

NH Legislature This Week—January 29, 2018
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Quotes of the Week

"No doubt there's election fraud in New Hampshire" – Now **Governor Chris Sununu** during the 2016 campaign.

"I've always said we have no evidence of voter fraud in this state." **Governor Chris Sununu**, 2017.

Ahead this week

Again, the House will not be meeting as the committees continue to hold public hearings and make recommendations on the large number of bills that have been introduced this year. The Senate will be meeting, however, and will also hold several public hearings. As always, we highlight the bills and hearings that we believe are of general interest below.

HB1319 hearing on Wednesday to prohibit discrimination based on gender identity

On Wednesday, the House Judiciary Committee will be holding a hearing on a bill to add "gender identity" to the state's list of prohibited categories of discrimination. This covers discrimination in employment, housing and public accommodations. This is a critical step in addressing the historic discrimination against transgendered Granite Staters and is expected to draw a large crowd.

The primary sponsor of the bill is Hart's Location Democrat **Rep. Ed Butler**, but all nine other sponsors in the House are Republicans. Hollis **Representative Carolyn Gargasz** is one of those Republican cosponsors. The Senate sponsors include three Republicans (**Sen. Jeb Bradley**, **Sen. Dan Innis**, and **Sen. John Reagan**). Senator Innis is the first openly gay Republican Senator in New Hampshire.

The House Judiciary Committee will be meeting Wednesday, at 1:00pm in room 208 of the Legislative Office Building.

HB1721 would virtually prohibit all pregnancy terminations

While claiming to be about protecting women from "coercive abortions" the bill states that women seeking to end a pregnancy are under "emotional distress" and "may make poor decisions because they did not adequately think through alternative ways of coping with their crisis situations."

The bill defines a woman as being "coerced" if they make "an ill-considered decision which will later be regretted." The bill defines "abortion providers" to include any physician or agency that provides a referral to an actual pregnancy termination providers. Presumably this would include Google.

Prior to being approved for a pregnancy termination, the woman must be evaluated by a "qualified person". "Evaluation of the woman to identify if she may be a vulnerable person shall include investigation of her views about abortion and any possible emotional attachment which she may have developed with her unborn child. If she describes a

negative view toward abortion, or an emotional attachment to her unborn child, or otherwise indicates that the abortion is unwanted, is her "only choice", or is being sought to satisfy some other person's desires which are contrary to her own, the presumption shall exist that she is a vulnerable person." Note the "or" in that sentence, meaning that only ONE of those conditions needs to be true.

The bill would charge providers with a class B felony if an termination is performed on a woman who gave consent, but is later determined to have been under duress of another person. A class B felony carries a prison sentence of 1 to 7 years.

The bill also allows for civil lawsuits against providers if a woman is considered to have not given proper consent as defined in this bill. Interestingly, the bill provides that "in the case of a woman who has died, any action under this chapter shall be brought within 4 years of her death." This indicates that it may not be the woman herself who has regrets, but may be someone who disagreed with her decision.

The bill is sponsored by **Rep. Kurt Wuelper** (R-Strafford), **Rep. Mark Pearson** (R-Hampstead), **Rep. Bill Nelson** (R-Brookfield), **Rep. Dan Itse** (R-Fremont), **Rep. Jeanine Notter** (R-Merrimack), **Rep. Al Baldasaro** (R-Londonderry), **Rep. Duane Brown** (R-Wentworth), and **Rep. Carl Seidel** (R-Nashua). Seven men and one woman sounds about right.

The House Judiciary Committee will be holding a hearing on this bill on Wednesday at 11:00am in LOB room 208

Legiscan.com

There is a new service called LegiScan.com which allows people to monitor the status of bills in different states and federally. We are just starting to explore this tool, but it has been recommended, so you should give it a go if you want to monitor legislation that we are not covering here. There are many bills that could be of interest, but we have to pick our bills to watch based on a number of factors, including the amount of time that it takes to understand more complex bills and issues. If you are interested, give it a shot and let us know what you think.

This week, the Senate will vote on the following bills:

SB492 would prohibit the manufacture, sale, possession and use of "bump stocks" which turn legal guns into illegal machine guns. Bump stocks were used by the shooter in Las Vegas. The bill is sponsored by **Sen. Jeff Woodburn** (D-Whitefield), **Sen. Kevin Cavanaugh** (D-Manchester), **Sen. Lou D'Allesandro** (D-Manchester), **Sen. Dan Feltes** (D-Concord), **Sen. Martha Fuller Clark** (D-Portsmouth), **Sen. Martha Hennessey** (D-Hanover), **Sen. Betty Lasky** (D-Nashua), **Sen. Donna Soucy** (D-Manchester), **Sen. David Watters** (D-Dover), **Rep. Steve Shurtleff** (D-Penacook), **Rep. Paul Berch** (D-Westmoreland), **Rep. Shannon Chandley** (D-Amherst), and **Rep. Robert Cushing** (D-Hampton). The Senate Judiciary Committee recommends that the bill be sent to study, effectively defeating it, 3-2.

House Hearings for this coming week:

Children and Family Law Committee (LOB room 206)

Rep. John Lewicke is a member of the committee

HB1341 would declare that gender reassignment surgery on a minor is child abuse, along with physical, mental and sexual abuse. This could lead to the removal of the minor from their home and criminal charges against the parents, guardians and doctors. **Rep. Dave Testerman** (R-Franklin) is the primary (and only) sponsor. He is married to Karen Testerman, who was the head of Cornerstone Policy Research, a socially conservative NH organization that largely focused on opposition to LGBT causes. Tuesday 10:00am.

HB1650 would change the definition of "neglected child" to NO LONGER include neglect of the child's education. Under current law, if a child is not provided "education as required by law", then the child is considered to be neglected. The bill itself notes and the Division of Children, Youth and Families investigated almost 600 allegations of educational neglect in 2016 and that the Division itself is "under-resourced to adequately address the most serious allegations of abuse and neglect." **Rep. J.R. Hoell** (R-Dunbarton) is the primary sponsor. **Rep. Dan Itse** (R-Fremont) is also a sponsor. Rep. Itse is the Vice Chair of the House Children and Family Law Committee. Tuesday 2:00pm.

House Election Law Committee (LOB room 308)

HB1433 would require candidates for President of the United States to provide federal income tax returns. Tuesday 11:15am.

House Health, Human Services and Elderly Affairs Committee (LOB room 205)

HB 1804 would add additional work requirements to public assistance programs. While providing exceptions for health issues, it would require recipients to work or attend job training at least 25 hours per week regardless of economic conditions and availability of child care. **Rep. Neal Kirk** (R-Weare) is the primary (and only) sponsor. Tuesday 1:15pm.

House Judiciary Committee (LOB room 208)

HB1680 would prohibit pregnancy termination after a fetus becomes "viable". The bill is sponsored by **Rep. Keith Murphy** (R-Bedford), **Rep. Mark Pearson** (R-Hampstead), **Rep. Jeanine Notter** (R-Merrimack), and **Rep. Victoria Sullivan** (R-Manchester). Wednesday 10:00am.

HB1813 would reduce the number of people eligible for Medicaid by 23.5% by reducing the eligibility from 138% of federal poverty level to 100%. Rep. Neal Kurk (R-Weare) is the only sponsor. He is the Chair of the House Finance Committee. Thursday 1:15pm.

HB1721 would virtually prohibit all pregnancy terminations. The bill is sponsored by **Rep. Kurt Wuelper** (R-Strafford), **Rep. Mark Pearson** (R-Hampstead), **Rep. Bill Nelson** (R-Brookfield), **Rep. Dan Itse** (R-Fremont), **Rep. Jeanine Notter** (R-Merrimack), **Rep. Al Baldasaro** (R-Londonderry), **Rep. Duane Brown** (R-Wentworth), and **Rep. Carl Seidel** (R-Nashua). Seven men and one woman sounds about right. Wednesday 11:00am

HB1319 would prohibit discrimination based on gender identity in employment, housing, and public accommodations. The bill adds "gender identity" to the existing list of categories in which discrimination is prohibited. The bill is sponsored by **Rep. Ed Butler** (D-Hart's Location), **Rep. Brian Stone** (R-Northwood), **Rep. John Fothergill** (R-Colebrook), **Rep. Yvonne Dean-Bailey** (R-Northwood), **Rep. Erin Hennessey** (R-Littleton), **Rep. Karel Crawford** (R-Center Harbor), **Rep. Philip Bean** (R-Hampton), **Rep. Caroline Gargasz** (R-Hollis), **Rep. Charles McMahon** (R-Windham), **Rep. Stephen Darrow** (R-Grafton), **Sen. Jeb Bradley** (R-Wolfeboro), **Sen. Dan Innis** (R-New Castle), **Sen. John Reagan** (R-Deerfield), **Sen. Jeff Woodburn** (D-Whitefield), and **Sen. Martha Fuller Clark** (D-Portsmouth). Wednesday 1:00pm.

House Labor, Industrial and Rehabilitative Services Committee (LOB room 307)

HB1688 would prohibit companies incorporated in NH from having its highest paid employee making more than 43 times the salary of its lowest paid employee. For companies incorporated in other states, the highest paid employee in the state would not be able to make more than 34 times the amount paid to the lowest paid employee in the state. The bill is sponsored by **Rep. Skip Cleaver** (D-Nashua), **Rep. Kate Murray** (D-New Castle), **Rep. Michael Edgar** (D-Hampton), **Rep. Mindi Messmer** (D-Rye), and **Rep. Jan Schmidt** (D-Nashua). Wednesday 11:30am.

Senate Hearings for this coming week:

Senate Health and Human Services Committee (LOB room 101)

Sen. Kevin Avard is the Vice Chair of this committee

SB383 would establish a commission to assess the benefits and costs of a "health care for all" program for New Hampshire. The bill is sponsored by **Sen. Martha Hennessey** (D-Hanover), **Sen. Kevin Cavanaugh** (D-Manchester), **Sen. Jan Kahn** (D-Keene), **Sen. Betty Lasky** (D-Nashua), **Sen. David Watters** (D-Dover), **Sen. Jeff Woodburn** (D-Whitefield), **Rep. Richard McNamara** (D-Hillsborough), **Rep. Skip Berrien** (D-Exeter), **Rep. Polly Champion** (D-Etna), **Rep. Jerry Knirk** (D-Freedom), and **Rep. Ed Butler** (D-Hart's Location). Tuesday 2:15pm.

Where to find more information

The New Hampshire legislature web site is www.gencourt.state.nh.us. Here, you can find the full text of all bills, find the full list of sponsors of bills and see more detailed status. If you have questions about how to use the state website, we would be glad to help. Just email us at brooklinedemocrats@gmail.com.

Watch and listen to House and Senate sessions live and archived

<http://www.gencourt.state.nh.us/media/default.htm>

Terms and Abbreviations

ITL means “**Inexpedient To Legislate**”. If the full House or full Senate votes to ITL a bill, then the bill is defeated.

OTP means “**Ought to Pass**” meaning that a committee is recommending that a bill be passed.

Consent Calendar: If a bill receives a unanimous recommendation from a committee, the committee may place the bill on the Consent Calendar. When full House meets, the first vote taken is to approve all recommendations on all bills in the consent calendar. This allows the House to quickly dispense with non-controversial bills and move on to topics that need discussion. If any legislator requests that a bill be removed from the consent calendar, then it will be removed and it will be brought up for discussion and a vote along with the other non-consent calendar bills.

Resolutions: Sometimes the House, the Senate or both will pass resolutions. These are just public statements of opinion or interest, but they have no legal standing. It is similar to issuing a press release. HCR is a House resolution. HJR is a joint resolution (both House and Senate) that originates in the House.

LOB refers to the **Legislative Office Building**, which is immediately behind the statehouse. Most committee hearings are held in this building.

Reps Hall refers to **Representatives Hall** in the Statehouse where the House of Representatives meetings. This room is used for hearings that are expected to be very large.

“**Retained**” means that a Committee has voted to keep a bill until next year. Next year, any bills that have been retained must be sent to the full House/Senate for a vote. Any bill that does not get retained must be sent to the full House/Senate for vote by Crossover or the end of the session.

“**Crossover**” is March 31st. The House will vote on all bills introduced in the House by this date except for bills that have been retained until next year. Similarly, the Senate will vote on all bills introduced into the Senate by this date except for bills that are being retained until next year.

“**Tabled**”: The full House or full Senate can “table” a bill which means that the bill is kept in “limbo” without being passed or defeated. For tabled bill to be brought back up for a vote again (to pass it) requires a 2/3 majority. If the bill has not been passed when the legislature adjourns at the end of the year, it is defeated. Tabling a bill usually happens when the legislature wants to defeat a bill but doesn’t want to directly oppose it. It can also sometimes happen if there are not enough votes to pass, but leadership hopes to be able to come up with enough votes later—but this then requires a 2/3 majority.

A brief guide to how legislation becomes law

Bills introduced in the House:

1. The bill is assigned to a committee and the committee holds a public hearing.
2. The committee either retains the bill or votes to recommend that the bill be passed (OTP), changed (OTPA), or defeated (ITL).
3. Except for retained bills, all other bills go to the full House which can pass, defeat,

change a bill or send it to a second committee.

4. If sent to a second committee, the committee must then retain or recommend to pass, change or defeat the bill. It then goes back to the full House for a second vote.
5. If passed by the House, the bill goes to the Senate
6. The bill is assigned to a Senate committee which then holds a public hearing
7. The Senate committee either retains the bill or votes to recommend that the bill be passed (OTP), changed (OTPA), or defeated (ITL).
8. Except for retained bills, all other bills go to the full Senate which can pass, defeat, change a bill or send it to a second committee.
9. If sent to a second committee, the committee must then retain or recommend to pass, change or defeat the bill. It then goes back to the full Senate for a second vote.
10. If passed by the Senate, the bill goes to the Governor who may sign the bill into law or veto it.
11. If the Governor vetoes the bill, it goes back to the House
12. If 2/3 of the House votes to override the veto then the bill goes back to the Senate
13. If 2/3 of the Senate votes to override the veto then the bill becomes law.

For Senate bills, the process is the same except that it goes through the Senate before it goes to the House.

For Constitutional Amendments (CACRs) the process is slightly different.

CACRs introduced in the House:

1. Assigned to a committee and the committee holds a public hearing.
2. The committee votes to recommend that the CACR be passed, changed, killed or sent to study
3. Regardless of the committee recommendation, all CACRs go to the full House which can pass, kill or change a bill or send it to study. Passing a CACR requires 60% of the House members present to vote in favor.
4. If passed by the House, the bill goes to the Senate
5. Assigned to a Senate committee which then holds a public hearing
6. The Senate committee votes to recommend that the bill be passed, changed, killed or sent to study
7. Regardless of the committee recommendation, all bills go to the full Senate which can pass, kill or change a bill or send it to study. Passing a CACR requires 60% of the Senate members present to vote in favor.
8. If passed by the Senate, the CACR will put on the ballot at the next election (November 2012). If 2/3 of the voters vote in favor of it, then it becomes part of the NH Constitution.

Where to Send Letters to the Editor:

Nashua Telegraph

letters@nashuatelegraph.com

Hollis Brookline Journal

cabnews@cabinet.com

The Journal welcomes letters from its readers that are exclusive to this newspaper. Letters must be 400 words or fewer and are subject to editing either for content or for length. Letters must be received no later than noon on Monday. The Journal does not publish anonymous letters, those written under an assumed name or containing only the writer's initials. Nor does it publish form letters, or those written as part of an orchestrated campaign. Letters must be in good taste and free of libel or personal attacks. Important: Letters must contain the writer's name, home address and day/night telephone numbers and e-mail for confirmation purposes. Only the writer's name and hometown will be published. The deadline for submitting letters is noon on Monday. The Journal is published every Friday.

The Mason Grapevine

Residents of Mason can submit letters to the Mason Grapevine at

TheMasonGrapevine@yahoo.com

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