 percent, outpacing inflation ([www.ncsl.org/research/health/health-insurance-premiums.aspx](http://www.ncsl.org/research/health/health-insurance-premiums.aspx)). Part of the reason for the increase is continued increases in state-mandated services such as those included in this bill that would require coverage of expensive in vitro fertilization and cryopreservation for a period of 5 years from the time of each cryopreservation.
- The federal ACA law specifies that the cost of newly-enacted mandates associated with coverage through the exchange must be borne by the state. According to the fiscal note: *"The Department assumes that the costs associated with artificial insemination services and assisted reproductive technologies, as well as the costs of the diagnostics tests and drugs to support the same, for exchange products, would be borne by the State's general fund."*

**SB 279**

**NAY  
OTP/A**

**SB 199, requiring teachers to have training in suicide and bullying awareness and prevention.****Education and Workforce Development: ITL 4-1****ANTI-LIBERTY: This bill requires the state board of education to adopt rules requiring annual training in suicide awareness and prevention for teachers and administrators while providing no funding for the new mandate.**

- Suicide is a tragic, but rare, occurrence and mandating that almost all school personnel spend two hours every year learning how to detect and prevent such tragedies is another piece of "feel good" legislation that will do nothing to solve a complex problem.
- Teachers are employed in schools to teach, not become psychologists; schools already have counselors to work with troubled children.
- This bill will be a boon for the training and certification industrial complex, but for teachers and other school personnel will be just another administrative burden to fulfill.
- The New Hampshire Constitution Part 1 [Art.] 28-a. [Mandated Programs.] states *"The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state or unless such programs or responsibilities are approved for funding by a vote of the local legislative body of the political subdivision."* This bill represents an unfunded mandate on local districts.

**YEA ITL****SB 253, relative to statewide deployment of a real-time threat notification system for schools.****Education and Workforce Development: Rerefer 4-1****ANTI-LIBERTY: This bill spends \$2 million per year to replicate the capabilities of a cell phone.**

- This bill creates a new statewide system for the purpose of allowing school personnel to notify law enforcement officials directly in the event of a direct threat against a school community. While a "batphone" may have made sense in the 1970's, this replicates capabilities that most faculty and many students already have to call 911.
- Faculty and students already know how to use their cell phones and are regularly testing them. This single-purpose system would generally be unused and as a result would have a higher risk of failure when it might be needed most.
- Although this bill is recommended as rerefer, a motion of ITL is the most appropriate path forward.

**YEA ITL****SB 266, relative to funding for kindergarten pupils, keno revenues, and school building aid.****Education and Workforce Development: OTP/A 5-0****ANTI-LIBERTY: This bill spends more than \$9 million of additional taxpayer money on an unproven mandate that may harm as many children as it helps.**

- Research indicates that half-day kindergarten is beneficial, but concludes all-day kindergarten is too long, robs children of valuable free play, and is counterproductive ([www.washingtonpost.com/news/answer-sheet/wp/2015/08/17/why-pushing-kids-to-learn-too-much-too-soon-is-counterproductive/?noredirect=on&utm\\_term=.01b75ee7836d](http://www.washingtonpost.com/news/answer-sheet/wp/2015/08/17/why-pushing-kids-to-learn-too-much-too-soon-is-counterproductive/?noredirect=on&utm_term=.01b75ee7836d)).
- Full-day kindergarten will compete with hundreds of small private businesses that are already providing these services without cost to the taxpayer.
- Studies have shown that accelerating education in young boys has potential long-term disadvantages, especially in the ability to focus at later ages. Delaying kindergarten for one year reduced inattention and hyperactivity by 73% for an average child at age 11, and it virtually eliminated the probability that an average child at that age would have an abnormal or higher-than-normal rating for the inattentive-hyperactive behavioral measure ([ed.stanford.edu/news/stanford-gse-research-finds-strong-evidence-mental-health-benefits-delaying-kindergarten](http://ed.stanford.edu/news/stanford-gse-research-finds-strong-evidence-mental-health-benefits-delaying-kindergarten)).

**NAY  
OTP/A**

**SB 282, relative to suicide prevention education in schools.**

**Education and Workforce Development: OTP/A 5-0**

**ANTI-LIBERTY: This bill requires each public school to develop a plan to train staff, volunteers, and students on suicide prevention tactics.**

- Suicide is a tragic, but rare, occurrence and mandating that faculty, staff, school volunteers, and students receive training is another piece of "feel good" legislation that will do nothing to solve a complex problem.
- Local school districts already have the ability to adopt programs such as this without a state mandate.
- The New Hampshire Constitution Part 1 [Art.] 28-a. [Mandated Programs.] states *"The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state or unless such programs or responsibilities are approved for funding by a vote of the local legislative body of the political subdivision."* This bill represents an unfunded mandate on local districts.

**SB 282**

**NAY  
OTP/A**

**SB 231, promoting truth in political advertising.**

**Election Law and Municipal Affairs: Rerefer 5-0**

**ANTI-LIBERTY: This bill imposes a monetary fine for a finding of "materially false" speech by a candidate or political entity as determined by a partisan legislative committee.**

- Though the bill makes the claim that it is not infringing upon freedom of speech as protected by the NH Constitution ([Art.] 22. [Free Speech; Liberty of the Press.] *Free speech and Liberty of the press are essential to the security of Freedom in a State: They ought, therefore, to be inviolably preserved*), simply asserting that this is not an infringement but is rather a consequence does not change the fact that this law will have a chilling effect on political speech.
- This bill dramatically expands the scope of the Legislative Ethics committee to potentially have power over persons or entities who are not members of the general court (*III. If a ruling of "materially false" is issued by the committee, the candidate or **political entity** whose name is provided on the advertising shall be assessed a fine equal to the cost of production and publication of the false advertisement.*).

**SB 231**

**YEA ITL**

**SB 304, relative to campaign contributions and expenditures, and making an appropriation therefor.**

**Election Law and Municipal Affairs: Rerefer 3-2**

**ANTI-LIBERTY: This bill establishes public campaign financing for eligible candidates for governor and councilor.**

- Taxpayers should not be forced to pay for the campaign activities of any candidate, particularly those with whom they vigorously disagree.
- While the recommendation is rerefer and this is acceptable, the appropriate motion on this bill is ITL.

**SB 304**

**YEA ITL**

**SB 234, establishing the position of director of the office of outdoor recreation industry development in the department of business and economic affairs.**

**Executive Departments and Administration: OTP/A 3-1**

**ANTI-LIBERTY: This bill creates a new state government office and position of director of outdoor recreation.**

- New Hampshire has gone 243 years without an Office of Outdoor Recreation Industry Development, but yet now in 2019, even as the legislature expresses concern about property tax rates, this bill proposes that we are in need of this new office and position. While the costs for the new office and position are initially small, each new state government office builds its own constituency that seeks to expand budgets in future years.

**SB 234**

**NAY  
OTP/A**

# SB 15

## NAY OTP

# SB 170

## YEA ITL

# SB 249

## NAY OTP

# SB 135

## NAY OTP

### SB 15, making an appropriation to the affordable housing fund.

Finance: OTP 5-0

**ANTI-LIBERTY: This bill allocates \$10 million to provide financing and state matching funds for state-sponsored housing projects in 2020 and an additional \$5 million for each year thereafter.**

- The projects as defined by RSA 204-C:57 needlessly encourage the creation of high density low-income housing that crowds out other affordable housing options and raises artificial barriers that families must cross in order to distinguish themselves from those who do not strive for improved wages and living conditions.
- Concentrating poor or low-income people in a small area, whether in the projects or due to the fact that only certain housing providers are willing and able to accept payment through welfare programs, creates unintended negative side effects such as crime, lack of social cohesion, and poor examples for children, affecting their future income potential (<https://object.cato.org/sites/cato.org/files/pubs/pdf/pa773.pdf> pages 9 & 10).

### SB 170, making an appropriation to fund the cross border drug interdiction program.

Finance: ITL 6-0

**ANTI-LIBERTY: This bill allocates funds to hire five state troopers to exclusively perform drug interdiction work.**

- The War on Drugs has clearly failed; heroin was first federally regulated more than 100 years ago, yet is still beyond the control of governance even today. While it is tempting to look at the lists of arrests week after week in the paper and think we are just one more arrest from a solution, it is clear that the additional spending-and-enforcement approach is a failure.
- As with most government programs, once the new positions are created there will be significant pressure to retain the positions and their subsequent pension costs after the current "crisis" is over. This will likely result in more long-term spending than the fiscal note implies.
- *"The available scientific evidence suggests... that drug-related violence and high homicide rates are likely a natural consequence of drug prohibition and that increasingly sophisticated and well-resourced methods of disrupting drug distribution networks may unintentionally increase violence. From an evidence-based public policy perspective, gun violence and the enrichment of organized crime networks appear to be natural consequences of drug prohibition..."* (International Centre for Science in Drug Policy at [www.countthecosts.org/sites/default/ICSDP-1%20-%20FINAL.pdf](http://www.countthecosts.org/sites/default/ICSDP-1%20-%20FINAL.pdf))
- The Department of Safety reports the appropriated sum in this bill for the hiring of five state troopers does not fully fund the estimated costs for five troopers.

### SB 249, including the legislature as a public employer under the public employee labor relations act.

Finance: OTP 4-2

**ANTI-LIBERTY: This bill would make the legislature less able to respond to the will of the people.**

- This bill establishes the legislature as a public employer under the Public Employee Labor Relations Act and provides procedures for collective bargaining by a defined group of legislative employees. The legislative branch is a political body and the leadership of both chambers and all political parties must have the option of having the people around them that support representing the positions of the voters who elected them.
- The legislature would be required to negotiate "terms and conditions" of employment for these employees which would potentially place restrictions on staff changes for future legislatures.

### SB 135, relative to the rates of the business profits tax and the business enterprise tax.

Ways and Means: OTP 3-2

**ANTI-LIBERTY: This bill repeals and defers scheduled reductions in the business profits tax and business enterprise tax.**

- NH's ability to attract new businesses and retain existing businesses is vital to the health of our economy. High business tax rates impede NH's ability to attract and retain businesses. Low unemployment benefits everyone.
- When profits are not heavily taxed they can be re-invested to hire more staff, create more robust research and development, or invested in capital equipment.
- Enterprise taxes are a tax on compensation. Lowering these taxes directly enables businesses to increase compensation to employees.

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