



June 4, 2021

Your State House Concord, New Hampshire



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

Last week, the House met Thursday and Friday to vote on all Senate bills. Sadly, each day started with memorial remarks: for Representative David Danielson from Bedford, who died last month, and former Representative Rogers Johnson.

SB 93, on permanency planning for children, and SB 94, on juvenile diversion, both passed on a voice vote without debate. That created a sense of progress and good feeling that ended with the next bill... A large number of votes, even on apparently non-partisan issues, were divided on party lines, approximately 195 R vs. 175 D. I mostly voted with the committee report, since that's expected of committee chairs; I did notify the speaker on three bills I planned to vote otherwise.

SB 35, allowing teachers' union employees to join the teachers' health plan, was debated and killed, 196 -172. Likewise, SB 59, on collaborative care, which would ensure primary care physicians were reimbursed for mental health and substance use treatment, was debated and killed, 196-174. This bill was actually intended to educate primary care doctors of this option, since it's already accepted by most insurers – but I would imagine most doctors don't make it a practice to read up on changes to insurance laws! SB 107, allowing new businesses to apply for federal Covid relief funds, was killed as unnecessary, 194-176, after a short debate.

SB 124, an omnibus of mostly technical changes to insurance laws, passed without comment. SB 125, making a number of changes to the laws on beer producers and sellers, had a short debate and passed, 238-134. The opposition wanted a

comprehensive review of liquor licensing, and actually mentioned my intention to do so (after the audit this year revealed the extent of the problem.)

SB 34, clarifying the definition of controlled drug analog (that is, a synthetic drug with the same effect) was not tabled, 135-237, and debated before passing, 240-134. This was not a partisan vote – Republicans were split 101-99 – and the opposition was largely concerned about the unintended consequences of the second part of the bill, a ban on synthetic urine. While intended to prevent fraudulent drug tests, it would apparently also ban the use of synthetic animal urine in hunting and farming. I finally voted in favor of the bill.

SB 110, on allowing passers-by to break into cars to free pets, was tabled, 210-158, before the (probably lengthy) debate. SB 122 had three unrelated parts: exempting victims of human trafficking from prosecution, adding great-grandparents and great-great-grandparents as grandparents, and revising the membership of a council on autism spectrum disorders. It passed without comment.

SB 141, eliminating the state “gun line” in favor of directly checking with the federal background checks before approving a handgun sale, had gotten a great deal of attention. One gun group was opposed, several others in favor, and all were lobbying extensively. The bill was not tabled, 56-319, debated, then not killed, 186-191; not indefinitely postponed (which kills the bill and prevents it from coming back in any form for the rest of the session) 181-196, then passed, 197-180, and not reconsidered, 172-204. The steady trend of increases in the number of votes in favor of the bill is something I've noticed in the past: there must be representatives who are swayed by the majority, or want to be on the winning side.



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SB 154, prohibiting the state from enforcing a federal executive order that infringes on the right to bear arms, had a lengthy debate on the committee amendment which strengthened the prohibition to include not enforcing laws as well as executive orders. This was a turnaround from the usual situation where Democrats want to prohibit enforcing federal immigration laws; this time they were opposed to the bill. After a longish debate, the amendment passed 200-176, and the bill was not tabled, 174-203. The bill passed, 199-177, after further debate.

SB 19, on Signum university, was killed without comment as the content was included in HB 513, which has passed the House and Senate. SB 147, an omnibus on education topics, was debated first on the committee amendment, which added special education to authorized public risk pools. This means that school districts can buy insurance against getting a budget-busting special education situation after the budget is set; it allows them to group themselves together and share the risk, rather than each district maintaining a rainy day fund for special ed. The amendment passed, 204-172, then a floor amendment was debated that removed \$250K in funding for catastrophic special education cost in small (<1000 people) towns. It failed, 177-198, then another floor amendment tried to remove the authorization for schools to use commercial buses, rather than school buses, for some trips, making it into a study committee on the topic instead. Again, the amendment was debated and failed, 166-207; the bill finally passed as amended by the committee, 203-172.

SB 148, another omnibus, this one on career and technical education, was debated on one part of the committee amendment, which expanded the required emergency plans to include all activities – the chess club as well as the football team (as one

opponent sneered!) It passed, 196-176, and then we debated the minority amendment, which added to that section more requirements for sports injuries. It failed, 176-202, and the bill passed on a voice vote.

SB 31, on absentee voter procedures, was debated because it removes infectious disease (Covid) as a reason to request an absentee ballot. It passed, 214-162. SB 89, on election procedures, was debated on the committee amendment, which requires New Hampshire election laws and rules apply to our elections even if the federal government attempts to overrule them. The amendment passed, 202-175, and the bill passed, 200-174.

My committee passed all its bills, mostly without comment. I spoke on SB 105, defending our position to not add state song #11; the amendment passed 350-25 and the bill, now limited to declaring solar eclipse day, passed on a voice vote. However, we were failed to add the anti-vaccine passport section to SB 155 – Representative Roy from Deerfield spoke in favor, as did I; another representative and Representative Allard spoke against; it failed, 182-193. Representative Klose voted in favor. I understand the desire not to restrict business operations, but in this case it conflicted with people's rights to medical privacy and self determination – and that is more important to me. The rest of SB 155, as amended by my committee, passed on a voice vote.

Two bills from Finance were killed without comment: SB 82, specifying funding for six new full-day kindergarten programs (including Epsom's) because the funds had been included in the budget; and SB 152, on affordable housing programs, because half had been passed in the *last* budget and the other half is included in a different bill. SB 129, clarifying Fish & Game's role in environmental permitting, passed 190-181, without



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debate.

SB 74, on advance directives for health care decisions, passed without comment. SB 149, another multi part bill on health care, was debated on one part, which holds health care facilities harmless for obeying emergency orders. An amendment to delete this section was debated and killed, 146-230, and the bill passed, 155-121. I voted against because I agreed that exempting them from liability could cause them to pay more attention to government and less to their patients.

SB 162 was the winner in the omnibus stakes, with 72 sections. Most were simple housekeeping measures, but right in the middle was an update to the interstate compact on placement of children that, among other things, allowed another state to take over jurisdiction of a child for an indefinite period. Since this compact is not yet in effect – not enough states have adopted it – it didn't seem necessary to rush this through. So, after the committee amendment passed, a floor amendment to remove this compact passed on a voice vote, and the bill was not tabled, 157-219, and passed 240-146.

SB 95, on remote meetings, was amended to simply be a study committee on how they would comply with the right to know law. This amendment was briefly debated and passed, 198-178; the bill then passed, 201-175. SB 134, an omnibus bill on laser pointers; remote electronic notarization; allowing prisoners to apply for parole in time to complete training; codifying protections for structured settlements; collaborative law practice; and six more sections on civil law! The debate centered on laser pointers, where the law was originally written to criminalize pointing lasers at aircraft but doesn't address all the cases where lasers are peacefully used today. An amendment to that clarify some of the issues was

debated, then went through a series of votes: the first count was 184-185, but a member had voted in error after declaring a conflict of interest; the 184-184 tie was broken by the speaker in favor of the amendment. The amended bill passed 264-113.

SB 61, right to work, had generated a great deal of attention and constituent emails, on both sides of the issue. I have supported right to work since my first term; it seems to me that it allows workers more flexibility and requires unions to work harder for their support; also, some businesses will not expand or relocate in a state that is not right to work. The committee amendment was adopted on a voice vote, then the chair offered a floor amendment that made some minor changes and moved the effective date to January 2022. This failed, 183-190; was not reconsidered, 178-193; a motion to table failed, 168-207; then the bill failed 175-199. Then right to work was indefinitely postponed, 196-178, a motion that prevents the idea from coming before the House in any form. (If we had just killed it, it could come back as a Senate bill next year, or as part of an omnibus.) This was not entirely partisan: 21 Republicans, including Representatives Allard and Klose, voted against it.

SB 123, forbidding employers to mandate Covid vaccination as a condition of employment, was tabled, 355-10, before the debate started. SB 137, setting the minimum wage for tipped employees at the current \$3.27 and holding it there if there is an increase to the federal minimum wage, was debated at length and passed, 201-171. From what I know about bartenders and waiters, this minimum wage is mostly used to cover withholding and the main income is tips.

SB 52, clarifying legislative intent on tax and spending caps, was debated at length. Although it applies to all the towns and cities with tax caps, the



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debate was all about Nashua, which apparently wants to be able to exclude items from the cap by a majority vote, rather than the supermajority needed to override the cap. The bill passed, 195-177, with all Nashua representatives opposed. SB 86, another omnibus on planning and zoning, was debated at cross purposes. First we passed (204-168) the committee amendment, which deleted the section about a Housing and Conservation program that would inhibit development. Then the minority argued for their amendment, which deleted the section that forbids mandating electric heat in new construction – but their debate was all about restoring the Housing and Conservation section, which their amendment did *not* do! (they had apparently brought forth their version of the committee amendment which amended the bill as sent over by the Senate – but not as amended by the majority. A rookie mistake.) That amendment failed, 168-207, and the bill passed, 208-167.

SB 102, enabling legislation for a variety of property tax exemptions and exclusions, passed 208-165 without debate. I voted against because I've never liked these exemptions, which simply increase taxes for everyone else in town who isn't in the favored group.

SB 26, removing the legislature from the division of road funding between the town of Haverhill and the Woodsville Fire district, was debated at length by the representative from Haverhill, who presented an amendment to keep this in statute. That amendment failed, 72-301, the bill was not tabled, 62-303, and then passed on a voice vote.

SB 91, an omnibus bill on utilities and renewable energy, was debated only on one small section: language that directs the Public Utilities Commission to ensure that net metering rates are set to prevent cost-shifting to other customers (current law is “just and reasonable” or as set by

the legislature.) The committee amendment passed 364-2, then we debated the minority amendment which took out that language. It failed, 174-194, and the bill passed 364-3.

Without debate and by voice votes, we passed SB 3, SB 27 and SB 101; SB 3 made the federal PPP forgiven loans not taxable to New Hampshire businesses and SB 101 almost doubled (from \$50K to \$92K) the threshold for filing a business profits tax return. Both will help our businesses, since the PPP grants were spent on keeping businesses alive during the shutdown, and a higher filing threshold means that fewer businesses that don't owe tax will need to bother filling out the tax forms. SB 27 was a housekeeping bill about charitable gaming.

Finally, we took up the bills removed from the consent calendar of non-controversial bills. SB 146, an omnibus on the environment, passed without comment. SB 131, another omnibus, on vehicles, was only considered because the committee had the wrong amendment printed in the calendar – one that only addressed one section of the bill! So we passed the printed amendment without debate then considered the other changes wanted by the committee as a floor amendment. One representative who opposed the increase in weight for logging trucks moved to divide the amendment: that motion failed, 90-276 (I supported the division since I'm against special treatment and the legislature picking winners.) The amendment passed on a voice vote, then the bill passed, 307-58.

The last bill we considered was SB 103, a narrowly target bill waiving some licensing requirements and regulations for out-of-state businesses working in New Hampshire during an emergency, more for electrical trucks restoring power after a storm than anything Covid-related. A routine but necessary bill, so a representative moved to add the content



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of HB 177, the ban on landfills near state parks. That bill had passed the House, so was germane; it was killed by the Senate. After debate, both on the content of the amendment and the political situation (the Senate might kill this important bill to get rid of the parks ban), the amendment passed, 183-181. The bill passed 333-33, as I (and about 150 others) reluctantly voted for it.

Then a representative moved to suspend the rules and introduce a new bill, banning retaliation by employers for vaccination status – and guaranteeing 24 hours of paid time off to get vaccinated! This was debated and failed, 154-208, needing 2/3 to suspend the rules.

I asked unanimous consent for declaring yesterday that nobody present knew all ten state songs: Virginia Drew, director of the visitor's center, and Epsom Selectman, not only knows them, she has been known to sing them at appropriate moments!



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