



# Your State House Concord, New Hampshire



March 8, 2024

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

This week, my committee met to recommend eleven bills to the full House. Most had gone to subcommittee, and as usual, we nearly always agreed with the subcommittee recommendation and most recommendations were unanimous. HB 1387, my bill on the state building code adoption process, had a minor amendment to allow consideration of a new code one year after it was released, rather than two. The difference is because we now require the legislature to act before a new code is effective, and that takes some time.

HB 1285, merging the board of podiatry into the board of medicine, was killed without much discussion. HB 1486, requiring state procurement use proxy carbon pricing, was killed because we didn't want to distort the procurement process by a bad guess on the proxy price – we'd rather wait until a carbon tax or federal control program establishes the appropriate price.

HB 1190, the interstate compact for social workers, was rather a surprise to me. I moved to kill the bill, since I believe it's unconstitutional to sign up to have the compact rules have the force of law in the state before we know the actual rules. Discussion brought out that some members were concerned that the compact had uncontrolled authority to make rules, buy and sell property, and assess fees from member states; others, that the benefits of the compact were oversold and other compacts have not brought the interstate flexibility that the proponents sought. We voted, 12-8, to kill the bill; I expect a floor fight.

HB 1271, converting a number of the smaller regulatory boards to advisory boards, had an

amendment from the subcommittee that revised the composition of some boards, in response to stakeholder concerns. We were examining it when one member, not on the subcommittee, raised the issue that some parts of this bill conflicted with the language in the non-germane amendment to HB 1095, which had been in subcommittee this morning. That would be a totally unacceptable result, so I stopped the discussion on HB 1271 so that the two bills could be compared and each section be addressed in only one bill!

HB 1059, updating the state building codes, had an amendment to include code amendments approved at the January meeting, and to set the effective date to July 1. We discussed the updated energy code, and despite some reservations, we approved the update which left the energy code at the current revision. HB 1606, requiring contact information on state agency web pages, was killed as an update to most web pages is in process, and the department of information technology agreed with us that contact information needed to be obvious. (I plan to check a few websites after they're updated – we can always try a bill next year, if necessary.)

HB 1411. requiring state agencies accept cash payments was not as smooth. The testimony was that all state agencies do accept cash; the sticking point was the all electronic tolls on the Spaulding Turnpike. I had spoken to someone familiar with the toll system, and there are several ways to pay cash for the tolls, but all require some effort; the simplest would be to stop in the EZ Pass office once a week and pay the missed tolls – fees start accruing after eight days. And yes, they accept cash! Nonetheless, some members were concerned about either people who didn't have bank accounts or preferred to deal in cash, or people who were too poor to maintain a balance in their EZ Pass account. The vote was 17-3; I'm not entirely sure



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what the real issue was since using cash with state agencies doesn't seem to be a problem.

HB 1272, on occupational license reciprocity, was killed because we had passed a very strong license by endorsement (that is, with a license from another state) bill last year, and the rules implementing it are still in process. HB 1408, a bill to merge and reorganize a number of boards, went to interim study as we wanted to deal with the advisory boards in HB 1271 and other statutory cleanup in HB 1095. This bill could conflict with either of them, and that would be unacceptable. Another round of board mergers and reorganizations should wait until we've finished with the current one.

Finally, HB 1222, deleting the requirement for physician assistants to have collaboration agreements with physicians, was discussed at some length. The subcommittee presented an amendment to clarify the Veterans' Administration use of PAs, which was unanimously adopted. There was quite a bit of discussion about the equivalence of PAs and advanced practice nurse practitioners, who are allowed to practice independently. We also discussed problems with the collaboration agreements – some doctors “collaborate” at a distance, for a fee; others won't sign any such agreement since the insurance companies seem to sue the doctors as well, despite the law establishing the professional responsibility of the PAs. (I think the insurers are just going after all the deep pockets they can see!) The Board of Medicine, which had initially opposed the bill, was now “neutral.” Finally, we voted 12-8 to pass the bill.

Thursday, the House met in session. The first order of business was to suspend all our rules to introduce a bill that would force those accused of felonies (specifically, Adam Montgomery, according to the petitioner) to be present in court.

This motion passed, 286-67; I voted against because it seemed to be petty and specific to one person.

CACR 17, establishing the fundamental right of parents to direct the upbringing, education and care of their children, was debated and not killed, 174-184. A floor amendment stating that this right “shall not be infringed” was debated and not passed, 173-189. The constitutional amendment was not passed, 180-183; a representative who voted against it has asked for reconsideration, so we will have another shot at it next week. The 60% requirement to put a constitutional amendment on the ballot (where voters must approve it by 2/3) is a hard bar to meet in a closely divided House.

HB 1006, creating a “family access motion” to have the courts enforce parenting time, had a floor amendment to clarify the language; both the amendment and the bill passed on voice votes. HB 1189, criteria for reporting child support delinquencies to federal agencies, had been rejected by the committee because they thought it was only a problem for the one representative who sponsored the bill; after they voted on it, they got information on how many child support delinquencies are reported – over 12,000, and many of them are for quite small amounts of money. It also happens if they get paid biweekly or monthly and their support is assessed weekly. So, after some debate, the bill was not killed, 174-191, then passed on a voice vote.

HB 1263, allowing parenting coordinators to be used in high conflict divorce or custody cases, passed without comment. HB 1266, explicitly allowing recording of open family court proceedings by the parties involved, was debated as to the necessity or usefulness of these recordings, then passed, 191-173. It was not reconsidered, 173-192.



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HB 1308, parent's access to children's library records, was debated as to the possible expense to the libraries, the need for children's privacy, and the existence of parent-objectionable material in libraries. It was killed, 194-170, with 22 Republicans joining all Democrats in opposition. (If given the chance, I would have supported a floor amendment that clarified that only the books currently taken out by a child were included, with no need for a comprehensive list or any record of books read in the library.)

HB 1392, considering the opinion of the child in determining parenting time, was killed, 219-121, after a brief debate that established that judges can already consult with children before finalizing parenting time.

HB 1527, on criminal trespass, actually proposed that a spray of purple paint meant "no trespassing." It was debated at some length; supporters insisted that it reinforced property rights, while opponents pointed out that violations (randoms spray painting trees on other people's property) were impossible to police. In addition, it doesn't offer the nuanced restrictions that current law allows – just "no." Some opponents pointed out New Hampshire's long history of common use, such that it's normal and expected to hunt on your neighbor's land. The bill was finally killed, 202-161.

HB 1437 would restructure the state Board of Education to include professional educators. It was minimally amended, 178-176, debated, and not passed, 176-190. Indefinite postponement passed, 193-173. It is a citizen board, as it has been since initially structured over 100 years ago.

HB 1695, requiring parents be notified when personally identifiable information is shared with third parties (private contractors providing special

education services, for example) was debated, passed, 192-173, and not reconsidered, 170-195. The opposition was concerned that school personnel might have more paperwork, but that seemed a reasonable expense to me (and most others.)

CACR 14, adding a constitutional provision that the state shall maintain and improve a clean and healthful environment, was debated at some length. Supporters wanted a commitment to the environment, opponents felt the state already has one and the rather vague language of this amendment would be problematic. The vote was 197-168 to kill it.

CACR 11, allowing sheriffs to serve out their elected term even after they turned 70, was killed on a voice vote without debate.

HB 1029, exempting some people from needing a license to land crab or lobster (taken in federal or another state's waters) for personal consumption, was debated over the cost of such a license (\$50 or \$500 – I heard both!) and the need for state control of such activities. It was killed, 186-179 (I voted in favor.)

HB 1100, on coyote hunting, was tabled, 241-123, before the probably lengthy and unpleasant debate.

HB 1194, amending the definition of a non-communicable disease to one that is not transmitted from person to person, would not require immunization for malaria or Covid. An amendment that left the requirement for tetanus vaccines passed without comment, then the debate began. The bill passed, 191-171, and was not reconsidered, 171-192. HB 1213, eliminating the requirement for childcare centers to maintain records of immunizations of children in their care, was debated with the opposition concerned that it



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would decrease the vaccination rate for children if parents no longer have to report vaccination status to their childcare center. Proponents reiterated that the requirement for vaccination was unchanged, but having to maintain this data was a serious problem for childcare agencies, particularly the smaller ones. The bill passed, 189-173, and was not reconsidered, 172-193.

On a voice vote, we special ordered HB 1250, allowing creation of village districts that cross town lines, for the purpose of protecting water bodies. This was debated, with opponents concerned about the power of these districts to gerrymander themselves, including properties far from the water, and levy new taxes. Village districts within one town are common; waterside communities can form voluntary associations to protect our lakes without needing to form a village district. The bill was not passed, 182-182; not tabled, 182-183; killed, 184-180; and not reconsidered, 179-187.

Voting 336-29, we then special ordered HB 1416, which forbade non-electric vehicles from parking in EV charging spaces. The bill allowed anyone to take a picture of a violator, present the picture to law enforcement, and have a ticket issued – not the normal method of enforcement! Before the debate, we voted 189-176 to indefinitely postpone the bill, and any similar ones.

HB 1240, adding eating disorders as a qualifying condition for therapeutic cannabis, was tabled, 310-54, in agreement with the majority of the committee and the Therapeutic Cannabis Medical Oversight Board. HB 1482, allowing sale of human blood and organs, so recipients could pay donors, was tabled, 326-38, before the debate.

HB 1660, banning gender reassignment surgery for minors from being covered by the Medicaid program, was debated on the expected issues. It

was not tabled, 174-188, passed 193-169, and not reconsidered, 171-192. HB 1706, informed consent for circumcision, went to interim study without comment.

CACR 12, replacing the 1784 word “cherish” with the current meaning of “cherish,” was Dan's attempt to amend the constitution to trigger the Supreme Court to reconsider their original Claremont decision on school funding, and subsequent decisions as well. He spoke on the importance of having school funding – an inherently political process – decided by the legislature, not the courts. The interesting thing about the debate was that the speakers against it agreed with Dan on the effects of this change; they disagreed on whether it was a desirable change! In any event, the amendment was killed, 188-171.

HB 1037, repealing limited liability for firearms manufacturers, was indefinitely postponed, 196-163. HB 1089, repealing the statute of limitations on civil suits over PFAS, went to interim study without comment.

HB 1220, abolishing the collection of racial, ancestral and educational data on the application for a marriage license, was debated on a floor amendment that was identical to the committee amendment (which passed without comment.) Apparently the person proposing the amendment hadn't read it carefully enough, since she wanted to collect ancestry data (only)... In any event, these data are self reported and optional, and not used by any state agency for any purpose. The amendment failed, 324-33, since it didn't do anything, and the bill passed, 293-64.

HB 1412, repealing the licensing of court reporters, had a floor amendment to make it effective in 90 days, rather than 60, which passed without comment. After some debate, including the



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information that the courts have not used court reporters in decades, the bill passed, 188-166, and reconsideration failed on a voice vote. This repeal has failed in my committee multiple times, so I was glad another committee could accomplish it. Advanced recording technology has made it possible to use less skilled transcribers in most cases, and the license now serves mostly to limit competition for the actual court reporter positions.

HB 1629, requiring the Attorney General to report to the legislature when investigating cases of a legislator not living in his district, was tabled, 339-19. HR 29, declaring an “economic justice bill of rights”, was killed without comment, as was HB 1086, amending public notice of ZBA hearings.

HB 1120, repealing the requirement that municipal votes (by select board or budget committee) appear on the warrant, was debated and killed on a voice vote – then the speaker asked for reconsideration since one of the debaters had asked for a division vote. So reconsideration passed, 188-168, and the bill was killed 264-95.

HB 1125 would require county delegation and commission meetings comply with the same public access and public comment as town or city meetings. It passed without debate, on voice votes. HB 1242, authorizing county wide communications districts, was debated and killed, 173-172, as unnecessary; Carroll County has created one on an opt in basis, 16 towns voting to join, whereas HB 1242 would include all communities involuntarily. HB 1297, requiring all zoning ordinances be directly related to health and safety, was tabled before debate, 285-65. I can imagine the way various towns would twist their current zoning ordinances to ensure they were related to health or safety...

HB 1359, on appeals of zoning decisions by

abutters, clarified who, exactly, counted as an abutter for standing to appeal. It was debated and a floor amendment to include residents in the town who were *not* abutters in an appeal was rejected, 130-224. After more debate, citing support from various organizations interested in increasing the housing supply, the bill passed, 265-88.

HB 1253, renaming the Blair State Forest as the Jane Kellogg State Forest was quietly killed; despite her leadership and accomplishments, we try hard not to name things for living people. HB 1510, establishing a commission to encourage electric vehicles, was killed without comment.

HB 1142, requiring people who failed the septic system evaluator test to take additional training or work experience before trying again, passed without debate. HB 1208, making the contractor rather than the landowner be responsible for getting all permits before cutting timber, was tabled on a voice vote. HB 1483, allowing subdivision regulations to require a suitable water supply, was briefly debated before going to interim study, 182-165.

HB 1036, potentially allowing a different cost/benefit analysis for energy efficiency programs, passed the committee amendment 176-170, then the debate was over the propriety of changes to the ratepayer funded program. It passed, 184-169; examining methods always makes sense to me.

HB 1623, updating the state energy policy, had a long, dull debate as both sides tried to present all the details of this policy. The committee amendment was adopted, 182-169, then more debate. The bill passed, 184-168, and was not reconsidered, 165-179. The new policy is more supportive of all types of energy generation and more resistant to mandates to limit energy in favor



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of climate change control.

HB 1118, issuance of drivers' licenses for legal aliens, was mostly a reorganization of existing statute for clarity. Importantly, it also included a requirement that licenses for non-citizens were clearly marked as not valid for voting! The debate was largely on that issue, and the amendment passed, 180-167, the bill passed 179-166, and reconsideration failed, 167-178.

At this point, about 6 pm, all the remaining bills were special ordered to our next session day.

Friday, the county convention (all 45 state representatives from Merrimack County) met to consider the budget. This had started the review process as a 17% increase, but extensive work cut it to 7.6%. It's still high, but with the end of special federal funding (largely for one-time expenses), less income from the register of deeds as real estate sales shrunk, and high inflation, I could understand it. In addition, the county has kept increases to a minimum for a while – even with this year's jump, the amount raised by taxes has averaged a 1.5% per year increase for the last seven years. So, I voted for the budget, which passed 26-7.

The county delegation also approved, 31-2, the county power aggregation plan. This allows the commissioners to purchase power in bulk for anyone in the county, without the regulations imposed on the electric utilities – so quicker responding to market conditions and hopefully, cheaper. At this point *any* power customer in the county can sign up to use this plan for their default power. If a town so votes, it would become the default power supplier for everyone in the town – but anyone could opt out in that case. If your town already has a community power plan (Canterbury does; Pembroke, New London, Warner and Webster are starting one this month; six other

towns are considering it) that takes precedence for default power, but individuals can always opt for the county plan if they prefer.

It seems to me that this agreement might well save money for the aware consumer; the only risk is that the county might change its goals from “least cost” power to “most sustainable.” That would be a problem, but again, the aware consumer has plenty of options to meet *their* goals for power. (I want reliability and low cost, myself.)

I also met in subcommittee on two bills on mental health licensing, HB 1131 and HB 1413. We discussed what the problems were, and developed amendments to both bills. HB 1413, on supervisory agreements (mental health counselors require supervised practice before they are eligible for a full license,) instead of repealing the definition of these agreements, will change the language of the supervisor's responsibility to that used in another section of the statute, which is not objectionable. For HB 1413, instead of adding private clinics to the list of organizations that can hire new graduates without specific supervisory agreements, we defined the responsibilities of an organization that can do so, without worrying about its structure.



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