



February 26, 2021

# *Your State House* Concord, New Hampshire



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

This was a very busy week for me. Monday, my committee held public hearings on eight bills. HB 128 added notification requirements to the weather modification statute. Most people have never heard of our state laws on weather modification, and they have never, as far as we can tell, been used, but they have been in place since the 1950's. HB 128 simply adds public hearings to the process of approval by the governor and council, which seems like a sensible idea.

HB 597 declared February 5, 2021 as Apollo 14 Day, and was already obsolete since the governor has made that proclamation! So we held a hearing on a non-germane amendment to replace the proclamation with some features of Emergency Order #78, which permitted military corpsmen and EMTs to qualify for licensure as LNA (licensed nursing assistants.) This is the lowest level of nursing license, and there is no question that these applicants are well trained; the issue is that in New Hampshire, EMTs cannot practice individually – they must work for a licensed entity, usually a fire department or ambulance service, sometimes a hospital or clinic. As an LNA, they can work independently and have been doing a great deal of the COVID testing and vaccinations. After the hearing, we voted unanimously to pass the amendment and the bill.

We also voted 19-0 to pass HB 631, updating the licensure of interpreters for the deaf and hard of hearing; the amendment added another group to those the licensure board must cooperate with in providing access to interpreters. Then we debated HB 85, going to Atlantic time. The opponents seemed to feel a change was not warranted; one

even doubted the many studies that showed extra accidents and deaths after the “spring forward.” After concluding that this bill was permissive and would not go into effect until other states acted, and that it might stimulate Congress to take action on a national level, we voted to pass it, 14-5.

HB 170 commemorated the first labor strike in the US by women: the “mill girls” in Dover who walked out in 1828. HB 204 declared January 24 “Granny D” Day, for the activist who walked across the US in her 90s. HB 273 marked the 50<sup>th</sup> anniversary of the 26<sup>th</sup> amendment, which lowered the voting age to 18. HB 283 declared Wentworth Cheswill Day. He fought in the revolutionary war and was elected to a long string of public offices in Newmarket; the sponsor noted he was the first African American to be elected to public office in this country. HB 84 declared Ona “Oney” Judge day and named the passenger terminal at Pease in her honor. She was a slave who escaped from George Washington's household, fled to New Hampshire, and lived here the rest of her life. This bill was a bit embarrassing, as Ms Judge actually used her married name, Staines, and disliked the nickname “Oney.” HB 155 renamed Columbus Day as “Indigenous Peoples' Day,” as we'd heard last session. One representative brought in an amendment to leave Columbus Day alone, and add the UN Indigenous Peoples' Day as a new holiday. The supporters of the bill were not pleased with this idea; they seemed more intent on trashing Columbus than on celebrating our indigenous people.

Since, as happened for Apollo 14 Day, the governor can declare any day a commemorative, I don't really support any of these bills. Wentworth Cheswill seems the most deserving, but his public service, although impressive, is not unique. And Columbus may not have been an admirable person, in fact it seems he wasn't, even by fifteenth century



# *Your State House* Concord, New Hampshire



standards – but his voyages irrevocably connected the New World with the Old, for good or bad. That changed the world and should be commemorated.

Wednesday and Thursday, the House met in the NH Sportsplex facility, where we had over 50,000 sq. ft. of space for social distancing. It seemed to be enough, as even some of the legislators who sued the Speaker for remote access were there in person. In fact, 350 legislators attended, which is normal. It started very congenially, as we passed the consent calendar of non-controversial bills with none removed: a first in my experience. The electronic devices we used for voting seemed more reliable than the ones at UNH, except that the batteries wore out incredibly quickly! Fortunately the staff had a good supply of spare batteries on hand.

HB 188, on appointing counsel in juvenile court, was tabled, 201-149, at the committee's request; they had some new data that required more work on the bill. HB 76, prohibiting paper billing fees, was debated over the ability of consumers to get waivers from these fees, whether the costs of paper billing should be paid by those who used the cheaper electronic methods, and finally, whether environmentally conscious companies that eliminated paper waste should be penalized for this action! It was killed, 206-146.

HB 63, reversing or forgiving emergency order violations, was debated, not tabled (156-196), amended to simplify the language and make it effective at the end of the Covid emergency (199-155), and passed, 188-169. We debated HB 498, making the courts pay bail commissioners' \$40 fee when the accused claims to be indigent. It turns out there are 112 bail commissioners, all independent contractors, and appropriately \$850,000 per year is not collected. The court estimated that half of those arrested and needing bail are indigent! This bill

also added a bail commissioner appointment board in each county, increasing the cost and complexity of the process. The bill passed, 199-156; I voted against it because of the increased cost and complexity for the courts. I do support the section that required the courts to develop standard criteria for indigence: and someone unable to pay a lawyer still might well be able to pay a \$40 bail fee. HB 615, reducing penalties for some first offense drug charges, passed on a voice vote with no debate.

HB 96, creating a new office of school counseling in the department of education, and creating a new position for the school counselor coordinator, was briefly debated and killed, 202-153. HB 497, allowing school districts to exempt their chief administrator from joining the state pension system, was killed without comment. HB 594 would change the school building aid program from no more than \$50 million per year to no less than \$50 million: a change the education committee has repeatedly approved, only to be reversed in Finance. This time, at least, they required the department of education to develop a ten year plan of school building projects.

HB 613, changing the threshold for catastrophic special education aid from 3.5 times the average cost of education to 2.5 times, was debated extensively on the committee amendment, which allows school districts to gather into special risk pools to insure themselves from surprise special education bills. This makes a lot of sense to me: the larger the group, the more predictable special education costs. It passed, 225-132, and went on to Finance for detailed review of the insurance section.

HB 121, establishing an independent redistricting commission, was debated at greater length than it should have, considering a similar bill has been vetoed in each of the last two years. It died, 198-



# Your State House

## Concord, New Hampshire



158, saving the governor the trouble of a veto. HB 532, creating an animal records database, passed 214-141 without debate. I voted against, since the database is primarily a policing tool to get hobby breeders licensed as pet vendors.

HB 91, expanding the line of duty death benefit for first responders to suicide, had a floor amendment presented to add dispatchers and others to the classes of employees eligible for this benefit. After a very brief debate, we killed the amendment, 150-206, and passed the bill on a voice vote. We then debated HB 274, which had the state pay 5% of the local employers' pension contributions. This bill had no recommendation because the committee could not agree on any disposition. I spoke in favor of killing the bill, and the vote to do so was 189-168. My point was that the localities had full control over the number and pay levels of their employees, and pension contributions are the cost of the benefit.

HB 425, codifying the cyber risk assessment task force, passed without debate; HB 491 on liquor licensing fees, was debated on the amendment, which deleted two new investigator positions; the amendment passed 205-145, and the bill on a voice vote. Then one member asked for reconsideration because she needed to ask a question; obligingly, we voted 203-137 to reconsider and I answered her question. It was whether we'd considered the performance audit (released last Friday) before we deleted the positions; of course we didn't, but I was able to reassure her that the audit would be examined by my committee this spring. We re-passed HB 591, 203-127.

We debated and failed (~150-200) to approve three changes to House rules: to allow a resolution authorized by statute to be introduced at any time in the session; to allow remote meetings; and to allow Representatives with medical issues to attend

and participate in sessions remotely.

HB 187, on the emergency powers of the HHS commissioner, passed without comment and was sent to my committee for further review. HB 246, establishing a protective order for vulnerable adults, was up for debate when a member moved "indefinite postponement." This is a parliamentary position that blocks other bills on this topic from being received by the House, whether from members or from the Senate. A normal ITL (inexpedient to legislate, or "kill") motion prohibits members from submitting essentially the same bill for the biennium, but doesn't block the entire topic. Since this is a rare motion, confusion ensued; we finally passed it, 195-158. Since bills similar to HB 246 have been fought and vetoed repeatedly, this will give us some peace on the topic.

HB 420, which directs the Drug Forfeiture Fund to pay police departments the actual cost of drug raids, and the rest to drug abuse prevention programs, was debated and then killed, HB 181-173. The opponents wanted to use the money for police psychological screening and general anti-drug policing; I voted in favor of prevention. HB 481, establishing a state right to know ombudsman, passed without debate.

After extensive, harrowing debate, we passed, 191-160, HB 625, prohibiting abortions after 24 weeks (third trimester) except to save the life or health of the mother. One issue of contention was that it did not have an exception for the mental health of the mother; the position was that this exception could be very easily abused to allow every abortion requested.

HB 590, requiring *every* employer in the state provide paid sick time for *every* employee (full or part time), was debated and killed, 202-148. HB



# *Your State House* Concord, New Hampshire



459, prohibiting transfers to line items in the local budget with zero dollars, was debated and killed, 198-153. I voted against because savvy budgeters already put \$1 in line items where spending is possible but not known at the present. HB 586, a contentious bill on local planning and zoning procedures for affordable housing, was special ordered to Thursday morning.

HB 614, exempting the state and towns from paying for the renewable portfolio standard, was debated and passed, 198-150. HB 624, decreasing from \$10,500 (or \$3000 in some cases) to \$250 the fee to file a petition with the site evaluation committee (which deals with utility and power stations), was debated at some length. A floor amendment tried to lower the fee to zero for individuals, but that was rejected 132-204 because it would encourage frivolous filings. The bill actually passed on a voice vote, and a motion to reconsider failed, 149-194.

At that point, with part 1 (bills that needed to go to a second committee) complete, the majority leader moved to bring forward HB 233, requiring any infant that survived an abortion attempt and was born alive to receive appropriate medical care. His point was that we had debated many of the same issues in HB 625, and the debate would be better with that in mind. This motion was approved 180-139, with the Democrats violently protesting. The minority leader asked for a recess to caucus (this was around 5 pm, when we had to leave at 6), then moved for a recess until tomorrow. This failed, 124-192, and he declared "the Democrats are leaving now." They tried, but the Speaker ordered the doors locked to maintain a quorum (a fairly common occurrence near the end of a session.) A quorum call counted 217 members present, which is enough to conduct business, but all motions require a 2/3 approval.

We proceeded to debate HB 233, in a flurry of procedural motions from the Democrats: to table, to indefinitely postpone, to recommit to the committee, and finally a challenge to the ruling of the chair when one of these motions was ruled dilatory (just to take up time.) All failed, approximately 40-185. We finally did not kill HB 233, 46-186, and passed it, 181-49, easily meeting the 2/3 requirement. After reconsideration failed, 44-188, we left for the day.

Thursday we started with HB 586, on local planning and zoning procedures for affordable housing. Instead of debating it, an opponent moved to table, which succeeded, 175-172. I voted against as my husband (who has served on the Epsom planning board and is my guide to these issues) convinced me it would help landowners to develop their property despite opposition that shows up as delaying tactics. Late in the day, a motion to take it off the table failed, 164-175, so it's likely to stay there.

We also suspended the rules to introduce, discuss, approve, and table HB 11, which is the Ways & Means Committee's revenue estimates for the biennium. This was a unanimous position and resulted in revenues that were better than expected, but not as high as the governor had based his budget on. Since the House budget is balanced to the House revenue estimates, it will be almost \$80 million less than the governor's budget.

HB 81, using deadly force on another person, was tabled by a supporter, 331-17, as it would conflict with the next bill. HB 197, expanding one's "home" to one's vehicle in cases of use of deadly force, was debated and passed, 206-144. HB 365, granting federal law enforcement officers peace officer status, allowing them to enforce state law, was killed quickly, 260-89.



# *Your State House* Concord, New Hampshire



HB 546, prohibiting the use of tear gas and rubber bullets by police, was debated, not tabled, 158-193, debated some more, and killed, 225-126. The deciding argument to me was that use of these violent but non-lethal weapons is already limited in our statutes.

HB 110, which would send education adequacy grants to the towns, rather than the schools, was debated over whether we wanted the schools to have the funds and optionally turn them back as tax relief, or have the towns send the schools the budgeted amounts and take care of the property taxes themselves. I don't think it's a widespread issue, but enough that somebody put in a bill. It passed, 190-152. HB 194, authorizing the department of education have the assessment test results sent to parents, rather than schools, is another attempt to work around school districts that don't treat parents fairly: the tests are taken in the spring, and some school districts don't send the results out until the start of the next school year! It passed, 193-152.

We also passed HB 242, on the content of an adequate education. This sets a basis for calculating state aid to schools, with a focus on what the state has to pay for and ensure each school provides, rather than attempting to average up districts that spend less than others. One factor that was restored to the calculation is fiscal disparity aid, which grants more funds to property-poor districts such as Allentown or Pittsfield. This bill passed, 198-149, after a lengthy debate, (a motion to limit debate to 5 minutes per side failed, 156-193, as did a motion to table, 169-175) and was sent to Finance for inclusion in the budget.

HB 320, requiring the civics requirement for high school graduation include passing the citizenship exam for naturalized citizens, was debated and passed, 208-141, as was HB 349, deleting the

certification requirements for school nurses beyond that of being an RN. 201-146. HB 51, authorizing Signum University to grant degrees, was briefly debated and passed, 190-155. The opposition to Signum is primarily that it does not accept federal student financial aid, and the strings that come with it. HB 609, authorizing innovation schools, is a way for a public school to request relief from specific rules of the department of education that impair their ability to better educate their students. It was hotly debated and passed, 192-156.

Having completed one committee, a member moved that two remonstrances be referred to a committee. (he didn't seem to have a preference.) These remonstrances are essentially complaints from a citizen, asking the legislature to do something; they were received in January, and a notice put in the calendar. This motion was debated, then tabled, 204-137, with some members complaining that they didn't know what the remonstrances were about! (I looked at them, haven't studied them, but from the style don't want them referred to my committee.) A motion was made to refer the second remonstrance to committee, which was debated then tabled, 202-146. Another member moved to print the remonstrances in the calendar so there would be no excuses; citing the size, this motion was amended, 173-171, to be posted on the legislative web site and a link printed in the calendar. A motion to limit debate failed, 141-206, and the motion to print a link to the remonstrances was tabled, 182-160! Finally, a motion to print this entire debate in the permanent journal failed, 154-185.

After this excitement, we closed the session. Bills, including two from my committee, that had not been voted on were ordered to the next session.

Friday, my committee met to vote on HB 211, changes to the Manchester retirement system. A



# Your State House

## Concord, New Hampshire



member from Manchester moved to retain it, as the board had some members elected or appointed recently and hasn't met yet this year. After some mild discussion, we voted unanimously to keep it. We also voted on HB 499, my bill restricting government use of face recognition. The amendment presented at the hearing, which requires a warrant to use data from face recognition in court, was debated and passed, 19-0. We recommended the bill, with amendment, 17-1.



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One member moved to pass HB 218, repealing the state license for itinerant vendors. An amendment to also repeal the license for hawkers & peddlers, from HB 217, and so combine the two bills, was debated and passed, 10-8, with one Democrat joining the Republicans in favor. Since one Republican had an emergency and dropped out of the session, the vote to pass the bill as amended failed on a 9-9 tie. A motion to kill it also tied on party lines. A motion to kill HB 217, however, passed 17-1; the Democrats just wanted to kill it, the Republicans had combined it with HB 218.

We then voted a minor amendment to HB 456, allowing the department of corrections to access limited data from the department of vital records, and unanimously recommended it to pass. HB 230, on child care licensing, was voted to retain as the department is still updating its rules. The new rules are necessary to incorporate some recommendations the committee made last year, so we agreed to hold onto HB 230 until the rules are ready.

We debated HB 606, decriminalizing free haircuts, but were clearly going into a 9-9 tie with it and most of the other bills. At this point I closed the meeting until we could have a full committee.