



Your State House Concord, New Hampshire



April 7, 2023

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

This week, I presented some bills to the Senate. HB 278, which I'd amended to simply cancel the repeal of the requirement that employers in the retirement system report on hours worked by retirees, was appreciated by the committee, since most of the members had been involved in the various changes we'd made to that statute over the years (even while it was, on paper, repealed!) HB 594, allowing the OPLC to grant licenses to people with out of state licenses as long as the other states requirements were "substantially similar," was also well received. I pointed out that no board has yet defined any other state's requirements as substantially similar or not, despite issuing many licenses to out of state applicants. Having the comparison in explicit rules will also make it easier for people moving to New Hampshire. A senator brought in an amendment allowing physicians with an ongoing relationship with a patient provide telehealth without a New Hampshire license, which I generally support but wonder why we need to keep making exceptions to that very recent requirement...

My committee also met to hear Senate bills. SB 203, on the composition of the manufactured housing board, provided a lot of interesting data. This board, which is not a licensing board but a complaint resolution panel, was repealed by the governor's version of HB 2, and the Finance committee hadn't changed that decision, since the board has hardly met in the last four years. The bill reduced the board from eleven members to five, with two tenant aligned members, two representatives of park ownership, and one person familiar with low income housing. That seemed problematic, as the last member would end up

deciding the question most of the time. The current board makeup includes legislative and public members, as well as an attorney familiar with housing law, so there are enough neutral parties. The testimony was spirited and intense, with many tenants in the communities opposed to the state community loan fund, which has supported resident owned communities and in fact seems to be strongly pushing for parks to purchase their land, with a loan from this fund... I sent the bill to subcommittee, since we uncovered a lot of issues.

SB 146, on the other hand was simple: it slightly revises the duties of the agricultural advisory board, and was supported by both the current board and the commissioner of agriculture. We voted unanimously to recommend the bill. SB 208 requires online publishing of a "checkbook" for federal funds; we again voted to support it.

SB 49, creating a dedicated, non-lapsing fund for the OPLC was very similar to HB 445, which we passed on to the Ways & Means Committee. It included a reporting requirement not in HB 445, but not a cap on the fund. I presented an amendment to update the language to that of HB 445, which turned out to be only one sentence, adding a \$3 million cap before lapsing any surplus to the general fund at the end of the biennium. The committee discussed the bill, and were concerned that funds should be used only for the benefit of the fee-paying licensees. We decided to hold off voting on this while some members investigated proper language.

SB 107, on general administration of regulatory boards, had some good language about due process for license applicants (or holders) with criminal records. One questionable section deleted an option for disciplinary cases under the electricians' board to be appealed to the building code review



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board, where technical questions on code interpretation could be adjudicated. Superior court is the usual venue for appeals, but in cases like this the building code review board seems better!

Thursday, we met in session at crossover, the last day for us to act on House bills. Attendance was excellent: three members excused for the day, two vacancies, and one member not yet sworn in – and vote totals were around 390, higher than usual. After approving two non-controversial bills from Finance, we started the day with the budget trailer bill, HB 2. After a very brief debate, the committee amendment was approved, 326-63. Then came some floor amendments; there were 30 cued up and available...

The first was jointly sponsored by the majority and minority leaders, to make some concessions for both sides. Explicit language on Education Freedom Accounts (EFA) was removed, and the budgeted amount for them was reduced by \$20 M (just a planning point – there is no cutoff if more students take advantage of the program!); education funding to local schools was extensively revised to put more in property-poor towns; Medicare provider rates were increased beyond what Finance had already done; the affordable housing fund was increased by \$15M; and HB 127, on emergency power reform, was added to the statutory changes. This amendment also had a brief debate – more of an explanation of the education funding changes – and passed, 326-63.

Next, we debated eliminating the accelerated repeal of the Interest & Dividends tax, which failed, 190-199. Then came an amendment to provide more school building aid, which did not pass, 189-194, after not much of a debate. Next, a deletion of the community college conversion to a defined contribution pension plan, like the rest of

the university system; it was debated and passed, 199-187. I was opposed because this pension plan is much better for employees who don't plan to retire from one job.

A reversion to the current definition of the education trust fund was debated next. The committee amendment had changed some items (special education, transportation, and so on) that the state contributes to be paid for out of the general fund, and decreased the percentage of business taxes that go to the trust, so that the trust fund would only pay for adequacy aid, and not build up the surpluses that have been a problem lately as school populations continue to decline. This amendment failed, 191-197.

Next, one member moved to take \$6M from the UNH hockey rink upgrade, and give it to UNH to reduce in-state tuition (by 2% or so.) This idea was debated and failed, 128-259; I don't support the hockey rink funding, but this change seemed just silly. Then, an amendment to delete the section that created and funded the Northern Border Patrol program, "debated" largely by people opposed to the program. It passed, 241-143. The next amendment created a commission on teaching civics, which passed on a voice vote.

An amendment was proposed to reduce the number of new attorney positions in HHS was briefly debated and failed, 158-226: I voted for it because with the trouble the state has hiring people, I guess these positions might stay empty for years! Then we voted, 249-136, to not remove the long standing cap on auxiliary state police. On a voice vote, we agreed to incorporate into the budget the end of the monopoly for historic horse racing venues (previously approved by the House in HB 607.) The notice requirement for immigration checkpoints (previously approved by the House in



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HB 624) was added, 247-139.

Next, we considered raising the cap for EFAs to 500% of poverty (currently 300%; we've increased it to 350% in HB 367.) This failed, 167-222, despite the votes of all the Republicans in the district. An amendment to simply delete the appropriation for the UNH hockey rink renovation failed, 158-231. One to delete the staff increase for the consumer advocate failed, 182-205; the supporters pointed out that they can't fill the open positions now, the opponents that this was a new position to take care of the additional duties we had assigned to the office last year.

The next amendment was a complete rewrite of the entire bill, over 100 pages, that was passed out minutes before the very brief "debate." That amendment failed, 72-300. I wasn't sure how to vote on this – I liked that the state expenditures were significantly reduced, but I didn't understand the full scope of the changes – and actually voted against it because of that. Wouldn't have changed the result if I supported it.

A final amendment to legalize cannabis failed, 160-214, even though we'd approved HB 360 with the same language. I guess we thought the budget connection was too tenuous to approve – or the sponsor's jokes were too bad!

After a very brief debate, we approved HB 2 on a voice vote. HB 1, the actual dollar distribution for the budget, was amended and also approved on voice votes, with no discussion. Of course, after all the debate on HB 2, we'd covered pretty much the entire budget. As usual, the budget isn't great: it spends too much money, and it spends on programs I wouldn't prioritize. Still, it meets the *minimum* requirements for a budget I'll vote for: no new taxes or fees, at least some tax cut, and

putting something into the rainy day fund. In addition, it includes at least two features I don't believe we can get any other way this biennium: a sunset date for Medicaid expansion, and state of emergency reform. We'll have to see what comes from the Senate and the committee of conference.

HB 46, a study committee on bail commissioners, passed without comment. HB 74, mandating that employers pay for unused time off when terminated, had some debate (mostly a recap of the debate on February 22 when we'd passed the bill out of the Labor committee.) Finance had recommended, on party lines, killing the bill, but this recommendation failed, 179-204, and the bill passed, 205-181.

HB 234, which would end the practice of "sweeping" renewable energy certificates (RECs) from (mostly) solar producers who haven't bothered with doing the paperwork that would allow them to sell the RECs, had another recognizable debate before being killed, 193-191. HB 250, the death benefit for Group II employees accidentally killed on the job, had a committee amendment to extend the increase to Group I employees and cap it at \$85,000. This amendment passed on a voice vote; a floor amendment to pay this benefit from the general fund, rather than downshift it to local employers, also passed on a voice vote, and the bill passed, 328-53. I supported it after the floor amendment passed.

My HB 330, increasing the maximum recruiting bonus available to the national guard (and fixing their rulemaking authority, which is why it was **my** bill) passed without comment. HB 337, increased transparency for licensing boards, passed 387-0, without debate. HB 364, tweaking the transportation reimbursement for students at career and technical schools, also passed on a voice vote.



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HB 430, requiring new applicants for the EFA program to have served a year in the local public school, was debated and killed, 194-192. HB 492, requiring the department of education provide annotated copies of the laws and rules to the education committee, passed without comment. It's not as bad as it sounds – the DoE already produces these for school districts, so it's just printing (or downloading) a few more copies.

HB 504, increasing funding for the adult parole board, passed without debate. HB 534, water assistance for natural disasters, created a slush fund for repairing wells, without specifying what kind of disasters, whether grants or loans would be used, who was eligible, and other useful criteria in designing a program like this. Dan spoke in favor of killing it, but the debate was much more heated on the other side: the bill was not killed, 191-196, then passed on a voice vote. HB 576, setting up a commercial clean energy program, was amended and passed without comment.

HB 626, requiring the DoE administer the EFA program, was debated at some length. The supporters of the bill insisted that the department could do the work for less; opponents pointed out that the non-profit organization managed to set up the program very quickly, and that the applications and funding requests all arrive at the same time, requiring extended workweeks when that occurs. I find the idea that the state workers would cost *less* than those at the non-profit – or that they would be more willing to adjust their schedules as needed to suit the workload – rather ludicrous. I've worked in big, bureaucratic organizations (like the state) and in small ones, and I know which one is more flexible! The final vote was 195-194 in favor of killing the bill, with the Speaker breaking a tie. This was a pure party line vote, except for one nominal “Republican” who is opposed to EFAs.

The next bill was HB 25, the capital budget. This bill bonded over \$137 million, and used over \$425 in one-time money (both federal rescue plan and state surplus) to build and maintain state buildings, parks, state facilities, and lots of Information Technology projects. The committee amendment passed on a voice vote, then we debated an amendment to delete \$750,000 in rail bed improvements for two freight lines! This amendment failed, 120-267 (I voted for it as I'm opposed to this sort of corporate welfare), and the bill passed, again on a voice vote.

HB 639, legalization and regulation of cannabis, had a lengthy debate, not so much on whether the tax level chosen was appropriate, as to whether cannabis should be legalized. Nobody's mind was changed, and the bill passed, 272-109. The Senate has traditionally been where this sort of bill dies, and the Governor remains opposed...

HB 369, on limiting the authority of delegates to an Article V convention, should one be called, was debated at some length before passing, 202-183. Finally, I moved to table HB 445, on the OPLC dedicated fund, since we had a similar Senate bill in committee. This passed, 378-6, as everyone wanted to quit for the day!



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