



Your State House Concord, New Hampshire



February 23, 2024

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

This week, my committee continued with public hearings. HB 1188, qualifications of licensed nursing assistants, was an attempt to ease the requirement for fluency in English for this lowest level of nursing licensees. The bill separated the requirements for LNAs from those for other nurses, who still need to show their proficiency. (Interestingly, no other medical profession needs to demonstrate their language skills to the state.) This seemed a reasonable request to the committee, but the bill went to subcommittee to ensure some issues that came up in another bill are covered.

HB 1190, adopting the interstate compact for social workers, had lengthy testimony about how useful this would be for the social workers. Any discipline would need to be in the state where the misbehavior occurred - but that would only affect that one state - or in the home state, which could affect every compact state. No subcommittee is needed on this one – we can't change the wording and have dealt with other compacts.

My subcommittee met on the two building code bills. HB 1387, procedural changes, was recommended with only a minor change – allowing review of a code that had been published a year before, rather than two. The legislative cycle is stately enough that it adds a year to the approval cycle, and sometimes the code update requires more time. On HB 1059, the actual building code update, we discussed the energy code and, after some discussion, concluded that we didn't want to go to the updated energy code for “residences” which, in New Hampshire, includes pretty much *all* buildings up to three stories and under 4000 square feet. So apartment houses are commercial

and a small office building is “residential.” We weren't too opposed to updating the commercial code, but hadn't discussed the fine points of separating the two codes.

HB 1328 simply defined first responders as essential services. The sponsor didn't show up to explain the point of the bill; we were agreed that it was harmless even if not obviously necessary. So we voted to pass it.

I presented my HB 1622, a series of updates on administrative rulemaking procedures, with a addition from the staff adding a few more points... I pointed out the stricter enforcement of the ban on expired rules, including a requirement that fees or fines be refunded. The bill went to subcommittee, with the amendment but no actual opposition.

HB 1174 would require that the rules on plumbing apprentices not limit any licensee to fewer than three apprentices. The sponsors had found out that the rule existed, and they hoped to increase the supply of plumbers by changing the rule. They hadn't got together with the OPLC or the board to request the rule be changed, though. We had a couple of plumbers talk about this; some wanted more than one, some were concerned that not enough apprentices were entering the field – but they agreed that any apprentice that wanted a job could get one, and probably at \$20/hr and up! Finally, the head of the apprenticeship council decided to talk with us, and pointed out that the limit on apprentices per licensee is included in the training agreement each person signs with the federal apprenticeship council. New Hampshire doesn't have its own, but uses the federal one for multiple apprenticeships: plumbers, electricians, and gas fitters. Any plumber looking to add multiple apprentices can ask for a waiver of their one on one rule, but no one has in his memory. So,



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the rule is not the obstacle, but we should probably fix it anyway. We voted to kill the bill, at least partly because a similar bill (for 2 apprentices) is in the Senate, and it has been amended to make the registration with the federal office optional, rather than mandatory, which addresses many of other concerns.

HB 1252 establishes a study committee for Native Americans, with two main duties: looking into state recognition of some of the local tribes, and studying the structure and function of the commission on Native affairs. We discussed this at some length, and finally voted 14-2 to recommend it to pass. The two were myself, since I don't want to serve on such a committee, and the sponsor of HB 1474, updating the structure of the commission on Native Americans. He thought we should see what happens from HB 1474 before studying the commission. HB 1474 was also heard, without opposition, and is likely to pass, but the sponsor wants to fix some wording before it leaves the committee.

Finally, we heard HB 1335, once again trying to remove Columbus Day as a holiday. The sponsor spoke about her opposition to the "fake history" and myths that, in her opinion, created Columbus' heroic legend. Then a dozen people with Italian names spoke in opposition, pointing out how Columbus Day is a day to celebrate our immigrant heritage, and was created in an attempt to appease Italians over the prejudice and discrimination suffered by Italian Americans. We voted 14-1 to recommend to kill the bill.

Thursday we were in session for a planned full day, since it was the deadline for bills going to a second committee – usually Finance (for significant spending,) Ways & Means (for taxes or fees,) Criminal Justice (criminal penalties,) or ED&A

(for licensing and/or rulemaking.) As it happened, ED&A didn't get any more bills from other committees this year!

First, we reconsidered HB 154, where we had last week concurred with a Senate amendment that completely rewrote the bill into technical details about the use of vote counting machines. The opponents of vote counting machines – and the supporters of the original bill, which had been completely erased – urged us to reconsider so that a committee of conference could be formed to debate these issues. I had supported the original bill, but was inclined to vote against reconsideration because I appreciated the new language and didn't think the Senate was interested in a conference on this bill. However, the Democrats were urging their partisans to vote against reconsideration, so I went for it: no difference, the vote was 162-201 and reconsideration failed.

HB 1111, creating a penalty for false reports of abuse or neglect of children, adopted the committee amendment without comment, then we debated a floor amendment which also penalized a failure to report by mandated professionals. This passed, 190-183, then the bill passed, 199-179. A motion to reconsider failed, 174-207.

HB 1282, adjusting the duration of child support to agree with other laws, passed without comment. HB 1425, prohibiting suspension of drivers' licenses in child support enforcement, was killed on a voice vote. I had supported the bill, but the fact that it was prohibited by federal rules swayed the committee, and the House.

HB 1564, updating child support guidelines, and HB 1573, setting criteria for residential placement of children, both passed without debate. HB 1595,



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another bill adjusting child support guidelines from differing ratios of parenting time, had a fairly long debate that seemed to be between representatives, **both** in favor of the bill! It passed, 219-162.

HB 1633, legalizing and regulating the sale of cannabis, was, as expected, debated at length. Oddly, the debate on the committee amendment was not between supporters and opponents of legalization (that happened on the motion of ought to pass as amended) but between the purists and the compromisers. The purists wanted home grow and unlimited sales locations; the compromisers offered an “agency store” position limited to 15 stores initially. Not my favorite model, but it might be considered favorably by the Senate and the Governor, who have always been the stumbling blocks for legalization. The amendment passed, 263-116, and the bill passed, 239-141.

HB 1649, prohibiting certain products containing PFAS, on the other hand, was amended and passed without debate. HB 1674, allowing the legal use of gold and silver as currency, quietly and quickly went to interim study.

HB 1050, creating a voluntary waiver of the right to purchase a firearm, was debated on the need for this measure and any unintended consequences – such as creating a list of people who owned guns, or those who thought themselves too unstable to possess deadly weapons. The ought to pass motion failed, 179-200, and the bill was killed, 205-175. Indefinite postponement passed, 204-177.

Indefinite postponement is death with prejudice; it prevents any bill on the same topic from being introduced or considered. At this point in the session, the main result is not to prevent new bills but to block any similar – or amended – ones coming from the Senate.

HB 1186 prohibits the use of a credit card merchant code that identifies a firearm purchase (sorry if you earn extra miles this month by purchasing a gun!) It was debated and passed, 203-174. The opposition claimed to be concerned about federal law enforcement investigating terrorists...

HB 1330, establishing a disciplinary review panel for emergency medical services, was not killed, 54-320. A floor amendment to make this panel similar to the advisory boards used in some professions passed on a voice vote, as did the bill. Similarly, HB 1339, establishing procedures and time frames for court hearings to return firearms to their rightful owners, passed without debate.

HB 1128, intending to insist that the education freedom account administrator be a not for profit organization **incorporated** in New Hampshire, was debated, not passed, 185-188, not tabled, 189-189, then indefinitely postponed, 191-187. Being the New Hampshire affiliate or subsidiary is good enough for many charities (Cancer Society, Red Cross, Planned Parenthood...)

HB 1288, establishing due process rights at state colleges and universities, passed 192-185 after a short debate. HB 1517 would cut the state wide education property tax (SWEPT) by any increase in gambling revenues over the 2023 level. It was debated, with the opposition insisting that it wouldn't cut property taxes enough to notice; proponents would take what we can get. The bill passed, 196-184.

HB 1583, updating the cost of an “adequate” education, was explained at excruciating length by the Education committee, and briefly debated on the wisdom of increasing funding when the academic results are so mediocre. It passed, 228-150, and went to Finance for more work. HB 1656,



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which separated the special education students into three groups, based on the amount of extra services they receive, passed without comment – and also went to Finance.

HB 1675, reducing the state adequacy grant to schools that did not get all of their students (less special education and English learners) to the “proficient” level, was debated intensely and killed on a voice vote.

HB 1686, requiring excess SWEPT funds – those more than enough to cover the state education funding – be returned to the education trust fund, was setting up for a lively debate when it was tabled, 193-181. I was opposed because the current implementation of the SWEPT unconstitutionally allows towns with excess SWEPT (due to high property values or minimal numbers of students) to keep the surplus and set other tax rates negative!

HB 1426, creating an “independent” redistricting commission, was indefinitely postponed, 192-186. None of the “independent” redistricting advisors or consultants I met as part of the redistricting committee last session seemed to be without bias, and I'm not sure it's possible.

HB 1577, allowing access to digital images of ballots (after the count, and any recounts) would let any voter verify how his ballot was counted, or the correlation between races, or any number of interesting analyses of the data. It was debated on privacy issues about revealing the handwriting on ballots with write-in votes – rather a stretch. The bill passed, 193-182.

HB 1184, funding the state organic certification program, was debated as being unnecessary and unsustainable. The program supports 66 (of 132) organic farms (of over 4000 total farms in the

state) and the current fees cover about a tenth of the cost of running the program. There are planned fee hikes if the program continues, but it could never be sustainable. Several other organizations offer organic certification, so ending the program should not harm our farmers. The bill was not passed, 185-187, killed on a voice vote, and not reconsidered, 182-193.

HB 1630 would establish an extended producer program in the state. This is an attempt to reduce solid waste by targeting the producers of packaging and other trash; it's a complex program and hard to implement, as Maine is finding out. After some debate, the bill was killed, 199-179.

HB 1680, prohibiting the sale of cats and dogs by pet shops, was killed, 260-117, after minimal debate. Since the bill grandfathered the 5 pet stores in the state, it's not clear much of a message would be sent to the out of state “puppy mills” targeted by the supporters.

From my committee, HB 1307, a pension supplement for disability retirees, passed without comment. HB 1394, music therapists, had a short debate where I pointed out that the usual basis for licensure (public safety from unqualified practitioners) was not the reason this bill keeps coming up: no, it's so music therapists can bill Medicaid, the Veterans' Administration, and most insurance companies that insist on a license. I lost, 194-186. as expected – some Republicans who might otherwise have voted with me had testified that they wanted to make music therapy available at the Veterans' Administration.

HB 1466, disaster relief for municipalities, and HB 1647, revising the GII pension calculation, both passed, with the committee amendments, without discussion, and went, with the other two, to



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Finance. HB 1689, restricting the use of personal information from Vital Records by state agencies, went to interim study on a voice vote.

HB 1303 distributed the estate of Tekeste Berhanu – an immigrant who came to New Hampshire as a child, did well, and left a substantial estate that went to the state when he had only a handwritten will – to three organizations supporting immigrant and refugee children, as he had wished. This passed without comment, as did HB 1593, some minor additional funding for developmental services, and HB 1669, protecting the privacy of individuals in the state immunization registry from access by other states.

HB 1178, requiring employers to pay off unused earned time (sick or vacation) when laying off the employees or a change of ownership, was debated at some length on a floor amendment that clarified the language. It passed, 199-179, as twelve Republicans joined all the Democrats in favor. The bill passed, 198-180.

HB 1322, increasing the state minimum wage, was also debated longer than I thought really necessary – this is a perennial bill and we've all heard the arguments multiple times. It was not passed, 187-192, not tabled, 189-191, and indefinitely postponed, 193-187.

HB 1377, right to work, also had the expected long, heated debate before being indefinitely postponed, 212-168, with 23 Republicans joining all the Democrats.

HB 1522, increasing the maximum weekly unemployment insurance benefit, was tabled on a voice vote before any debate.

Flushed with victory, the ranking Democrat on the

Labor Committee moved to take HB 232 off the table. This bill imposed federal OSHA regulations on public employers, rather than the more localized safety requirements from the NH Department of Labor. This motion failed, 182-186, and HB 232 stayed on the table.

HB 1468 directs the department of transportation to work with the division of trails and other stakeholders to determine the best use for the unused Conway branch rail bed. It passed without comment.

HB 1423, requiring the department of natural and cultural resources identify all old growth forests in the state, was indefinitely postponed, 228-141, before the debate. The committee had rejected the bill because there is a state forest action plan developed in 2020 that addresses the concerns but doesn't require spending the time and effort to inventory these forests immediately.

HB 1709 establishes a commission to study the effects of using forests as carbon credits. It passed without discussion.

HB 1465 consolidates nuclear, hydrogen, and other innovative energy technologies into the office of offshore wind and renames it the office of energy innovation. After some debate – mostly opposed to nuclear energy – the bill passed on a voice vote.

HB 1472 would rebate \$1000 or \$2000 to New Hampshire buyers of electric vehicles, taken from the renewable greenhouse gas initiative (RGGI) fund. These funds come from all power producers in New England, and eventually from the ratepayers; in New Hampshire they are then rebated to the power users, although it doesn't amount to much per household. The bill was debated, with supporters wanting to encourage EV



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use, and opponents claiming it required the average person to subsidize the (usually wealthy) EV buyers. The bill was not amended, 187-191, not indefinitely postponed, 188-189; debated some more then not passed, 187-192, not tabled, 189-191, and killed on a voice vote! Mercifully, reconsideration failed, 187-192, or we could go through it all over again.

HB 1697 was amended on a voice vote to require the department of revenue and division of forests to maintain public records on forest lands enrolled in carbon credit offset programs, The amended bill then passed, 356-10.

HB 1611, creating a child care workforce fund, plans to use this fund to help recruitment and retention of childcare workers by providing grants that would reimburse employers for various employee benefits. It passed, 195-169, with no debate, despite having no source of funds...



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