

HB 1704-FN - AS INTRODUCED

2026 SESSION

26-3159

12/09

HOUSE BILL ***1704-FN***

AN ACT permitting public employees to bargain individually with public employers without any intervention.

SPONSORS: Rep. Labrie, Hills. 2; Rep. Drago, Rock. 4; Rep. Drew, Hills. 19; Rep. Farrington, Straf. 8; Rep. Granger, Straf. 2; Rep. Morton, Hills. 39; Rep. Osborne, Rock. 2; Rep. Schneller, Hills. 2; Rep. Berry, Hills. 44; Rep. Noble, Hills. 2

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill provides certain public employees with independent bargaining rights and authorizes said employees to engage in independent bargaining with employers free of any interference. The bill also establishes penalties for any violations of these public employee's independent bargaining rights.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT permitting public employees to bargain individually with public employers without any intervention.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Short Title. This section shall be known as the "Public Employee Choice Act".

2 2 Statement of Findings. The general court makes the following findings and declares:

3 I. Public employees and employees and employers should be free to contract on their own
4 terms;

5 II. Monopoly collective bargaining laws violate this freedom; and

6 III. It is against New Hampshire public policy to impose monopoly collective bargaining on
7 employees who wish to represent themselves.

8 3 New Section; Public Employee Choice Act. Amend RSA 273 by inserting after section 11 the
9 following new section:

10 273-A:11-a Public Employee Independent Bargaining.

11 I. For the purposes of this section:

12 (a) "Independent bargaining" shall mean negotiating with a public employer regarding
13 wages, hours, grievance adjustments, or other employment terms without intervention of an
14 employee organization or exclusive bargaining representative;

15 (1) "Independent bargaining" does not confer greater or lesser rights than employees
16 in units with exclusive representation;

17 (2) "Independent bargaining" does not impose greater or lesser duties on employers
18 than those owed to employees in units with exclusive representation;

19 (b) "Employee organization" shall mean any association, organization, or committee
20 advocating for employees concerning wages, labor disputes, hours, or conditions of work;

21 (c) "Public employee" shall mean any person employed by the state of New Hampshire or
22 a political subdivision, public school, authority, commission, board, or other public service entity;

23 (d) "Public employer" shall mean any state or local government, agency, instrumentality,
24 school board, or other public entity employing one or more persons;

25 (e) "Collective bargaining" shall mean the mutual obligation of employer and certified
26 exclusive bargaining representative to negotiate in good faith regarding wages, hours, and
27 employment terms; and

28 (f) "Exclusive bargaining representative" shall mean any employee organization certified
29 by the public employment labor relations board under RSA 273-A to represent employees in a
30 bargaining unit.

1 II. For the purposes of this section, the following categories of public employees are exempt
2 from independent bargaining rights:

3 (a) Law enforcement officers as defined in RSA 106-L:2;

4 (b) Firefighters;

5 (1) Firefighters shall include employees that:

6 (A) Have the authority and responsibility to engage in the prevention, control, or
7 extinguishment of fires, and who perform activities that are required for and directly concerned with
8 the prevention, control, or extinguishment of fires, including incidental non-firefighting functions;

9 (B) As a job requirement are fully certified as a firefighter by the New
10 Hampshire fire standards and training commission; and

11 (C) As a job requirement meets all physical, mental, educational, and other
12 qualifications for continuing certification as a firefighter that may be established by the certifying
13 authority;

14 (2) Firefighters shall not include any persons employed auxiliary, intermittent,
15 special, part-time, volunteer, call, or reserve firefighters;

16 (c) Emergency medical service personnel as defined in RSA 153-A:2, VI, with the
17 exception of employees or members serving a private organization;

18 (d) State and county corrections officers that:

19 (1) Are responsible for the physical custody and security of inmates at a state or
20 county correctional facility;

21 (2) Are authorized by law to use force to prevent escapes from such facility;

22 (3) As a job requirement are fully certified as a corrections officer by the New
23 Hampshire police standards and training council; and

24 (4) As a job requirement meets all the physical, mental, educational, and other
25 qualifications for continuing certification as a corrections officer that may be established by the
26 certifying authority; and

27 (e) Any other category of employee for which federal law requires exclusive
28 representation to preserve eligibility for federal funding.

29 III. Independent bargaining rights established under this paragraph shall not apply to
30 exempt employees as defined in paragraph II. Employees in these exempt categories remain subject
31 to exclusive representation under RSA 273-A. Independent bargaining rights established under this
32 paragraph shall include:

33 (a) The right of employees to bargain independently;

34 (b) That no agreement between an employee organization and a public employer, nor
35 any policy, may require employees who opt for independent bargaining to be represented by a union;

36 (c) That no collective bargaining agreement may limit an employee's ability to negotiate
37 or adjust grievances directly;

1 (d) That only one exclusive bargaining representative may be certified per bargaining
2 unit; and

3 (e) That no agreement may link wages or conditions of independent employees to
4 unionized employees.

5 IV. Any agreement, understanding, or practice violating employee rights under this section
6 is unlawful, null, and void. Any strike, picketing, boycott, or other action by an employee
7 organization intended to induce prohibited agreements is illegal.

8 V. It is unlawful for any person, union, officer, agent, or public employer to threaten,
9 intimidate, or coerce employees or their families to join, affiliate with, or financially support an
10 employee organization.

11 VI. Violations of this section are a class A misdemeanor, subject to:

12 (a) A fine of up to \$5,000;

13 (b) Imprisonment up to 6 months; or

14 (c) A combination of both penalties thereof.

15 VII. The attorney general shall investigate complaints of violations and prosecute offenders
16 to ensure effective enforcement.

17 VIII. If any provision of this section or the application thereof to any person or circumstance
18 is held invalid, the invalidity does not affect other provisions or applications of this section which can
19 be given effect without the invalid provisions or applications, and to this end the provisions of this
20 section are severable.

21 4 Application. This section applies to all contracts or extensions entered into after the effective
22 date, but not later than two years from the effective date.

23 5 Effective Date. This act shall take effect January 1, 2027.

**HB 1704-FN- FISCAL NOTE
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FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill *Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association