



NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

HB 250 NAY OTP/A  
HB 731 NAY OTP/A  
HB 1162 NAY OTP/A  
HB 1166 NAY OTP/A  
HB 1234 NAY OTP/A  
HB 1245 NAY OTP/A  
HB 1247 NAY OTP/A  
HB 1280 NAY OTP/A  
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HB 1639 NAY OTP/A

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SENATE SESSION - TUESDAY, JUNE 16, 2020

**HB 731, (New Title) establishing a state minimum wage and providing for adjustments to the minimum wage.**

## HB 731

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

**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 OTP/A

**HB 1166, establishing a committee to study obtaining health insurance for those persons who are uninsured in New Hampshire.**

## HB 1166

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

**ANTI-LIBERTY: This bill, with the committee amendment, 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, under the proposed amendment, an individual earning \$192 per week would be eligible for \$220 a week while unemployed.
- The committee amendment 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 OTP/A

**HB 1280, relative to copayments for insulin.**

## HB 1280

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

**ANTI-LIBERTY: This bill eliminates the option for individuals to access policies with deductibles for insulin and grants the state the power to import drugs from Canada while not providing the same freedom to private individuals or businesses.**

- While it may be comforting to feel as if we are saving individuals money, each new mandate we add increases the total cost for insurance and may end up making the difference between a family being able to afford insurance and not being able to afford it.
- Deductibles in medical insurance policies allow insurers to offer policies at lower costs because it helps ensure that the customer takes total cost into account. This bill changes the incentive structure so that there is no reason for someone to choose a lower cost and potentially equally effective generic equivalent since their costs will be the same. This will further drive premium increases.
- Reducing barriers to accessing potentially lower cost medicine from Canada (or other sources) is commendable; however, the state does not belong in the business of being the sole wholesaler or providing a special grant of privilege to a single wholesaler.

## NAY OTP/A

**HB 1454, relative to credit for alternative, extended learning, and work-based programs.**

**HB 1454**

**Education and Workforce Development: OTP/A 3-1**

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

**NAY  
OTP/A**

- 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 1558, relative to the provision of special education services for older students.**

**HB 1558**

**Education and Workforce Development: OTP/A 4-0**

**ANTI-LIBERTY: This bill, with the committee amendment, covers 19 different areas related to education including municipal bonds, school funding, and background checks.**

**NAY  
OTP/A**

- This bill allows a school board or charter school board of trustees the ability to extend a suspension for mere possession of a paint ball gun without any requirement that the possession take place on or near school grounds.
- This bill decreases the town vote threshold from 2/3 to 3/5 for bonds and other long term debt, allowing towns to more easily shift the burden for current spending to future taxpayers.

**HB 1582, providing free tuition at colleges and universities for children of veterans who are totally and permanently disabled.**

**HB 1582**

**Education and Workforce Development: OTP/A 4-0**

**ANTI-LIBERTY: This bill, with the committee amendment, spends state taxpayer dollars 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 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 to 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.

**HB 1234, (New Title) relative to the heating of certain state-owned buildings in Concord and making an appropriation therefor.**

**HB 1234**

**Executive Departments and Administration: OTP/A 5-0**

**ANTI-LIBERTY: This bill, with the committee amendment, 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.**

**NAY  
OTP/A**

- As amended, 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 of the amendment are unacceptable.

# HB 1245

**HB 1245, (New Title) establishing a legislative committee to review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute, repealing various statutory boards, commissions, councils, committees, task forces, and reducing the membership on certain statutory committees.**

**Executive Departments and Administration: OTP/A 5-0**

**ANTI-LIBERTY: This bill, with the committee amendment, contains approximately 36 different topics, limiting the ability of the public to participate and comment and forcing legislators to accept unrelated provisions in a single vote. It grants the state the ability to infringe on private property rights and raises the tobacco possession/sale age to 21.**

- While portions of this this bill are attempting to address public safety, there are insufficient protections for property rights. Unelected state officials are given the right to enter on any property, public or private, for the purpose of investigating the condition, construction, or operation of any potentially hazardous dam or associated equipment, facility, or property to take emergency actions without even a simple review by a judge. It allows property entry if there is a flood warning issued by the National Weather Service but does not require the flood warning to be in a region that is associated with the dam. History has shown that vague emergency powers will be broadly interpreted beyond the original stated intent.
- This bill bans the sale and possession of tobacco and e-cigarette products by young adults in NH by increasing the age for most provisions from 19 to 21.

**NAY  
OTP/A**

# HB 250

**HB 250, (New Title) requiring reports by the board of dental examiners.**

**Health and Human Services: OTP/A 4-1**

**ANTI-LIBERTY: This bill, with the committee amendment, 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  
OTP/A**

# HB 1639

**HB 1639, relative to "In and Out Medical Assistance."**

**Health and Human Services: OTP/A 5-0**

**ANTI-LIBERTY: This bill, with the committee amendment, covers 17 different topics. Among these are a new insurance mandate for potentially ineffective antibiotics therapy, as well as raising barriers to competition and growth in the healthcare market.**

- Traditionally, where we have had insurance coverage mandates, they were for therapies where there was the highest degree of scientific consensus recommending it, considering efficacy, safety, and cost-effectiveness. This is not the case here. The CDC explicitly recommends against long-term antibiotic treatments for tick-borne illnesses such as Lyme, saying it has outcomes that are no better than a placebo ([www.cdc.gov/lyme/postlds/index.html](http://www.cdc.gov/lyme/postlds/index.html)), but brings risks of serious, sometimes deadly complications. The Infectious Disease Society of America also notes that such treatment is ineffective and presents a harm to public health, due to the creation of antibiotic-resistant bacteria.
- Although we support the "right to try" for patients, and would not ban long-term antibiotic treatments for Lyme, neither should we mandate that insurance plans cover this treatment.
- The bill would also require any new ambulatory surgical center, hospital, walk-in-care center (and other similar health care facilities) that would be located within 15 miles of an existing critical access hospital to inform the hospital and allow it to object to the new nearby competition. While this is not a full return to the failed certificate of need mechanism of years past, it does raise new barriers to competition and potentially limits growth in the healthcare sector. Just months ago, experts predicted a shortage of testing facilities and hospital beds and now the legislature is considering raising new barriers to expansion.

**NAY  
OTP/A**

## HB 1162, relative to adoption and parentage.

# HB 1162

Judiciary: OTP/A 5-0

**ANTI-LIBERTY:** This bill, with the committee amendment, incorporates language from HB 377 that changes the purpose of the Child Protection Act from protection from abuse to the state determining the 'best interest of the child'.

## NAY OTP/A

- There is no objective standard to determine the best interest of the child. Under this bill, judicial prerogative to determine the child's best interest becomes the default, rather than a last resort reserved for when a parent has been proven unfit.
- According to the National Bureau of Economic Research ([www.nber.org/digest/oct05/w11377.html](http://www.nber.org/digest/oct05/w11377.html)) "Doubling the rate of religious attendance raises household income by 9.1 percent, decreases welfare participation by 16 percent from baseline rates, decreases the odds of being divorced by 4 percent, and increases the odds of being married by 4.4 percent." — should the state show a preference for removing a child from a non-religious parent and placing them with a religious family? Clearly not, and while such decisions are unlikely to become commonplace even with this bill, a decision to remove a child from a parent is not something that should be left to such a vaguely worded standard subject to judicial evolution of interpretation.

## HB 1247, relative to notice of rent increases in certain residential rental property.

# HB 1247

Judiciary: OTP/A 3-2

**ANTI-LIBERTY:** This bill requires in-person or certified mail notice of at least 60 days of a proposed rent increase that exceeds 5 percent or notice of at least 90 days of an increase that exceeds 8 percent.

## NAY OTP/A

- Terms for permissible increases should be the subject of private rental and/or lease agreements and not done by state mandate.
- This places a burden upon property owners that the state has not chosen to place upon themselves. Increases in taxes or utility rates driven by state policy come with no such in-person or certified mail requirement, and may also result in a landlord facing state-driven increases in costs that will not be able to be passed on to tenants.
- This bill will tend to drive up rents as property owners manage their risk of unexpected cost increases by passing on higher initial rental costs in the initial agreement.