



# Your State House Concord, New Hampshire



January 10, 2020

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

Happy new year, and welcome back to legislative action. This year, we have about 900 bills to deal with, and a distressing number of them are bills that vetoed last year (or killed in the Senate for fear of a veto.) I am prime sponsor on five bills, and all have been scheduled for hearings over the next two weeks.

This week, the House met to consider all remaining 2019 bills. First, we dealt with the governor's vetoes of HB 226 and HB 315. HB 226, which grants teachers tenure protections after three years rather than five, had no debate and the veto was sustained, 213-149. HB 315, restricting the Secretary of State's ability to enter into voter registration crosscheck programs, had a short debate before the veto was sustained, 218-150.

Most of the rest of the bills were killed without debate, and those debated were largely of low importance (but easy to debate) or high profile bills where the debaters wanted to make points in the media. HB 362, on calculation of child support in cases with equal parenting time, went to interim study (which kills it for this year, but the committee might actually work on it) on a voice vote. HB 377, making the best interest of the child the goal of child protection proceedings, passed 255-115, without debate. I voted against because there is no good definition of "best interest of the child" and it eliminates the current goal of maintaining and supporting the family. HB 702, requiring supervised visitation centers comply with "guidelines" and forbids government units from dealing with one that doesn't, passed on a voice vote and was sent to my committee for further work.

HB 308, establishing a condominium dispute resolution board, passed on a voice vote. HB 462, regulating digital electronic product repair, went to interim study on a voice vote. This one is likely to actually be studied, as there are many open questions (largely on security and privacy) as well as concerns that passing this in New Hampshire would likely just shift electronic product sales out of state. HB 685, on ambulance billing; HB 739, setting parity of mental health expenses in spend-down requirements; and SB 66, requiring drug rebates to insurers be used to lower drug prices, all passed without comment.

HB 677, on discipline of students, had a speech in support by Representative David Doherty of Pembroke, with no opposition; it passed, 210-149, with four Republicans and three Democrats voting against their party. I opposed it on the advice of several representatives on the committee, who warned that it was a new mandate on local schools. HB 721, restricting town tuitioning to schools that have an "approved" special ed programming, was an attempt to limit parental choices in this situation to public schools; after some debate, it passed 214-152 (opponents included all Republicans and one Democrat.) SB 138, approving Signum University to grant degrees, was tabled by the majority leader before the debate. Apparently a new bill is in the works for this year, and killing this bill, as much of the committee wanted, would make it harder to pass a related bill.

HB 687, on extreme risk protection orders, had a very long debate. This bill is similar to, but more explicitly focused on seizing firearms, than HB 696, which was vetoed last year. The committee amendment passed 213-162, with the opponents being all Republicans and eight Democrats, including Representative Alan Turcotte. The final vote was 210-149, with all but four Republicans



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and three Democrats opposed. I expect this bill to be vetoed if it survives the Senate.

HB 201, increasing penalties for buyers of trafficked sex, passed 316-55, without debate. I and Representative John Klose voted against, because the bill was poorly written and would have many unintended consequences. HB 705, a major rewrite of the crime victims' rights and SB 311, eliminating the fee to annul any court record of a case that was dismissed or not prosecuted, both passed without comment.

CACR 9, a constitutional amendment to establish an independent redistricting commission, was explained as an attempt to get around the governor's expected veto and put the issue directly to the voters. It failed, 217-150, but needing 240 votes to pass. SB7, allowing voter registration at the DMV, passed 203-163, despite the costs and inconveniences: after filling out the form at the DMV, there was another form necessary to actually register to vote! SB 8, an independent redistricting commission established despite the constitutional requirements, had minimal debate before passing, 224-141. The opponent pointed out Einstein's definition of insanity: doing the same thing you'd done before and expecting a different result (last year we had an identical bill passed, vetoed, and the veto sustained.)

HB 371, adding cats to commercial kennels, passed without comment. HB646, on bee-toxic pesticides, went to interim study without debate.

I spoke against two bills from my committee: HB 221, renaming Columbus Day to Indigenous People's Day, which was tabled on a 179-178 vote; and HB 546, creating a license requirement for art therapists. After a brief debate, it passed, 218-144, with 6 Republicans, including John Klose, joining all but 6 Democrats in favor. HB 387, clarifying

change of use occupancy classifications, was killed, 206-139, without debate. HB 506, establishing state holidays for elections, was briefly debated, amended 186-173 to only ask employers to let people take time off to vote in the November elections, debated again and passed, 211-148. At this point, it has almost no effect, since election day is already a state holiday.

CACR 1, a constitutional amendment requiring 5% of liquor revenue be used exclusively for alcohol and drug abuse prevention, was killed without comment. HB 168, appropriating \$10 million over seven years to the FRM victims' fund, was debated and killed, 226-126. I voted against because this bill would set an expensive precedent, and if the state was culpable, as proponents argue, the relevant officials should be charged and convicted. HB 327, allocating \$1 to the community college system for math classes for high school students, passed without debate. HB 352, allocating funds for local wastewater treatment plants, was killed without comment as these projects were funded in the budget. HB 709, on the formula for education funding, was also killed without debate as the Education committee is working on that this year. HB 712, a family and medical leave program funded by a payroll tax, passed 215-141 without debate. (party line, less two straying from each side.) This will be vetoed if it gets to the governor; he's already vetoed the budget because a version of this program was included.

HB 366, adding opioid addiction, abuse and misuse to the qualifying conditions for medical cannabis, was amended to restrict prescriptions to qualified specialists and passed, 289-65. HB 461, adding insomnia to that program, passed on a voice vote. HB 690, deleting the work requirement for expanded Medicaid, passed on a voice vote. I wasn't really opposed partly because the requirement is on hold in federal court, but more



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specifically because the state HHS spent over \$4 million to start the program, and still didn't manage to get it going. by the governor, so the debate was all posturing and political theater.

HB 305, on duties of registers of probate, had a brief debate before being killed on a voice vote. Even though I supported the concept of the bill (restore the constitutional officers to their basic duties) I couldn't support the bill, which also added at least ten more clerks of court and would cost the counties millions. HB 513, allowing therapy animals in court, passed without comment, as did HB 661, creating a private right of action for toxin exposure.

HB 632, requiring payment for earned vacation time, passed without debate. SB 19, protecting public employee contact data, was briefly debated, the committee amendment passing 209-143, and then the minority amendment, which required employees to consent to share their information with unions, failed 148-216. More debate ensued, and then the bill passed, 218-148 (both votes were party line less two each.)

HB 731, on the minimum wage, was briefly debated and the committee amendment (raising to \$13/hr over four years) passed on a voice vote. Then the fun started. One floor amendment was offered increasing the minimum to only \$10/hr, which was explained as the actual minimum market rate right now. It passed, 189-170 (I voted no because I'm not in favor of any minimum wage.) Then another amendment was offered, going to \$15/hr; after some debate, it passed, 189-177, with all but two Republicans joined with 30 (moderate?) Democrats in opposition. Then the bill, as amended, was debated before passing, 212-155, with the same two Republicans joining most of the Democrats while eight (mostly from the North Country) went with the rest of the Republicans. This is another bill that will be vetoed

HB 363, allowing the legislative employees to unionize, if they wish, passed on a voice vote.

HB 102, allowing towns to regulate the use of plastics in the town, was debated and passed, 215-151. Representative Alan Turcotte was one of the six Democrats opposed. HB 143, requiring local officials who participate in a decision by one board not to participate in an appeal from that decision to another board they also sit on (seems obvious, doesn't it?) passed after a short debate. HB 311, allowing the state fire marshal to waive some fire code requirements for sober living facilities, passed 269-92, with the debate focused more on the fact that these facilities don't need to be licensed or registered than on the safety aspects. HB 559, requiring retailers to collect fees for disposable bags and specifying what sort of bags were acceptable, was debated and passed, 205-158, with 15 Democrats opposed, including Representative Turcotte.

HB 655, allowing towns to regulate "disorderly houses" was debated at some length, with the supporters claiming some such houses are regularly rented out for loud and rowdy parties, and opponents objecting to punishing the owner more than the renters. A motion to pass failed, 178-188, and a motion to kill passed, 188-180. To prevent it from coming back, I moved to reconsider and urged representatives to vote NO; this passed, 185-173 and the bill was then tabled on a voice vote.

HB 478, creating a registration fee for high gas mileage vehicles that was intended to replace the gas tax they don't pay, was tabled before the debate. SB 300, eliminating the Exit 11 tolls in Merrimack, was killed without debate. Since the



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Fiscal Committee has set them to zero for the indefinite future, this bill was of less urgency.

HB 683, attempting to enforce the wishes of neighbors of the OHRV trails in the north country (rather than the users) was tabled before the debate, 210-150. SB 269, appropriating \$50 K for an “ecological integrity assessment” passed 220-137.

HB 735, adding almost \$800 million per year in state carbon taxes, was tabled prior to the debate, 187-172. SB 122, using RGGI funds for commercial and industrial energy efficiency projects rather than as rebates to all customers, was briefly debated and passed, 212-140. SB 124, increasing renewable energy mandates, passed 214-141. The debate was largely over the numbers: is a 0.9% percentage points per year increase “modest”? It does result in tripling the minimum required from wind, thermal, and biomass, which are all very minor energy sources now. SB 159, increasing net metering limits to 5 MW, passed 227-128. SB 166, also expanding net metering, passed 203-131, without debate. These are all repeats of bills vetoed (and sustained) last year, so I expect the same result this time.

HCR 6, asking congress to call for a constitutional convention to impose term limits on congress, was debated at rather cross purposes: supporters insisted that most people wanted term limits on congress, while opponents were primarily concerned that a convention was too risky, and would require too much work to set limits on its activities and determine how delegates would be chosen. I was opposed because this was a resolution, and would have no real effect, so it was an exercise. New Hampshire has term limits the old fashioned way: we vote them out! In any event, HCR 6 was killed, 318-27.

HB 317, on tinted windows on cars, was amended to allow used cars to have the same level of tint allowed on new cars, and passed after a short debate. SB 34, defining “attempt to drive” for DWI purposes, was debated at length, with the opponents making extreme nanny-state speeches and supporters pointing out the problem of convicting people of things they *might* do. A motion to kill the bill failed, 158-184, and it passed on a voice vote.

HB 274, requiring the on-line facilitators of room or car rentals to collect and pay the meals & rentals tax, passed without debate. HB 647, allowing Lucky 7 operators to sell \$1 tickets as well as the current 50 cent tickets, also passed quietly.

HB 613, requiring mandatory auto insurance, had been sent to interim study by the committee. The sponsor finished the day by complaining about this, and several other representatives took the opportunity to bewail un- and under-insured drivers. So, several committee members stood to point out the issues with the bill and the history that mandatory insurance does not solve this problem (or at least, it hasn't in any other state). Interim study was approved, 274-53, at the end of the last session day for a while.

Addendum: Representative Dick Marple of Hooksett died in December, and the town decided to hold a special election to replace him for the rest of the year. There are three qualified candidates running on the Republican side, and the primary is January 21. I've endorsed Elliot Axelman, who has been a liberty activist and is generally in agreement with my positions. John Leavitt was a state rep in 2017-18, and had very poor attendance; I found out this week that he lost his brother and business partner right after the election and prioritized his House efforts to his committee, not session days. He expects to be able to participate fully this year.



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David Ross is the third candidate: I don't know him personally.

If you live in Hooksett, please vote in this election. If you know people who live there, remind them to vote. Turnout is usually pitiful for special elections, but in this case it's on March 10, the same day as the town elections, so there's more reason to get out and vote!



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