



# Your State House Concord, New Hampshire



February 21, 2020

To my constituents in [Allenstown](#), [Epsom](#), & [Pittsfield](#):

This week, my committee met to hear its last four bills. HB 1121, proclaiming October 9 as PANS/PANDA Awareness Day, was proposed because the group in favor didn't want to keep petitioning the governor to make that proclamation. HB 1228, proclaiming October 1 as Climate Change Awareness Day, is similar. HB 1242, proclaiming the fourth Thursday in August as Jamaican Appreciation Day makes more sense: the sponsor's town already does so, as Jamaican workers are vital parts of our agricultural economy but have typically been kept isolated from the rest of us. Finally, HB 1382, proclaiming April 8, 2024 as Solar Eclipse Day, is actually reasonable: the eclipse will hit totality in much of Coos County, and the eclipse watchers throughout the world are starting to make their travel plans. Based on the 2017 total eclipse, we need to start planning now.

The full House also met on bills that will go to a second committee. First, we moved HB 1563 to the beginning and had a short debate, explaining that any funds from criminal asset forfeiture would be distributed for drug abuse prevention and treatment, rather than law enforcement. It passed, 329-21, and went to Ways & Means.

HB 1601, removing the exception for marriage in the definition of sexual assault, was advertised as being to delete the exceptions for married minors, but it also deleted the exemption if one spouse was unable to give consent due to a mental disability. It was not tabled, 147-206, and an amendment to delete that one section was debated and failed, 146-206. We had a lengthy debate, and the speaker in favor of the bill seemed to think that there were *no* circumstances in which a person with a mental

disability could give consent to sex, even with a spouse. Considering the possibility of Alzheimer's or other dementia that might affect a long-married person, I had some serious concerns about the bill; it was also pointed out that it discriminated against the disabled. The bill was not indefinitely postponed, 140-212, and then passed 217-136. I noticed that the Republicans in favor of the bill were much younger than the average representative...

HB 1662, raising the age for purchasing and using tobacco products and vapes to 21, was only debated over the committee amendment, which phased in the age limit, because that would violate federal law. That amendment failed, a floor amendment from the committee with some technical corrections passed, and the bill passed, 214-142. HB 1696, updating notices and fees for banks and credit unions, passed without debate and both went on to Ways & Means.

HB 1555, requiring prisoners be paid the minimum wage, was converted to a study committee on the issue and passed without comment. HB 1663, on legalization and regulation of cannabis, went to interim study on a voice vote, as did HB 1509, "red flag" orders for colleges.

One that I've gotten letters about, HB 1387, prohibiting declawing cats, was killed 198-157, after a long debate. I voted against because there was no evidence this is a common procedure in New Hampshire, and there's no need to get the government involved. HB 1627, creating a database of animal health certificates, was debated at length and passed, 249-106. I voted against, because of the cost and concerns about the security of the data, but without much conviction: it should make operations of the Department of Agriculture much more efficient.



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I spoke against HB 1205, which would delay the pension cut for retired teachers and employees from age 65 to the Social Security full retirement age, which is creeping up to age 67. Nice for them, to get an increased pension for up to two years, but everyone in the state will pay for it in their property taxes for the next twenty years! And there are no broken promises here: this cut has been unchanged in law since 1988. It passed, 181-151, and went to Finance. I moved to table HB 1341, which repealed pension reforms for police and fire that were passed in 2011; the majority leader had suggested this, and it was tabled 182-161. An attempt to remove it from the table later in the day failed, 125-218. This bill had more justification than HB 1205, but also cost a lot more: something over \$100 million versus \$37 million. I will work with the sponsor to see what can be done for a smaller cost.

HB 1235, creating a committee to study enhancements to the pension system, passed without debate. My HB 1580, on drones, was amended on a voice vote, debated briefly, and passed, 227-124. The opposition was concerned about their freedom to videotape in public, and I'm looking at language that will more clearly exempt that for private individuals while still restricting law enforcement agencies. HB 1642, prohibiting government use of facial recognition technology, along with the amendment I'd worked on, passed without debate.

HB 1606, creating the crime of cruelty to a wild animal, passed 214-137, without debate. HB 1513, requesting the commissioner of HHS study converting Medicaid to a block grant program, was killed without comment. HB 1600, which required health insurance cover smoking cessation therapy, HB 1638, expanding an incentive program for food stamps, and HB 1707, expanding a program for children under 3 who are born substance-exposed,

all passed without debate, on voice votes. HB 1660, creating a protective order for vulnerable adults, passed 206-144, with Representative Alan Turcotte and one other Democrat joining all Republicans against. There was no debate, since it is a copy of HB 696 from last year, which passed and was vetoed, with the veto sustained; everyone knew where they stood on this bill!

HB 1599, creating a special marriage officiant license, and dedicating the fee to the domestic violence prevention fund, was debated and passed, 196-146. Opposition was based on two issues: first, that marriage licenses shouldn't be linked to domestic violence; secondly that special officiants will likely fail to complete the paperwork properly!

HB 1248, creating tax incentives for community revitalization, passed without comment and went to Ways & Means, as did HB 1632, financial incentives for affordable housing, 258-83. I was in the minority on both, as I believe the types of tax incentives offered are unconstitutional. HB 1650, creating a different type of road usage fee (this one was more reasonably based on vehicle weight and miles driven, which affect wear and tear on the roads more than gasoline usage) was tabled, 254-90; my guess is that it was tabled to avoid a lengthy debate, as the committee recommended to kill the bill.

HB 1273, waiving state parks admission fees for military dependents, was debated and killed, 221-123. Active military, reserves, and disabled veterans are currently given free admission, and there are other ways to avoid paying anything, including parking a car-full at the beach.

Next came six contentious bills on energy policy, all of which were debated at length. HB 1364, repealing the need for alternative payments for not buying energy from biomass plants (which are



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closing because their subsidies have been cut) was killed, 212-121, with the majority mandating alternative payments to support power plants that don't exist! HB 1218, which started as a simple bill to expand net metering to 5 MW, was amended to include provisions of HB 1402, HB 1481 and HB 1262, which were all suggested by the governor's office of energy & planning (now renamed the office of strategic initiatives.) However, the basic thrust of the bill remained the same as last year's HB159, (which was vetoed), namely, requiring excess net metered power be sold at a price subsidized by the rate payers. I expect HB 1218 to be vetoed, despite the 215-125 vote to pass.

HB 1402, enabling municipalities to provide net metered power above 1 megawatt, went to interim study, 188-148, because its main provisions were folded into HB 1218. HB 1661, repealing the long-standing exemption from property taxes for pollution control facilities at power plants, was debated on the merits of the exemption, since these devices are now mandatory, not optional as they were when the exemption was created. The supporters of this repeal were anxious to impose their local taxes on facilities that were built with the assurance that they would be tax-free for the useful life; the people who sent me emails on the bill just happened to live in towns with significant power generation facilities. HB 1661 was killed, 203-127.

HB 1664, creating a climate action plan, an office of the environmental advocate, and an oversight commission for environmental services, was debated at length after a tabling motion failed, 133-194. This bill mandates meeting greenhouse gas limits that will cost the towns and citizens of the state millions of dollars in replacing the transportation fleet, reinventing the power transmission network, and finding alternative power sources; it will drive existing power

generators out of business. It passed, 197-123, and was sent to my committee to work on making it possible...

HB 1684, creating an energy conservation program based on the existing property assessed clean energy program, (where towns can create special districts, have private investors fund energy conservation projects, and the town collects the payments through the tax bills) was tabled, 316-5, as the committee had been split on passing it and had plenty of information to prove confusion about the program. HB 1620, reserving spaces for electric vehicles the same way we do for the handicapped, passed 197-122, without debate. HB 1708, revising some liquor and tobacco license fees, passed without comment. HB 1281, requiring health insurance cover epipens (epinephrine auto injectors) and limiting cost sharing for them, passed 208-110.

HB 1101, imposing a waiting period before a firearm could be delivered, was another repeat of a bill passed and vetoed last year. The supporters claimed it as an improvement, with a three day wait rather than seven. It was debated, the committee amendment passed 189-123, and the bill passed 184-134. Everyone knew how they were going to vote on this bill, and the results were predictable: one Republican voted for it, ten Democrats, including Alan Turcotte, voted against it, and I expect the governor to veto it.

HB 1149, on child obscenity, was tabled on a voice vote before any debate, probably to avoid an intense debate against the committee recommendation to kill the bill. HB 1350, requiring a locking device for firearms sold in the state, was sent back to the committee; I'm not sure why. HB 1351, granting amnesty to a person who calls for medical help in cases of illegal or underage alcohol use, is similar to a bill we passed





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recently to do the same for drug overdoses; it passed quietly. HB 1351, a study committee to review sexual assault evidence kits, passed without debate.

HB 1379, a background check requirement on “commercial” firearms sales, was the same type of redefinition of “commercial” as last year's vetoed bill. The debate was also a repeat, and the bill passed 196-152, this time with eleven Democrats including Alan Turcotte voting against. HB 1625, reducing the penalty for some first offense drug charges, passed without debate.

HB 1648, my bill legalizing personal use of cannabis and growth of cannabis plants, but not sales, was amended by the committee to prohibit cannabis use in public, debated and passed, 236-112. I spoke briefly in favor, pointing out that just yesterday we'd sent HB 1663 to study because there was no consensus on the regulatory scheme, and HB 1648 had the advantage of simplicity. HB 1654, using a 20-year look back period for previous DUI convictions, was tabled before debate.

HB 1336, allowing any national college readiness assessment to be used, not just the SAT or ACT, was killed, 202-149, without debate. HB 1369, requiring high schools to grant credits for courses completed in other schools, as based on the successful military example, was debated and killed, 188-155. Representative Jim Allard spoke briefly against killing the bill, but it apparently threatened the school authority structure. My HB 1412, which did much the same in a simpler manner, was also debated and killed, 198-146. Apparently Jim spoke more effectively than I did! HB 1454, requiring local schools to approve non-school programs as exemplified in the Learn Everywhere program, was also debated and passed, 202-142. HB 1434, repealing medical premium

contributions from Medicare eligible retirees, was tabled by the majority leader before I could debate it. Since I was trying to kill the bill, tabling works just as well!

At this point, we spent the entire afternoon reprimanding eight representatives who hadn't taken the required sexual harassment training. Each time, the speaker pro tem made a motion to reprimand one of the representatives, he spoke in defense, and we voted. Charles Burns, Kevin Craig, John Burt, Ray Howard, Michael Sylvia and Kevin Verville all made speeches asserting that the rule was unconstitutional, in that the constitution states the requirements for being a representative and that the house makes its rules of procedure, not additional requirements for representatives. This training rule had no deadline and no penalty, so it was also impossible to enforce properly. All were reprimanded with a highly partisan vote.

Betsy McKinney simply stated that at 80, she didn't care if she was harassed and didn't want to take the training, so she accepted the reprimand. Andrew Prout was not reprimanded: he had taken courses at work and sent in the certificates, but the speaker's office lost them. The vote was 108-203, and I was shocked that over 100 representatives were unwilling to take his word that he had taken an appropriate course and submitted evidence, thus meeting the requirement of the rule.



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