

**NH Legislature This Week—May 7, 2018**  
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[www.BrooklineDemocrats.org](http://www.BrooklineDemocrats.org)

**Quote of the Week**

*"Today the NH Senate said that transgender people should no longer have to fear discrimination in their daily lives."* **Linds Jakows**, campaign manager for Freedom NH, which spearheaded the successful effort to extend civil rights protections to transgender Granite Staters.

The House Senate will be back in session on Thursday to take up bills that were amended by the other chamber. Thursday is the deadline for committees of conference to be formed. May 24<sup>th</sup> will be last day that the legislature meets before the summer.

**Brookline and Mason Democrats to host Multicultural Dinner Sept 15**

Mark your calendar now! The Brookline Democrats and the Mason Democrats will be hosting a Multicultural Dinner at the Brookline Events Center & Auction Gallery at 32 Proctor Hill Rd, Rte 130 in Brookline on Saturday, September 15<sup>th</sup> at 6:00PM.

**How to contact Governor Sununu**

There are many bills heading to the Governors desk that he should be encouraged to sign or veto. You can contact the Governors office through the state web site here:  
<https://business.nh.gov/nhgovernor/comments.asp>

**Transgender civil rights passed**

New Hampshire will be the 19<sup>th</sup> state to include "gender identity" in it's civil rights laws, providing legal protections in employment, housing and public accommodations to our transgender citizens. The bill (HB1319) was passed by the House 195-129 and was supported by 145 Democrats, 48 Republicans and both Libertarians. Opposing the bill were 129 Republicans. **Rep. Carolyn Gargasz** not only voted in favor, but was one of the sponsors. **Rep. Ammon, Belanger, Carr and Lewicke** and **Senator Avard** all voted against the civil rights protections.

The Senate passed the bill 14-10 with all 10 Democrats voting in favor (**Senators Jeff Woodburn, David Watters, Martha Hennessey, Jay Kahn, Bette Lasky, Dan Feltes, Kevin Cavanaugh, Donna Soucy, Lou D'Allesandro, and Martha Fuller Clark**) as well as Republican **Senators Jeb Bradley, James Gray, John Reagan and Dan Innis**.

Immediately after the Senate vote, **Governor Sununu** announced that he will sign it into law. Congratulations to all to worked to make this a reality!

**Bill to divert public education funds to private schools defeated – for now**

SB193 was defeated in the House 170-159. However, the Senate has now attached the

same language to an unrelated bill, HB1636, dealing with charter school facilities. This bill now go back to the House on Thursday and may go to conference committee.

### **Two Constitutional Amendments on the ballot in November**

The legislature has passed two amendments to the state Constitution that will appear on the ballot in November.

CACR15 would provide explicit justification for a person to file a lawsuit against a local government for spending funds in violation of state law, local ordinance or the state or federal Constitutions. Over the years, the state Supreme Court has restricted this ability and the legislature wants to overturn those decisions and expand the right to file lawsuits. Currently, Article 8 of the NH Constitution reads:

"[Art.] 8 [Accountability of Magistrates and Officers; Public's Right to Know.] All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted."

The proposed Amendment would not change these words, but would add the following at the end of the section.

**"The public also has a right to an orderly, lawful, and accountable government. Therefore, any individual taxpayer eligible to vote in the State shall have standing to petition the Superior Court to declare whether the State or political subdivision in which the taxpayer resides has spent, or has approved spending, public funds in violation of a law, ordinance, or constitutional provision. In such a case, the taxpayer shall not have to demonstrate that his or her personal rights were impaired or prejudiced beyond his or her status as a taxpayer. However, this right shall not apply when the challenged governmental action is the subject of a judicial or administrative decision from which there is a right of appeal by statute or otherwise by the parties to that proceeding."**

This proposed Amendment was passed by the House 309-9 and by the Senate 22-2. CACR16 is an Amendment to add an explicit right to privacy. It would create a new article, called article 2-b with the following wording.

**"[Art.] 2-b. [Right to Privacy] An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent."**

This Amendment was passed by the House 235-96, but the individual votes were not recorded. In the Senate, the Amendment was supported by all Republicans and Democratic Senator Martha Fuller Clark. All other Democrats opposed the Amendment.

### **Procedure for reconciling bills**

When the Senate changes a bill that has already been passed by the House, the bill goes back to the House for concurrence.

The House has three options for each of these bills. One option is to concur with the Senate on their changes, in which case those bills will go to the Governor. Another option is to not concur with the Senate. In this case, the bill is defeated. The final option is to request a committee of conference with the Senate. If a committee is formed, they will negotiate a compromise, then send that version back to the House and Senate for an up or down vote. No further amendments are allowed. If passed by both, it will then go to Governor Sununu. Otherwise, the bill is defeated. Thursday is the last day to form committees of conference.

The same procedure is followed when the House changes a bill that has already been passed by the Senate. This week, the House is meeting onto decide what action to take on bills that were modified by the Senate. The Senate will likewise be taking action on bills changed by the House.

### **Last week, the House voted on the following bills:**

**Rep. Gargasz** had an excused absence for the day.

SB193 **divert funding from public schools to private schools** (including religious schools) and families that home school. The bill has already passed the Senate. The House sent the bill to study, effectively defeating it, 170-159. Rep. Ammon and Lewicke voted in favor of the bill. Rep. Belanger and Carr did not vote on the bill.

SB313 would extend the **Medicaid** extension program, which provides affordable health care to 50,000 low income citizens in New Hampshire, by five years. The bill has already passed the Senate. The House passed the bill on a voice vote. The House made some amendments to the bill, so it now goes back to the Senate for concurrence.

### **Last week, the Senate voted on the following bills:**

HB1587 would raise the minimum age for **marriage** to 16. For a person younger than 18 be to married, it would still require a judge's approval. The bill has already passed the House. The Senate passed the bill on a voice vote. The bill now goes to the Governor.

HB1319 would add "**gender identity**" to the state civil rights laws, which prohibit discrimination in employment, housing and public accommodations. The bill has already passed the House. The Senate passed the bill 14-10. The bill now goes to the Governor, who has announced that he will sign it into law. **Sen. Avard** voted against the bill.

HB1443 would allow for **jury nullification** – instructing juries that they can ignore the law and find someone not guilty if they choose to do so. The bill has already passed the House. The Senate defeated the bill 5-19. **Sen. Avard** voted in favor of the bill.

CACR15 is a state Constitutional Amendment that would make it easier for **citizens to sue the government**. Over the years, the ability to sue the government has become more restricted due to a series of state Supreme Court decisions. The Amendment has already passed the House. The Senate passed the amendment 22-2. **Sen. Avard** voted in favor of the Amendment. The proposed Amendment now goes to the voters in November.

CACR16 is a State Constitutional Amendment that would put an explicit **right to privacy**

in the state Constitution. The Amendment has already passed the House. The Senate passed the proposed Amendment 15-9. The proposed Amendment now goes to the voters in November. **Sen. Avard** voted in favor of the Amendment.

### **This week, the House will take action on the following bills:**

HB587 would prohibit "conversion therapy" to attempt to change someone from being gay for minors.

HB1354 would add the Senate President and the Speaker of the House as members of the University System Board of Directors.

HB1415 would add funding for school security infrastructure. The original version would provide a death benefit to teachers who died during an incident at a school. The Senate removed this, however.

### **Where to find more information**

The New Hampshire legislature web site is [www.gencourt.state.nh.us](http://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](mailto: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](mailto:letters@nashuatelegraph.com)

Hollis Brookline Journal

[cabnews@cabinet.com](mailto: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](mailto:TheMasonGrapevine@yahoo.com)

**Hollis, Brookline, Mason Reps:**

**Sen. Kevin Avard** (R) (603) 271-4151 [Kevin.Avard@leg.state.nh.us](mailto:Kevin.Avard@leg.state.nh.us)

Nashua Wards 1, 2, 5, Hollis, Brookline, Mason, Greenville, New Ipswich, and Rindge

**Rep. Jim Belanger** (R) P: (603)465-2301 [Jim.belanger@leg.state.nh.us](mailto:Jim.belanger@leg.state.nh.us)

Hollis

**Rep. Carolyn Gargasz** (R) P: (603)465-7463 [cgargasz@cs.com](mailto:cgargasz@cs.com)

Hollis

**Rep. Keith Ammon** (R) P: (603)296-9879 [Keith.Ammon@leg.state.nh.us](mailto:Keith.Ammon@leg.state.nh.us)

Hollis, Milford, Mont Vernon, New Boston

**Rep. John Carr** (R) P: (603)673-3603 [john.carr@leg.state.nh.us](mailto:john.carr@leg.state.nh.us)

Brookline and Mason

**Rep. John Lewicke** (R) P: (603) 878-2610 [Lewicke@yahoo.com](mailto:Lewicke@yahoo.com)

Brookline and Mason

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