



# Your State House Concord, New Hampshire



February 16, 2024

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

This week, my committee continued with public hearings. My HB 1387, minor clarifications and updates on the process of updating the state building code, had more testimony (mostly positive) than I expected. HB 1059, relative to the state building code, was mostly contentious because of the energy code (as expected.) The basic bill updated all codes to the 2021 version, *except* the energy code, which had not been recommended by the state building code review board (BCRB). I also presented an amendment that updated the energy code, with the BCRB approved amendments to that code, because I believe having a straightforward debate on the energy code offers an opportunity to do so without blocking the necessary updates to the other codes (which happened when we were considering the 2012 codes!) This went to subcommittee, and HB 1387 went along.

CACR 11, a constitutional amendment to allow elected sheriffs to serve out their terms even if they exceed the constitutional limit of age 70, was presented as a request for Rockingham County. Rockingham County has four year terms for its elected officials, unlike every other county which has two-year terms. We debated the amendment, with the supporters reminding us that 70 is not as old as it used to be, and that having an elected official serve out their term has a lot of value. Strafford County currently has an acting sheriff, since their elected sheriff moved out of state; the most likely candidate for an appointed sheriff will turn 70 just before the election. Opponents were concerned about making laws for special cases; and that with 9/10 counties having a two year term for sheriff, quitting at age 70 is not a major

concern. Of course, one issue is that applicants for sheriff are typically veteran law enforcement officers, and therefore they are more likely to reach to age 70 than many other officials. We voted 10-4 to kill the constitutional amendment.

HB 1433, allowing the state archives to accept donations of documents and money to support the archives, was requested by the Secretary of State, which office is not currently authorized to accept donations. We heard that the Archives has accepted such donations, but a new archivist was going over the laws and rules and noticed the discrepancy ... An amendment was offered to upgrade two stock clerk positions to deal with donations, and to help recruiting; the office can cover the increase within their current budget. We approved the amendment, and the bill, unanimously.

HB 1095, establishing the official pronunciation of “New Hampshire” and “Concord” allowed us to learn about the international phonetic alphabet. The sponsor very reasonably presented it as one of the state symbols, a branding effort. Nobody else showed up either in support or opposition.

CACR 21, making the default oath of office non-religious, and requiring officials to ask for a religious one, had nobody but the sponsor interested. We debated it, and finally decided to oppose it as unnecessary, 13-1. I'm not very religious myself, but the phrase “so help me God” is part of our culture and heritage.

HB 1016, adding “live free or die” to the state flag, had a representative who studies flags (vexillology) testifying in opposition. According to accepted flag design rules, the current design (the state seal, centered on a field of blue) is bad; adding text, such as “live free or die,” only makes it worse. A young member of the North American Vexillological Association described their criteria,



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and presented his design for the NH state flag: bands of white (for the mountains) and blue with the Old Man to the left, with nine stars (for our ratification of the US constitution) and “live free or die” across the bottom. Very striking and distinctive! After some discussion, we decided not to accept the flag presented to us, and recommended to kill the bill.

HB 1420, on communication between agencies and citizens, wanted to ensure a 3 day maximum response to phone calls. While everybody liked that idea, enforcing – or even verifying – that limit would be an expensive proposition. At the sponsor's request, we recommended Interim Study to examine the issues.

HB 1521, requiring agencies to respond to issues raised by the public during rulemaking, was presented by the sponsor who was aggrieved by one rulemaking procedure that came out opposite to her beliefs. She seemed unaware that agencies need to respond to public comments already, and thought that the 90 day period required for response in the bill could be done without slowing the rulemaking process. It went to subcommittee to examine these issues.

HB 1606, about contact information on agency web pages, was supported by the department of information technology (DOIT.) They agreed contact information should be prominent, and are modifying the template for agency web pages to incorporate it. The bill may not be necessary, but we didn't have time to discuss it.

HB 1688, on the use of artificial intelligence (AI) by state agencies, had some useful definitions and basic guardrails for the use of this increasingly common technology. It was presented by two representatives who have PhDs in computer science (including my husband.) DOIT was

somewhat opposed, as it might limit their flexibility, and they felt the well-established policy on AI and IT code of ethics covered the issue sufficiently. This bill is going to subcommittee, to evaluate these claims. I think having at least some guardrails in statute is a good idea – limiting the use of facial recognition technology, for one.

HB 1456, changing the appointment process for members of the board of tax and land appeals and the housing appeals board from the supreme court to governor and council, was largely supported by the board of tax and land appeals . They praised the improved transparency of the process, since the governor and council process includes a public hearing. Board members did suggest asking the supreme court to *nominate* their members, and that they return to five year terms.

HB 1545 would allow the state to sell surplus real property to non-profit organizations *below* fair market value, if it were to be used for affordable housing. The bill was silent about issues the sponsor assumed would be dealt with (town support or opposition, enforcement of covenants for affordable housing, and how the deal would be managed.) A staffer from NH Housing, which is a quasi-governmental agency responsible for affordable housing, suggested that since that agency already has the right to buy surplus property and is experienced at managing it, *they* be enabled to purchase below market rate.

Finally, we heard a 100 page, non-germane amendment that completely replaced HB 1095, the official pronunciation of Concord. This amendment contained a lot of OPLC clean-up language necessary to align many of that statutes that had been changed (or not) over the last year or so. Much of this material was pulled from HB2 last year, as not fully examined; it then was pushed out of HB 655, as “too much” and not all included in



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HB 518 and other bills dealing with the issues. The amendment went to subcommittee to consider the language and the fit with several other bills we are working on, hoping to finally finish this cleanup this session.

Thursday the House met in session for the afternoon only. First we accepted the resignation of one representative who had moved out of his district, and memorial remarks for another. The governor then made his last state of the state address, on a very upbeat note. He reported various commendations the state or its agencies have received, and encouraged us to continue as the “gold standard” of state governments.

We started on what should have been a brief calendar. HB 1212 expanded the free and reduced school meal program to all students whose families earn up to 350% of the federal poverty level. State funds would be used to supplement federal funds for these meals. However, as the debate made clear, this program would require all schools to participate, which raises constitutional questions of downshifting to those few schools that don't have kitchen or other facilities. In addition, this bill simply expands the federal program, which means that **all** federal regulations apply, including procurement requirements that make it difficult to buy local food and the menu guidelines that result in food that is not appreciated nor eaten by students. The bill was not passed, 187-188, and voted killed, 188-187.

However, at 3:50 pm, that motion was reconsidered, 187-181, and ITL failed, 181-187. A motion to indefinitely postpone also failed, 182-186, and a second reconsideration (this one of the ought to pass motion), passed, 188-180, and the bill passed, 193-175. Not a happy result, as I opposed the bill as I had previous iterations of this measure; unfortunately some Republican members

did not last the day, and we failed to reconsider right after the vote.

HB 1419, prohibiting harmful or obscene materials in schools, had been characterized as “book banning” by the opponents. The committee amendment was defeated, 185-188, without debate, and a floor amendment removing most of the enforcement mechanisms also failed, 17-358. Debate on the basic bill was lengthy, and became rather graphic as one member read selections from books obtained from middle school libraries. In fact, one member objected to the speech, and we voted, 201-173, to allow him to continue. I found it interesting that a book offensive to the (mature, mostly) adults in the legislature would be considered appropriate reading for middle school students... We tabled the bill, 192-181.

However, at 5:20 pm it was removed from the table, 308-40, and debate resumed. The bill failed to pass, 162-187, then was indefinitely postponed, 187-162.

HB 1524, allowing parents of special education children to observe their children in the classroom, was debated as how much parents, as part of the special education process, should be allowed into the classroom. It passed, 187-185.

HB 1652, allowing a **local** education freedom account (EFA), by adoption at the local level, was debated and not passed, 180-192, then killed, 194-179. I supported it, as it made sense for a school system to support individuals who are not thriving in the district school to attend other schools.

HB 1677, allowing access to EFAs to all students in a school or school district where most students did not meet proficiency, was debated at some length. First, we considered the committee amendment, which amended it to the bottom 25%



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of schools – a significant change because a large number of school districts all over the state have less than half their students proficient at some measure. For example, according to the website, Epsom has more than half proficient in reading in all grades (reaching 85% in grade 7!) but is below 50% in math except in grade 4. So, the amendment would likely make the bill not apply here, but the original bill would. This amendment was defeated, 121-246; after some more debate the bill was not passed, 174-192, then killed, 192-174.

HB 1560, which would “lapse” the surplus in the education trust fund to the general fund at the end of the biennium (as is common with many funds and nearly all budget allocations,) started a debate but then was tabled, 346-14.

HB 1589, establishing a veterans treatment court, was amended and passed with only a short explanation of the amendment. HB 1696, creating an electronic depository in the state archives for municipal records, intends to create a faster, easier, and free way to access these records. It passed without comment.

We then received a Senate message on HB 154, which had started as a requirement that municipal health ordinances be approved by the voters. The Senate amended it to be technical cleanup of our voting laws, making them valid for the current counters *and* the newly approved counting machines. The chair of the municipal & county government committee, which had sent the bill on, moved that we request a committee of conference, since they didn't understand the changes. The chair of the election law committee argued that the bill was perfectly reasonable and no change in content from current law. So we voted down the request for a committee of conference and to accept the Senate changes.

HB 1000, classifying legislators' service as public service for the purpose of qualifying for federal forgiveness of student loans, was debated with some intensity by the sponsor, who wishes to get her loans forgiven. The question was whether we qualify as full time state employees for the entire biennium, and I have to say that, even as one of the more involved and busier representatives, it's not a full time job. Apparently some states are willing to testify that their legislators are full time employees, even with shorter sessions than we have, but many of us refuse to consider ourselves employees. The bill was finally killed, 184-174.

HB 1219, creating a study commission on a legislative office to provide long term cost-benefit analyses, had been rejected by the committee as impossible to provide useful data by November. The sponsor spoke at dull length on the usefulness of such analyses, and the debate continued until we killed the bill, 178-173.

HB 1363, adding legislators to the state employee assistance program, was not killed, 169-174, then passed, 184-168, without discussion. I voted against, since first, I'm not a state employee and don't wish to blur the distinction, and secondly, if I need a reference for mental health services or other features that this program provides, there are multiple other ways to reach them. 211 NH acts similarly to the employee assistance program, but is available 24/7, free, to all New Hampshire residents.

HB 1576, allowing property owners to opt out of public utilities, was killed without comment. HCR 8, a call for an Article V Convention of States, was tabled, 247-99, before the undoubtedly lengthy debate began.

HCR 8, condemning medically unnecessary restrictions on medication abortion, was debated at



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length, then passed, 196-151. A point not mentioned in the debate is that as a House **Concurrent** Resolution, it needs to be approved by the Senate – and the Senate refuses all resolutions as useless!

HR 19, calling for the repeal of the Jones Act, was debated on the effects of this hundred year old federal legislation. It requires all cargo (and passenger) shipping between US ports to be done in US built, US owned, and US crewed vessels. The US shipbuilding industry has contracted drastically since this act was passed, such that **zero** LNG (liquefied natural gas) carriers have been built in the US; US LNG is therefore shipped to Europe, and LNG comes to Boston from Trinidad! Other restrictions on sea transport due to the Jones act mean that we ship a great deal of bulk cargo by truck, even between ports, at significantly greater cost and pollution. However, the Democrats didn't care about the total economy, they focused on the few local jobs protected by this act and waved the flag of national defense; the resolution did not pass, 165-180, then was killed on a voice vote.

The final bill of the day, HB 1152, called for the mental health flag to be flown at the state house – at least at the start of mental health month. It was debated, with the supporters calling for interim study on the issue of which special interest flags should be flown on the multiple flag poles around the state house. That failed on a voice vote, against the tide of the committee report and the late hour.



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