



# Your State House Concord, New Hampshire



January 5, 2024

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

This year started with two days of session to consider all the bills held over from last year. As usual, the consent calendar of 146 non-controversial bills passed on a voice vote, after five were removed. Those bills would be considered individually at the end of the session.

A great many of these bills were debated only briefly, or not at all; the committees had generally done a good job on amending and clarifying the bills they wanted to pass.

HB 185, setting “approximately equal parenting time” as the starting point in divorce cases, was debated on whether or not the change was necessary. Apparently most judges do this now, but a definite minority doesn't. The bill passed, 202-172. HB 475, amended to require family court judges to specify in writing why evidence or testimony is not heard, passed without debate, as did HB 535, requiring an attorney represent a child who might be committed to a group home or institution.

HB 225, prohibiting currency that would damage privacy rights, such as some digital currencies that report transaction details to the government, or block some legal transactions, passed without comment. HB 227, prohibiting unfair discrimination by financial businesses, had been recommended for interim study. This was debated, and that motion was defeated, 182-193. Opposition to interim study was both by nearly all Democrats who wanted to kill the bill and a handful of Republicans who wanted to pass it... but the next motion was to kill the bill and it passed on a voice

vote. HB 645, establishing “decentralized autonomous organizations” as legal entities, was debated between someone who understood the concept (and the bill!) and another member who was opposed to cryptocurrency or anything relating to it. Since the report was that the agencies involved in this recognition (Revenue and State) were in favor of the bill, it passed 340-33, even though most of us have only a superficial understanding of what a “decentralized autonomous organization” actually is!

HB 113, deleting the physical fitness requirements for police officers, was not tabled, 159-212, then debated. The supporters pointed out that New Hampshire is the only state with a three-year retest requirement, and that retirees (or other older hires) could do accident investigations or prosecution without needing to meet these requirements, and that local police chiefs know what their needs are. Opponents pointed out that being a police officer is a strenuous job. The bill was not passed, 178-195, then killed on a voice vote.

HB 470, expanding the drug *testing* equipment that can legally be possessed, had a floor amendment to delete the phrase “harm reduction,” as this has been abused to include things like “safe injection centers” that promote drug use. After some debate, the amendment failed, 178-194. The bill was debated again, then passed, 212-161. I voted for both the floor amendment and the bill: I can hope that “harm reduction” will not be abused! SB 249, on the release of a defendant pending trial, was completely amended by the committee to establish a system of magistrates who would hold bail hearings within 24 hours *even on weekends!* This seemed so common sense that the bill was amended on a voice vote, and passed 361-7 without any discussion.

The Education committee had agreed to table



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nearly all of their partisan bills, to focus the debate on only three of them. Since a motion to table cannot be debated, this sped things up significantly. HB 147, on membership of the advisory committee on students with disabilities, and HB 267, expanding criminal records checks for school employees, were quickly tabled.

HB 354, making charter schools eligible to apply for school building aid, was debated and passed, 190-177. HB 437, requiring reading be taught by evidence based methods; HB 439, allowing town tuitioning programs to include religious schools; HB 505, adding a requirement for mental health education; HB 553, requiring school salaries be posted on their website; and HB 577, revising state aid formulas for special education students, were all tabled without comment.

HB 628, requiring education providers for students receiving Education Freedom Accounts to perform background checks on all employees and volunteers, was debated at some length. One significant issue was that parent-directed studies (home schools, micro schools, tutors, parent cooperatives...) are legally unable to get these checks on other private individuals! Private schools work around this ban by hiring third party investigators, but individuals cannot. The committee amendment failed, 181-189, then the ought to pass motion also failed, 174-199. The bill was killed, 195-178.

HB 651, allowing schools to contract with transportation network companies (like Lyft or Uber), was tabled before the debate. SB 151, which adds mental health education to the definition of an adequate education, was debated, did not pass, 183-186, then was killed on a voice vote. Finally, SB 218, creating a grant program for teacher development, was tabled without comment.

HB 115, changing the state primary election to the third Tuesday (the 17<sup>th</sup> this year) in August, was amended and passed, 281-82, without debate. HB 116, on fees for primary elections, was amended to simply delete the \$2 filing fee to sign up for state representative, and passed on a voice vote. Nobody declared a conflict of interest – but of course, the fee can be eliminated by collecting 10 signatures, and I know some very thrifty people who've done so! (the Epsom town office never seems to have that many people on hand when I sign up.)

HB 345 and HB 350, both about ranked-choice voting, were both debated (somewhat repetitively) and killed, 207-170 and 248-128. I voted to kill both since I'm not a fan of ranked choice voting: it's too complicated and much less transparent than our current system. Not to mention that in a crowded primary field – one of the prime applications – I tend to know who's first and who's last – but ranking seventh, eighth and ninth? No way. I prefer approval voting, which simply eliminates the penalty for overvoting and allows you to say which of the candidates are acceptable. Top vote getter wins!

HB 447, allocating federal Help America Vote funding to buy new vote-counting machines, passed 311-62, without debate. HB 463, establishing an online voter registration portal, was debated and passed, 195-172. I was opposed since such a portal raises questions of data security.

HB 369, creating a task force to relieve farmers from high energy costs, was amended to create a UNH - Department of Agriculture joint program to give advice and get federal grants, with a \$100,000 allocation to set it up. A floor amendment corrected the definition of “farm,” then the bill was debated. It was not passed, 186-187, then tabled, 322-54. I voted against the bill and against tabling it – I'd



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rather just kill it now!

HB 602, on the process for landfill siting, adopted the committee amendment and a floor amendment (sponsored by the committee) without comment, then was debated at some length. It passed, 226-145; I voted against because I thought the bill gave Environmental Services too much authority via their rulewriting authority.

HB 559, Dan's bill creating a defined contribution plan for new state employees, was debated on the committee amendment, which showed how much the opponents *hadn't* read the amendment: they cited the administrative cost and complexity (of the original bill!) which had been minimized or eliminated by the amendment. The amendment failed, 181-192, largely on party lines plus the Republican firefighters and police in the legislature voting with the Democrats. Then, they moved indefinite postponement, an unusual legislative maneuver that would prohibit bringing back the *concept* of the bill for the rest of the session. This passed, 201-174, so no defined contribution plans can be considered this year.

The other bill from my committee, HB 644, which exempted a number of beauty treatments (eyebrow threading, hair styling, makeup application) from licensing, was not debated and passed, 196-178.

HB 436, amended by Finance to simply put \$50 million from the surplus into the retirement system, was not tabled, 176-198, and passed on a voice vote, with minimal discussion. HB 468, appropriating funds for the department of education to recodify the education statutes, passed without comment. These statutes have portions as old as 1906 and have been amended almost every year since, so the cleanup is necessary.

HB 546, on the school building aid program, was debated at length about whether or not the budgeted amount (\$50 million per year) should include debt service to pay off the funds borrowed in 2009 (I believe; it could have been 2007.) The bill was not killed, 186-189. then tabled, 190-187.

HB 601, requiring the Department of Education to share data with Health & Human Services to sign children up for the free or reduced lunch program if they receive Medicaid, was thoroughly debated. Opposition was based on privacy concerns (sharing this sort of person data between agencies without consent); and parents' authority (many children, particularly high school, don't like or want these meals, and their parents tend to support them.) Not to mention that the funding for qualifying children was dramatically increased in this session's budget, and this would result in duplicative spending. The bill was killed, 189-188.

HB 620, creating a Head Start like program for pre-kindergarten children, was debated and killed, 188-185. SB 239, amending the scope of the Governor's Commission on Alcohol and Other Drug Abuse Prevention, Treatment and Recovery to include "harm reduction services," had a long debate before going to interim study, 186-185.

SB 263, extending the expanded medicaid indefinitely, was debated and killed, 191-183, and not reconsidered, 183-193. This allows the current seven year sunset to occur, as negotiated in the budget. SB 267, requiring "cumulative impacts analysis" in environmental rules and analyses, was debated and killed, 189-188. The opposition, including me, was concerned that this would be unduly expensive and delay permitting beyond the current leisurely process.

HB 264, permitting one to change the gender on your birth certificate, was debated, not passed,



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186-190, not tabled, 185-191, and killed, 191-185. The debate was in maintaining the integrity of vital records versus the convenience of transgender individuals, and most of us were not convinced that it should be easier to change gender shown on a birth certificate than the parents for an adopted child. HB 368, increasing privacy protections for transgender services performed in New Hampshire, was debated briefly, not passed, 186-188, and killed, 190-185.

The last and most sensitive transgender bill, HB 619, was debated on the committee amendment, which simplified the bill to only forbid genital reassignment surgery on minors. There was a lengthy and intense debate, started by a liberal Democrat who stated that while he strongly supported transgender rights, surgery on children was a step too far. The amendment passed, 209-167, and after more debate the bill passed, 199-175. Twelve Democrats joined all but two Republicans in support, and rumor had it that they were harassed by the other Democrats for taking this stand.

HB 283, requiring landlords to refund application fees to denied tenants, passed without comment, as did HB 314, defining what the constitutional right to privacy required for utilities, Internet service providers, cable, insurance, banks and other services. HB 396, on allowable discrimination by biological sex, had a long debate about the amendment, which limited the areas to bathrooms, sports, and prisons. It passed, 194-182, then after further debate, the bill passed, 192-184. The opponents carped that "biological sex" was not defined, forgetting that only four bills ago, we'd ensured that it stayed on one's birth certificate...

HB 652, on non-public sessions under the right to know law, was killed by a voice vote after a short debate. SB 355, on the expectations of privacy in

business transactions, passed without discussion.

HB 190, changing the duration of unemployment benefits based on the unemployment rate, was killed without debate since it would be a nightmare to implement. HB 232, adopting federal OSHA standards for public sector workers, was debated over the amendment, which would instead require the Department of Labor to develop rules for workplace safety. The amendment failed, 184-186. and the bill was then tabled, 190-182.

HB 301, on recusal standards for legislators, was tabled, 359-13, since exactly defining what level of conflict of interest was appropriate to mandate recusal turned out to be much harder than anticipated. (also, it was lunchtime!)

HB 313, tweaking the default budget in SB2 towns, had a very dull debate before being killed, 188-184.

HB 194, requiring the division of historical resources to compile and maintain a public list of public monuments, was debated and passed, 194-179. I was in the minority that thought the bill unnecessary. HB 434, on flying drones in state parks, was killed without comment.

HB 166, eliminating wood heating as a class of renewable energy, was debated and killed, 319-53. I was opposed because even if towns, school districts, and counties benefit from their biomass heaters, the ratepayers who cover these costs aren't necessarily the ones who benefit from the lower expenses: the Rockingham County complex, for example, benefits from its biomass system, but not all Eversource (I think) ratepayers live in Rockingham County.

HB 381, revising the systems benefit charge, was killed without comment. HB 458, amended to



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simply revise the membership of the existing study committee on power generation, passed without debate, on a voice vote, as did HB 609, on the site evaluation committee.

HB 631, allowing people to install, at their own expense, smart meter gateway devices was debated on the usefulness of installing such devices when no utility in New Hampshire supports them. It was killed, 192-180, even though nobody mentioned that in Colorado, such devices were used to turn off air conditioners during a heat wave...

HB 229, the "defend the guard" bill, had two clarifying amendments to define which federal conditions would apply, then debated. It would prevent the National Guard from being deployed to foreign wars without a formal declaration of war, by Congress, not the president. It passed, 187-182.

HB 375, on licensing nonresident aliens, and HB 570, adopting minimum requirements for identity when issuing drivers' licenses (so as to be able to license more aliens) were both tabled, 185-179 and 187-180.

HB 121, re-adopting (since the 1980's) worldwide combined reporting under the business profits tax, had a long, rather dull debate before being killed, 192-176. What I got from the debate was that this accounting scheme has been rejected by the US Supreme Court at least twice, is too complicated for the IRS to oversee, and any tax revenue increases have probably been minimized by international agreements and business tax cuts.

HB 450, removing the net operating loss deduction limit under the business profits tax, essentially restoring it to previous levels and not following late changes in the federal tax code, passed without comment, as did HB 494, revising the dedicated funds involving fertilizer fees, and SB 112,

updating the charitable gaming laws to eliminate venue rental fees. SB 190, regulating advanced deposit account wagering, was quietly killed.

Most of the bills removed from consent were debated by a sponsor or other activist aggrieved by the committee's decision to kill the bill.

HB 499, requiring the rules of evidence to apply in family court and evidence favorable to the respondent be admitted, was debated by the sponsor, who had evidence in his case that was not admitted by the judge. After the committee chair pointed out that the bill was self-contradictory, and that the written rejections required by HB 475 would solve some of the problems, the bill was tabled, 200-164, by mutual agreement.

HB 144, restoring firearm rights to ex-felons, was argued by the sponsor, who is an ex-felon. The committee pointed out that New Hampshire had a robust annulment process that restored firearms rights, but that we can't affect federal laws – and they have no such process. The bill was not tabled, 149-209, then killed, 297-63.

HB 512. exempting firearms manufactured in New Hampshire from federal laws and regulations, was also not tabled, 143-218, debated and killed, 206-69. A nice idea, but the implementation needs more work.

HB 518, from my committee, had the committee amendment adopted, which completely rewrote the bill to make it cleanup of the statutes governing the office of professional licensing and certification. A floor amendment added a clause that had been inadvertently omitted (about reporting continuing education to the medical board) and was approved on a voice vote, as was the bill.

HB 526, regulating the use of temporary traffic



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control, was recommitted to the committee, 203-145, after a short debate.



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