



March 24, 2023

Your State House Concord, New Hampshire



To my constituents in Allenstown, Dunbarton, Epsom, & Hooksett,

This week, I helped the Finance committee make sense of all the licensing provisions that the Governor had included in HB 2, the budget trailer bill. They agreed to pull all the sections recommended by ED&A (the OPLC (Office of Professional Licensure & Certification) structural changes already passed in HB 655; the new massage establishment license killed in HB 341; repeal of licenses for foresters, landscape architects, and natural scientists; repeal of LNA license; restructuring of the board of mental health practice), and in fact wanted to take out more sections, including most of the license repeals. Dan had anticipated this, and we had spent much of the weekend identifying a minimal set of sections that we felt were necessary. So, Finance deleted the entire OPLC section of HB 2 and added back only the board transfers (auctioneers, bondsmen, boxing & wrestling,) deleting the Allied Health board (but keeping all the governing boards and licenses involved,) repealing licenses for athlete agents, hawkers & peddlers, and itinerant vendors, and a lot of technical cleanup. Plus, of course, the fee refund for eliminated licenses. Not what the Governor started with, nor what I wanted, but something we can get behind.

Then we had two full days of session, with over 80 bills on the regular calendar. This time, several committees (notably Education, with 19 bills on the calendar!) agreed to table a lot of their contentious bills, so that a better version could be presented next year. This is in contrast to killing the bill, where a subsequent bill too similar cannot be filed; also a motion to table is not debatable, so it's often faster. Of course, the committee could have just voted to retain those bills.

First we special ordered HB 189, naming part of Rte. 140 in Gilmanton after PFC Nicholas Cournoyer, a Gilmanton citizen who was killed in Iraq. After a speech in honor of this soldier, we voted 377-0 to pass the bill.

Then we special ordered HB 96, Old Man of the Mountain Day, to be acted on next, 353-26, since there were friends of the Old Man in the gallery. The debate was rather embarrassing, with at least two speakers in support comparing the day the Old Man fell to 9/11. Still, we voted 181-198 not to kill the bill, and passed it on a voice vote. You can read the details yourself, as we voted to put the full debate into the permanent journal (rather than just who spoke.)

Then we debated HB 10, the "parental bill of rights" which was the Speaker's bill asserting parents' rights to be informed about what the schools are doing with their children. A corrective floor amendment brought by the sponsors was debated, and not passed, 190-194. After more debate, the un-amended bill was not passed, 189-195, then tabled, 193-192. I voted for the amendment and the bill, as did nearly all Republicans; we voted to table because a similar bill has passed the Senate and we can consider it.

HB 548, putting a \$25 limit on the state's reporting of arrearage in child support payments, was debated and killed, 189-187. I supported the bill because the sponsor gave his story, where a rounding error was reported to a federal agency, blocking his passport. Opponents claimed that the minimum for action was \$550 and 60 days, but the state system apparently reports even a few cents.

HB 584, updating the Uniform Commercial Code for electronic records such as cryptocurrency, was adopted without comment (probably because very



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few Representatives really understood this dense, 33 page bill!)

HB 135, prohibiting no-knock warrants, had extensive debate on the committee amendment, which some members (including me) felt gave too much discretion to law enforcement by allowing no-knock warrants in cases where they fear for life (including theirs.) The amendment passed, 299-84, and the bill passed, 374-9. The opponents of the bill, from what I know about them, seemed to be an odd mixture of very strong police supporters, who wanted more options for no-knock warrants, and opponents of no-knock warrants who felt that, with the amendment, the bill wasn't good enough to support.

HB 351, expanding the penalties for negligent storage of firearms when children got hold of them, was debated on the committee amendment, which deleted the requirement that guns be sold with safety locks. The amendment was defeated, 184-196. I opposed the amendment because the bill itself was so objectionable that any tiny improvement was useless. The bill failed to pass, 182-203, then was indefinitely postponed, 202-183. HB 397, allowing minors to have a prescribed hypodermic, passed without comment.

CACR 7, deleting the "Blaine amendment" that forbids tax dollars be paid to religious schools, was debated and not passed, 192-191, since constitutional amendments need a 60% vote to pass. HB 61, repealing the so-called divisive concepts law, was tabled on a voice vote. HB 204, requiring non-academic surveys in schools remain opt-in, was tabled, 320-61. HB 275, allowing parents in a school district that sends its students in some grades (usually high school) to out of district schools to choose to pay extra for a particular school, was debated at some length. This situation

arises where the town or school district agrees to pay up to a certain amount of tuition for each child, but some school in the area charges more than that amount. The committee amendment, which specifies that at least one option must be within the tuition paid by the town, passed 212-158, and the bill passed 201-181.

HB 331, deleting the income threshold for the Education Freedom Account (EFA), was tabled 277-103; the opposition was strong supporters of the EFA program, including all the Republicans from the district except Clayton Wood, of Pittsfield – but Dianne Schuett of Pembroke was the only Democrat to vote with us! HB 371, creating a commission to recommend standards for public schools, was tabled on a voice vote. HB 427, requiring a public comment period during school board meetings, was tabled 309-72. HB 432, requiring families in the EFA program re-certify their income every year, was tabled without comment, as was HB 451, prohibiting discrimination in any school or program that receives taxpayer money, and HB 515, some technical updates to the EFA program.

HB 516, on freedom of speech at colleges, was tabled 306-73; HB 538, creating a *local* EFA program, was tabled, 296-83; HB 539, forbidding vaccination clinics at schools (since several have been found to vaccinate children over their parents' objections), was tabled 257-123; and HB 552, creating (small) incentive grants for schools that improve their performance scores, was also tabled without comment. Finally, HB 572, requiring the state to support an expansion of the federal free-and-reduced lunch program, was debated and passed, 201-177. I was opposed because this created, as one member of the committee stated, a brand new, state funded and federally controlled entitlement program.



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HB 573, limiting the EFA program to budgeted amounts, HB 603, adding requirements to providers for EFA students, HB 621, immediately closing an EFA account when a student returns to a public school, and HB 629, creating a student bill of rights, were all tabled without comment.

HB 40, attempting to roll back the definitions of “resident” and “inhabitant” for the purpose of voting, was tabled without discussion, as was HB 255, campaign contributions by LLCs. HB 209, changing the absentee ballot request form, was killed without comment. HB 316, requiring supervisors of the checklist to meet periodically; HB 363, changing deadlines for third party candidates; HB 460, eliminating some exceptions for voter ID; and HB 586, adding two more reasons to qualify for an absentee ballot, were all tabled without debate, on voice votes.

HB 56, on landfill siting criteria, was not amended, 223-155, debated, and passed, 224-155. This changes the current rule of thumb distance (200 feet) of a landfill from a stream, lake or pond to providing a more detailed calculation based on the time groundwater could reach the body of water.

From my committee, we debated HB 127, revising the authority to declare a state of emergency. It passed, 193-185, with seven Democrats joining all but four Republicans in favor. HB 228, repealing the commission on demographic trends, passed 347-30 after a short debate. HB 339, prohibiting investment in companies that boycott Israel, was tabled on a voice vote, as was HB 390, revising the commission on Native American affairs. HB 461, penalizing local employers who replaced a full time, high level position with a “part time” one, passed on a voice vote, without debate.

HB 507, allowing unlicensed practice for *all* professions, was tabled 308-71. One concern that I heard from several representatives was that a person who lost his license for incompetence or unprofessional behavior could continue to practice simply by disclosing that he had no license, which was not mentioned in committee. I decided with that issue, and a lot of constituent concerns, that I couldn't support the bill, however much I believed in the concept.

HB 532, creating a new license for music therapists, was debated and passed, 210-166. HCR2, condemning vandalism, was tabled. 299-55; HR 11, on welcoming communities, was briefly debated and killed, 185-177.

HB 50, having the state pay part of local employers' pension costs, was debated on the committee amendment, which instead of doling out the money (about \$25 million every year) to cities and towns, simply put \$50 million directly into the retirement system. Dan spoke and pointed out that this would benefit every taxpayer in the state, although large employers wouldn't see the immediate relief of the original bill. The amendment passed, 276-99, then the bill passed on a voice vote. When Dan then moved to table the bill – so that it could be put into the budget – this was debated before passing, 206-170. Apparently some representatives didn't understand that the point of the vote was to establish the House position, and that otherwise Finance would have simply retained the bill and put it in the budget.

HB 384, funding a new legislative parking garage, passed without debate. HB 506, overriding the department of transportation by building a box tunnel for a trail in Derry, was debated and killed, 300-72.



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HB 442, on scuba diver lobster licenses, was not tabled, 131-245, then had a long debate before the committee amendment was adopted, 271-105, and the bill passed, 276-100. The opposition seemed to be concerned that the Fish & Game commission opposed the bill, and that it was not supported by commercial fishermen. The supporters pointed out that New Hampshire is the only state on the Atlantic that doesn't allow scuba divers to take lobsters, and that the problem of lost ("ghost") lobster traps is a real and growing one.

HB 69, authorizing direct pay or membership based health care facilities that don't need to accept Medicaid or Medicare, had a short debate before passing, 190-189; a motion to reconsider passed, 194-185, then the bill was tabled, 192-187! I supported the bill, since it might lead to real competition in health care. HB 114, allowing 16 or 17 year olds to receive mental health treatment without their parents' consent, was debated and passed, 191-186. I opposed this since the parents will be paying for this treatment, and a child needing mental health treatment most likely has a family that also needs it!

HB 238, on the developmental disability service system, passed 362-13, without debate. I was surprised, since there was allegedly a minority amendment that deleted the remote meetings authorized by the majority amendment, and I supported that. But there was no debate and no minority amendment presented. HB 299, prohibiting discrimination in medical care, was tabled without comment. Finally, HB 342, on lead testing in children, had a dull debate before passing, 193-180.

Thursday morning we began with HB 49, postponing the closure of the Sununu Youth Center. The committee amendment, which

included some details on the proposed new youth center, and revised some criminal law to clarify which offenses qualified for detention, was passed on a voice vote – then reconsidered, and debated at length. This amendment then passed again, 200-179; a "replace all" floor amendment was presented, which doesn't affect criminal law. There followed a very long, confusing debate, where most representatives weren't sure what the choices were or how to decide which is better. After some thought, I decided to vote for the floor amendment because it made fewer changes to current law. It passed, 276-104; HB 49 passed on a voice vote.

HB 557, putting the authority to add new vaccines to the immunization schedule into statute rather than rule, was debated, not passed, 184-193, then killed, 194-185. I supported this as I generally believe that we should have more law in statute and less in rules. HB 575, prohibiting the state from purchasing or promoting pharmaceuticals not tested in humans, was debated and killed, 192-186.

HB 582, requiring collection of abortion statistics, was debated and killed, 205-177. I supported this bill because we have **no data** on abortions in New Hampshire, other than what some providers choose to share. We don't know who's having abortions, at what stage of pregnancy, or even how many are done each year! HB 615, requiring independent audits of reproductive health care facilities, was an attempt to assure the Executive Council (which has been withholding family planning grants) that family planning funds are separate from abortion facility funds. It was tabled, 354-29 since nobody wanted to debate it.

CACR 2, a constitutional amendment to add the right to abortion, had a rather lengthy, futile debate, as we expected the vote to be largely party line – and neither party can produce 3/5, as required for a



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constitutional amendment. It was actually 193-191, with three Republicans joining all Democrats in support.

HB 68, adopting the real property transfer on death act, was passed without discussion, on a voice vote. HB 88, adding to the fetal life protection act explicit protection for abortion prior to 24 weeks, was debated and passed, 199-185. HB 224, repealing the civil and criminal penalties from the fetal life protection act, was debated and passed, 205-178. In both cases *all* Democrats voted in favor of unrestricted abortion!

HB 261, allowing people in cases of domestic abuse or disability to terminate their lease, passed 193- 191, and was not reconsidered, 190-194. HB 271, repealing the fetal life protection act, failed to pass on a 192-192 vote, and was tabled on a voice vote. The Speaker voted to create the tie, and two Democrats and five Republicans crossed party lines.

HB 562, requiring informed consent before an abortion, was killed on a voice vote, as duplicative of current law and practice. HB 591, prohibiting abortions after fetal heartbeat (about 6 weeks) had a very bad debate, condescending and arrogant. The bill was killed, 271-110; I reluctantly voted “yes” because I don't believe that such an early limit should be *law*.

HB 150, reducing the number of employees in a separate bargaining unit from 10 to 5, was debated and passed, 205-179. I voted against this as I have in the past: five is too small a group to warrant separate union representation. HB 561, creating a study committee on “long Covid” was tabled without comment.

CACR 4 increasing legislative pay from \$100/year

to \$2500/year, was not tabled, 153-229, debated and killed, 239-145. I was opposed because the low pay is what makes New Hampshire's a true volunteer legislature. If the pay were raised, I'm sure there would be more competition for the seats, and elections would become more expensive. Most representatives spend less than \$1000, which is the limit for reporting (I spent about \$200 in 2020; 2022 was more because I was running in a new, larger district.) Having to raise money for re-election would totally change the campaign landscape in the state.

HB 423, allowing two accessory dwelling units every place current law or local ordinance allows one, and increasing the maximum size from 750 to 1000 square feet, was debated on whether this state mandate was needed to provide more housing options in the state. Before the vote, however, it was tabled, 203-178.

HB 480, changing the design of an intersection in Conway, was killed without comment, as was HB 511, mandating the use of the “complete streets” (with sidewalks, bike lanes, etc) for all road maintenance and repair done by or with the department of transportation. HB 205, on testing private wells, was tabled without comment.

HB 139, allowing “municipal” net metering hosts to be “quasi-public” entities and share power with facilities in neighboring towns, was not tabled, 179-197, debated, and passed, 188-186. HB 142, forgiving \$48 million in overcharges incurred by the Burgess Biomass Power Plant, was debated at some length and passed, 269-109. I was opposed because we've been subsidizing this plant with higher electric rates for over a decade, and it still can't run profitably without subsidies.

HB 486, increasing fines for toll violators, was



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tabled without discussion. HB 510, removing the tax exemption for premium cigars (and the lucrative cigar bar business), was killed on a voice vote. HB 607, gaming regulation, had a floor amendment to repeal, in 2029, the limit on locations that can offer “historic horse racing.” This passed, and the bill, as amended, also passed.

HR 14, a resolution to investigate due process in family court, was tabled without comment. HB 648, establishing a state bank, had two speakers in favor (one from each party!), none in opposition, before it was killed on a voice vote. This is another repeat bill; North Dakota has had a state bank for a century or so, but no other state has needed one. The banking industry in New Hampshire is vigorous and there's no shortage of lenders.

HB 277, establishing a right to sterilization, was tabled, 367-8.

A rather unsatisfactory session: I knew that with our tiny majority, we wouldn't be able to *pass* any controversial legislation, but I had hoped we'd be able to stop most bad bills. Doesn't seem to be the case...



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