

## Legislative Alert April 30-May 4, 2018 from League of Women Voters NH

First, a shout out to the **House Finance committee** that has done very detailed and capable work in the past couple of months on a number of important bills. Thank you!

Next, a short report on five major bills that were voted on in the full House and Senate on Thursday, April 26:

**SB593 to repeal the death penalty:** Passionate testimony from Reps on both sides for 45 minutes. House voted Ought To Pass 223-116. The bill now goes to the Governor, who does not support repeal. If you support repeal of the death penalty, now is the time to make your arguments to the Governor. The Governor's contact info is at this site: <https://www.governor.nh.gov/contact/index.htm>

**CACR22 “Marsy’s Law” victims’ rights proposed constitutional amendment:** NH is one of 15 states with nothing in the constitution about victims rights, though we have statutes defining those rights. Debated for nearly an hour. House voted 254-51 Inexpedient to Legislate. Then immediately they voted by overwhelming voice vote to “Indefinitely Postpone.” This means it cannot be brought forward again in this session in any way. Therefore this proposed constitutional amendment will not be on the November ballot.

**HB 559 energy efficiency fund:** The Public Utilities Commission and the Dept of Environmental Services state this bill repeals the \$1 per allowance rebate threshold for auction proceeds deposited into the Energy Efficiency (EE) Fund, eliminates all customer rebates, and provides that at least 35% of the proceeds received from the sale of allowances, after costs, would be allocated to the low-income core energy efficiency program. In addition, up to \$5 million annually would be allocated to municipal, school district, and local government energy efficiency projects under the core programs. The remainder of the \$5 million, if any, would go to a fuel-neutral residential core energy efficiency program. 45 minutes of floor debate, then Senate voted Inexpedient to Legislate 13-11

**HB 628 family and medical leave insurance program:** About 45 minutes of floor debate, the Senate voted Interim Study 14-10.

**HB1686** allowing individuals to designate up to 85% of **interest & dividends taxes for a scholarship fund to pay for private school tuitions or home schooling expenses**, shifting that tax money from the state's General Fund. Senate voted Ought To Pass 13-10 along party lines, and it now goes to Senate Finance.

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**The Senate will next meet on Wed., May 2 and Thurs., May 3** to vote on various bills including the following of particular interest to League and/or the general public. The full list of bills can be found in the Senate Calendar: <http://www.gencourt.state.nh.us/scaljournals/calendars/2018/sc%2019.pdf>

**Senate bills--** Many on the Consent Calendar are recommended Interim Study—real study or a quiet death? Unknown. On the long Regular Calendar are the following of note, and now is the time to call your own Senator if you wish to make your views known:

**Election Law: HB 1264** a voter suppression bill that changes definitions. Equating “residence” and “domicile” may deter some potential voters from registering [*think post-election poll tax equivalent*]

and may also affect other things not considered by the committee, such as who may claim in-state residence for tuition purposes. Election Law recommends Ought to Pass 3-2, along party lines. *[League and dozens of others testified in opposition, but the committee chose not to listen. Only the bill sponsor testified in support, along with Sec. Of State Gardner.]*

**Judiciary: HB 1319**, prohibiting discrimination based on gender identity. Judiciary recommends Interim Study, Vote 3-2. *[League supports this civil rights bill, which passed the House 195-129 in March. We are not sure what further study is needed. We urge Ought To Pass.]*

**CACR 15**, Providing that taxpayers who are eligible to vote in NH have standing to bring actions against the government regarding spending of funds. Rules committee recommends Ought to Pass, Vote 3-0. If passed by 2/3 vote, this will be on the November ballot.

**CACR 16**, Providing that an individual's right to live free of governmental intrusion in private or personal information is natural, essential, and inherent. Rules committee recommends Ought to Pass, Vote 3-0. If passed by 2/3 vote, will be on the November ballot. *[League attended a hearing on this bill, and we are concerned that voters will have no idea what kind of information is referred to, as nowhere in the bill is it spelled out. Discussion in the hearing was about several areas, including medical data, abortion rights, online information. One Senator mentioned "unintended consequences."]*

**Ways & Means: HB 1819-FN**, relative to administration of the education tax credit. Ways & Means recommends Ought to Pass, Vote 4-0. *This bill makes minor changes to an existing program, funded by voluntary designation of a portion of the business taxes to a scholarship organization. [Here's how the program works: Families may apply for these scholarships, receive on average up to \$2,500 for private school tuition. Home schooling education is also included. 40% or more of the scholarships must go to low income families as defined in the statute. But...Fewer businesses than expected took part in this program last year, so there was less than half a million dollars available. The constitutionality of this program is still in question. However, related **HB1686** passed in the Senate on 4/26, vote 13-10 along party lines, which would expand the scholarship fund by also allowing individuals to designate part of their Interest & Dividends taxes due to the scholarship fund. In both cases, funding that would normally go the state's General Fund now moves thru a "scholarship fund" to private schools. League has no objection to the minor changes introduced in this bill, but does question the broader issue of moving state funds to private schools.]*

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**The House will meet on Wed., May 2 and Thurs., May 3** to vote on various bills. The House will also meet on May 10 and May 23, possibly also May 24. Call your representative(s) now to make your views known!

**House bills to be voted on May 2 and 3** are in the House Calendar:

[http://www.gencourt.state.nh.us/house/caljournals/calendars/2018/HC\\_17.pdf](http://www.gencourt.state.nh.us/house/caljournals/calendars/2018/HC_17.pdf)

A long list on the Consent Calendar. Of particular interest on the Regular Calendar are the following:

**SB 383,**

**[health care]**

(New Title) establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents. MAJORITY: INEXPEDIENT TO LEGISLATE.

MINORITY: OUGHT TO PASS. Vote 11-7. Arguments for both sides are on page 10 of the Calendar.

**SB 525-FN,** **[adult education; immigrant rights]**  
(New Title) prohibiting the distribution of adult education financial assistance to any student who is not a legal resident. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 12-8. *This bill had much public testimony in opposition.* Arguments on p. 14 of the Calendar.

**SB 438,** **[procedures for postponement of elections.]**  
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT. Vote 11-9 along party lines. Arguments from both sides on pp. 15-16. *[See end of this Legislative Alert for the League's detailed notes on this bill as amended, and for links to the three amended versions that will be discussed on the House floor.] [League has stated before that we support standardized procedures for rescheduling. It is the "who makes the decision to postpone" part that is controversial.]*

**SB 193-FN,** **[education: use of state funds for private & home schooling]**  
MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT. Vote 14-12 in House Finance. This much worked on bill has extensive arguments from both sides on pp. 19-20 of the Calendar. Full text of the latest version of the bill is on pp. 31-37 of the Calendar. *[See end of this Legislative Alert for the League's detailed notes on this bill as amended. League opposes this bill but will settle for Interim Study at this point.]*

**SB 313-FN,** **[healthcare for low-income people]**  
(New Title) reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program. OUGHT TO PASS WITH AMENDMENT. Vote 24-2 in House Finance. This bill extends the current health insurance program for approximately 50,000 low-income individuals and adds a modest work requirement for those who are able, with exemptions defined. Program will be automatically renewed in 2 and ½ years unless the commission determines it should end or the federal government block grants Medicaid to the state. Details in the arguments on pp. 20-21 of the Calendar. *[League did not follow this bill as closely as we should have, but believe it is a good bill to provide needed healthcare in NH.]*

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**Legislative hearings week of April 30-May 4. Almost no committee meetings.**

**MONDAY, April 30** **[education]**  
COMMITTEE TO STUDY EDUCATION FUNDING AND THE COST OF AN OPPORTUNITY FOR AN ADEQUATE EDUCATION (HB 356, Chapter 190:1, Laws of 2017), Room 209, LOB  
**10:00 a.m. Regular meeting.** *[League will observe]*

**TUESDAY, May 1**  
**Senate HEALTH AND HUMAN SERVICES** Room 101, LOB  
1:00 p.m. The committee will meet to discuss Senate bills amended by the House and Committee of Conference requests.

**House CRIMINAL JUSTICE AND PUBLIC SAFETY,** Room 204, LOB  
10:00 a.m. Full committee work session on house bills amended by the Senate.

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**Update on election law—This detailed report should be of particular interest to town officials, election officials, and those who worry about local control issues:**

House Election Law Committee, April 24, held executive session on **SB 438**, a bill that has been in the works for over a year to define procedures should weather or other emergencies necessitate a postponement of elections: Two new amendments were presented; summarized below.

The five page Moynihan amendment (2018-1700h) focused on RSA 40:4. If the entire state requires an emergency declaration, the Governor (in consultation with the Secretary of State and the Director of Homeland Security) would have the authority to postpone all city or town elections. If there is not an entire state weather issue, the moderator could postpone the town election “as provided in RSA 40:4” and “shall notify the secretary of state ....” Agreement of the emergency management director and approval of the governing body would be required, and the decision would remain local. (A rescheduling process had already been agreed on by the whole committee.) Definitions include one for the official ballot voting session: “the session of a town meeting at which voters vote on the election of officers and other matters by official ballot.” **This amendment keeping local control of town elections was rejected 11-9 along party lines.**

The eight page amendment submitted by Chair Rep. Griffin (2018-1731h) is based on RSA 669 and deals with changes of the location of the polling place for different causes. In severe weather events the secretary of state “may postpone a town election....” A moderator may request postponement “If the governor declares a state of emergency or the secretary of state determines that postponement is necessary....” A new element is “the continuity of operations plan (COOP)” - a postponement of elections plan developed ahead of time with the emergency management director of each political subdivision and submitted to the secretary of state and attorney general for review and approval. If the town has such a plan, the moderator may request postponement for weather, and, if the secretary of state has not responded to a moderator request within two hours, the moderator may postpone. **This amendment giving the state control over postponement was approved 11-9 along party lines.**

An Ought To Pass as Amended motion was approved 11-9 along party lines, and the amended version will be sent to the full House. Text is available on pp. 59-62 of the Calendar and also here: [http://www.gencourt.state.nh.us/bill\\_status/billtext.aspx?sy=2018&txtFormat=amend&id=2018-1731H](http://www.gencourt.state.nh.us/bill_status/billtext.aspx?sy=2018&txtFormat=amend&id=2018-1731H)

Amendment to SB 438 (2018-1700h) Proposed by the Minority of the Committee on Election Law - r is on pp 57-59 of the Calendar. And also here: [http://www.gencourt.state.nh.us/bill\\_status/billtext.aspx?sy=2018&txtFormat=amend&id=2018-1700H](http://www.gencourt.state.nh.us/bill_status/billtext.aspx?sy=2018&txtFormat=amend&id=2018-1700H)

Floor Amendment to SB 438 (2018-1762h) Proposed by Reps. Moynihan, Porter and White is on pp. 62-64.

**SB527**, the bill about **signatures on absentee ballot applications**, was amended, recommended by House Election Law committee Ought To Pass 18-0 and is on the House Consent Calendar for May 2. *[League believes the amendment solves earlier issues we had with the bill. In addition the bill creates an additional category of voters eligible to vote absentee the day before an election when there is a storm warning for election day. Voters who intend to vote but believe they would not be able to get to the polls safely or must be at home with children or ill adults who shouldn't be left alone may vote absentee at the town clerk's office on the Monday before the election.]*

Full text of the amended version of SB527 is on pp. 71-73 of the Calendar.

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**Update on SB193, the school “voucher” bill**, called “school choice bill” by its supporters and officially titled Education Freedom Savings Account bill: The House Finance Committee recommended in executive session on April 25 to send this bill to Interim Study by a vote of 14-12, with all Democrats and three Republicans proposing Interim Study. From comments during the Executive Session, it is clear that the loss of state funds to school districts, possibly raising local taxes, is one reason the bill is unacceptable. It was also clear that the limitations on incomes eligibility of students is a reason some supporters don’t like the current version.

Note that this bill has been around for 16 months so far, was extensively studied by the House Education Committee in fall 2017, had 13 work sessions in the House finance sub-committee since February and at least 3 amendments. At this point it no way resembles the original bill that passed the Senate last year.

If this bill goes to Interim Study, work may begin in August. Possible outcomes include a new version of the bill to be heard in 2019 or a recommendation that no new legislation should be proposed. Also possible it will just be ignored.

*[League would have preferred Inexpedient to Legislate but will settle for Interim Study at this point.]*