



February 17, 2023

Your State House Concord, New Hampshire



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

This was a very busy week for me; the House met on Tuesday, my committee met as usual on Wednesday and Thursday, then JLCAR on Friday. Fortunately, I'm not planning any committee work for the next two weeks: just sessions and subcommittee work.

The House session began with SB 1, a bill from Finance to postpone the scheduled March 1 closure of the Sununu Center (our juvenile jail.) Since there is no place to put the inmates at the center if it were to close (federal law, as I understand it, prohibits putting juveniles into an adult prison) something had to be done. SB 1, as amended by House Finance, delays the closure until a new facility is open, funds continued design and site selection for the new facility, and creates a study commission on community impacts of the center. It was amended and passed on a voice vote with no debate; we then suspended the rules to send it back to the Senate immediately!

In the middle of the session, the Senate joined us to listen to the governor's budget address. I won't bother mentioning most of it because House Finance will be working exhaustively for the next month to review and amend it. If nothing else, revenue estimates from the House Ways & Means committee will be used to set spending limits – governors are frequently very optimistic in their assumptions! I will mention that the governor plans to revamp the OPLC, eliminate a number of boards and licenses, and institute full recognition of out-of-state professional licenses. I and my committee will be reviewing that section to compare his approach with the bills we are working on (or have passed!), and likely

recommending some revisions.

HB 91, creating a data privacy and security governance board for the department of health and human services, was amended and passed without comment. HB 347, creating a superior court land use docket, was amended and debated. I supported the bill because it adds a new superior court judge (currently short staffed) who would be knowledgeable about land use law and only deal with these cases (at least until the backlog is cleared up!) This bill doesn't change any land use law, just how the courts deal with appeals of local decisions. It passed on a voice vote.

HB 62, reducing the gas tax by 4.2 cents per gallon, was killed without comment. I was rather surprised at that, but apparently everyone thought somebody else would debate it...

HB 234, ending renewable energy credit "sweeping," a practice where the credits that the owners don't file paperwork for (usually small residential solar panels) are allocated to utilities instead of them needing to pay, had been tied in committee. Supporters wanted to generate more funds for investing in clean energy; opponents (like me) wanted to lower electric bills. After some debate, it tied on the floor, 182-182. A motion to table failed, then a motion to kill it failed, 183-184. A subsequent motion to table passed, 346-20, in exhaustion. At 4 pm, a motion to take it off the table also failed, 179-182.

HB 246, suspending grants for new energy projects for two years in favor of rebating funds to electric ratepayers, also tied in committee. After debate, a motion to pass failed, 179-186; a second motion to kill the bill also failed, 184-184, with the Speaker's help; a motion to table passed on a voice vote. HB 418, eliminating ratepayer rebates from the energy



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efficiency fund, also tied in committee – notice the trend? It was debated, failed (183-185) to pass, then was tabled 186-182.

HB 576, establishing a commercial PACE program, which pays back energy efficiency loans on their property tax bills, passed without comment. HB 630, creating a clean energy accelerator fund, yet again had no recommendation from the committee. A floor amendment passed, 186-184, after some debate; after more debate, the bill failed on a 185-185 tie; a tabling motion failed, 184-186, and finally a motion to kill the bill passed, 187-182. An evenly divided House takes a lot longer to settle some issues...

HB 260, prohibiting driving with an animal on one's lap, was debated and killed, 194-172. Adding that level of detail to the distracted driving statute might make it easier for the police to convict a distracted driver with an animal on his lap, but also might make it easier for a distracted driver to claim that reading the newspaper, say, must not be distracting or the state would have put it in the law!

HB 374, granting licenses and ID cards to illegal aliens, was debated and killed, 191-179. Personally, if those advocating for licenses for illegals were willing to stamp them “non-citizen” so they couldn't be used to vote, I'd be much more supportive of this idea. HB 388, requiring only one license plate per car, was debated before being killed, 191-181.

HB 597 had no recommendation from the committee: it authorized **voluntary** race and ethnicity information on drivers' licenses. A silly idea if the intent is to collect statistical data on traffic stops or other interactions: one has no assurance that those who put this (self-identified) data on their license are similar to those who don't,

and I tend to think they wouldn't be. It was debated before not passing, 172-200, then killed on a voice vote.

HB 34, raising the minimum age of marriage to 18, had a much longer debate than I would have thought necessary. Some years ago (in 2015, I think – I remember voting on it) we changed the minimum age so that it's now 16 with parental consent **and** a judge's order, and very few minors have gone through that process: zero in the last few years. So we killed the bill, 188-184, with the majority comfortable with the protection we have for minors, including an allowance for those who **are** mature enough to marry before age 18.

HB 560, establishing a voluntary program for the police to contact a responsible person when they are dealing with a physically or mentally handicapped person, passed without comment. HB 306, adding various historical events to the schools' civil rights curriculum, was not tabled, 183-184, then debated at some length. I was undecided on this bill, as I believe that these areas need to be covered in history and civics classes, but mandating specific curriculum content is the duty of the local school board. What swayed my decision was that those in favor of killing the bill kept referring to “the alleged Armenian genocide” in deference to the Turkish population. The Turks did, a hundred years ago, kill and exile a large part of their Armenian population; it's as solid a historical fact as the Holocaust or the Uighur persecution in China. The bill was killed, 253-118, against my vote.

HB 419, about the math learning communities in the community college system, and HB 420, about the dual and concurrent enrollment program in the community college system, both passed without comment. HB 429, requiring all public schools



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(including charters) to offer breakfast and lunch *under the federal programs*, was tabled, 190-173. I don't like making this a mandate, especially as most schools already offer meals, some under the federal program and some in other ways. The mandate is unconstitutional unless the legislature funds it, and some schools do not want to comply with the regulations and restrictions of the federal programs.

HB 430, restricting the Education Freedom Account program to those who are in their local public school for a year, had no recommendation from the committee (a partisan 10-10 split.) After some debate, it was not passed, 185-185, with the Speaker voting, then tabled, 186-183. HB 487, creating a farm to school reimbursement program, was amended, 183-181, debated, and not passed, 181-187, then tabled, 195-172. I opposed this bill because the reimbursement was tiny (only \$1,200/school), expensive to administer (about \$300,000 in administrative costs), and unnecessary, since almost a third of New Hampshire schools have some sort of farm to school programming.

HB 521, clarifying current practice for payment of a residential placement in an emergency, also provides guidance for determining whether the department of Education (likely special education) or Health & Human Services (Medicaid and other programs.) HB 542, adding a data analyst position to the department of education, would give lawmakers and parents data on results of various school issues. Both these bills passed without comment.

HB 626, transferring the administration of the education freedom accounts from a contractor to the department of education, was debated and passed, 183-180. I was opposed, since the private organization was able, by private donations, to start

the program much faster than a government agency could and is likely more cost effective at the administration. The Finance committee has the bill now and should be considering these issues. HB 638, eliminating the accountability reports for "extraordinary needs" grants to schools under \$50,000, was debated and passed on a voice vote.

HB 324, creating a publicly funded election system for governor and executive council, was debated and not passed, 163-200, then killed 201-163. Besides the problem of forcing taxpayers to contribute to candidates they don't agree with, it doesn't eliminate other political contributions! So outside money would also be available to those who asked for it, eliminating the alleged advantage of public funding.

HB 502, eliminating the "voter affidavit" ballots we created last year was debated, not passed, 179-182, and killed, 182-181, with the Speaker breaking a tie. These ballots require someone who registers to vote on election day and does not present ID or evidence of domicile to have their ballot put aside until they provide this information. There's no change for previously-registered voters, nor for same-day registrants who have ID and evidence of living in the district – only those who wander in with nothing but a pen to sign the affidavits (a rare case in the polling places I'm familiar with!)

HB 508, requiring absentee ballots have return postage paid by the Secretary of State, was debated before being killed, 189-172. As was pointed out, in many areas the cost of gas to drive to the polls is equivalent to the postage cost, and anyone can drop their ballot off at town hall for no extra cost.

The Environment and Agriculture committee had two bills dealing with food waste: HB 300,



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prohibiting anyone generating more than a ton of food waste a week from disposing it in a landfill; and HB 462, funding the solid waste management fund to reduce and divert food waste from landfills. Both were amended and passed without comment. HB 494, creating a dedicated fund for fertilizer registration fees to pay for the required testing, passed without comment.

HB 341, establishing license for massage establishments, was debated and killed, 184-171. This was from my committee, and I spoke briefly on the inappropriateness of using a professional license to fight crime. HB 620, on a pilot program for early childhood education, was amended, debated and passed, 183-174. This was harder for me to debate because the amendment removed one of the main problems with the bill, that of creating a new department for a pilot program: it was a division of the department of Education, which is obviously more appropriate (even if still excessive - the pilot is funded with one-time federal money, but the department/division would continue forever!)

HB 102, requiring high schools to include the history of communism in their curriculum, was tabled, 314-44. HB 482, requiring ballots to have embedded traceability features, and HB 599, requiring an audit of the 2022 election, were both killed without comment. HCR 3, affirming states' powers over the federal constitution, was tabled on a voice vote.

One side effect of such a closely divided House is more close votes: the Speaker had to vote multiple times, to break or create a tie. He said he'd voted more on one day than in the entire last session!

My committee met Wednesday and Thursday to hear more bills. HB 457 would ban the state

treasurer and the retirement system from dealing with investment companies that used ESG (ecological, social and governance) factors in addition to financial factors when they selected investments or voted their proxies. This was a principled position, but brought out a great deal of opposition from fiduciaries who pointed out that they were required to invest in the best interest of the beneficiaries, and arbitrary restrictions like this limited their options. It went to the pension subcommittee for further analysis.

HB 278 was a returning bill to exempt special duty hours from the limit on part-time employment for retirees. I had an amendment prepared to fix a different issue, that the reporting requirement for retired part time employees had been inadvertently deleted some years ago, and nobody noticed until this year – in fact we've continued to amend that section of law! So my amendment simply reinstates that provision; it completely replaces the original content of the bill since we have been consistently opposed to allowing expansions to that part-time limit. After some comments, the committee unanimously adopted the amendment and voted to pass the bill.

HB 461 would require an employer who eliminated a Group II position or replaced it with a part time position to continue to pay the unfunded liability on that position, plus penalties. It is intended, according to the sponsor, to eliminate abuses such as Hooksett retiring its police chief and then replacing him with a “part time” retired police chief from another town. We agreed that this action is abusive, granting the town in question advantages (no pension contribution for the position in question, plus being able to offer the person they wanted pay plus their pension) that left the liability to be covered by other employers in the retirement system. Still, the bill appeared to be



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too broad brush – a town might well want to eliminate some positions for legitimate reasons – and simultaneously too narrow – Group I positions are subject to the same abuse (consider Pittsfield's former school superintendent.) So this bill also went off to subcommittee.

HB 559, Dan's bill to create a defined contribution retirement plan for new state employees – GI only – had extensive testimony and a lot of questions from the committee. Most of the members are more familiar with defined contribution plans – after all, that's what most people get nowadays! One concern was that the contributions – 7% from the employee, 2.5% from the state – are the same as currently in place in the defined benefit plan and that appears to be too low from the state (the state also covers the unfunded liability for these positions, at the same rate as calculated for other employees.) This bill, also, went off to subcommittee.

We also voted on HB 436, the last pension bill due to go to another committee. We had an amendment adopted by the subcommittee which deletes, over ten years, the tiered levels of retirement benefits that affected the people who were employed but not yet vested in 2011, when the retirement system had the third major reset to fix its underfunded position. The cost of this change is something between \$200-250 million; at least the bill pays for itself from the general fund (\$25 million/year) rather than downshifting it to the towns. The committee voted unanimously for the amendment and 16-3 for the bill as amended. I voted for it as an attempt to solve the drastic recruitment and retention problem we have with these employees: they believe that they were betrayed in 2011 because they felt they had a contract with their employer to get these pension benefits. So restoring these benefits should restore their trust (at

least some of it...) and hopefully convince some to stay in service for another few years to collect the better pension, and stop bad-mouthing the system to potential recruits. I can understand not considering that this is a worthwhile effort, or not worth the expense – it's a balancing act.

We heard HB 64, requiring the commission on demographics to consider race and ethnicity. This seemed silly, since race and ethnicity is part of demographics, and they would do so automatically. We voted unanimously to kill this bill. HB 228 repealed the commission on demographic trends, since it has rarely met and never produced a report. There is a demographic group at UNH that provides useful data for the legislature, so having a group of amateurs as well seems unnecessary. We voted unanimously to pass this bill, killing the commission.

I presented my HB 564, ratifying the building code amendments approved by the building code review board, and an amendment ratifying some amendments to the fire code while adding a fire prevention engineer to the fire control board. These generated a lot of questions, but fortunately the state fire marshal and the chair of the building code review board were there to provide the details. The committee voted unanimously to adopt the amendment and pass the bill.

HB 617, prohibiting requiring proprietary software to deal with the state, had our open source software representative with us again – but with a bunch of friends! They testified for over an hour; the director of information technology rebutted many of their points. The only concrete example they had of needing proprietary software to deal with the state was Zoom meetings – and in that case, Zoom can be avoided by attending the meeting in person. The committee was not convinced that there was a



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real need for this bill, but we didn't have time to vote on it.

HB 284 clarifies that municipalities and counties can release some data about bids in process – not prices from other bidders or even who the bidders are – but scheduling data, reasons for cancellation, etc. It seemed perfectly reasonable, and had no opposition. A member of my committee (Dianne Schuett from Pembroke, who's the chair of the Merrimack County Delegation) presented an amendment to increase the minimum for purchases by counties to go out for bids from \$5,000 to \$10,000. This also had no opposition and was supported by executives from four counties.

HB 359 was another attempt to make election day a holiday: this time, the sponsor realized it already is a state holiday and added the primary and the presidential primary, with the requirement that they be a *real* holiday, that is people get off work. No formal opposition, but the committee didn't see the need for this bill.



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