

Legislative Alert March 6-8, 2018

The Senate and House will each meet in session next week:

House will meet all three days—March 6, 7, and 8, beginning at 10 am Tuesday, 9:30 am Wed. & Thurs. Thank you to our dedicated elected representatives for their work!

The Senate will meet on Thursday, March 8, beginning at 10 am. Go to **page 9** of this alert for the selected list of senate Bills they will consider. They have a light session.

*Among the long list (32 pages) of bills on the **House Consent Calendar** (meaning the committee's recommendation was unanimous or nearly so) are the following that League had alerted you to earlier. (The ones that deal with EDUCATION and ELECTION LAW ISSUES are presented in a separate alert, for those who wish to know the reasons behind the recommendations and ultimate votes in the House.) It is unlikely bills on the Consent Calendar will be brought up for further discussion; House members will likely vote according to the committee's recommendation. Thus we can consider these bills dead for this year if they indicate an INEXPEDIENT TO LEGISLATE recommendation, and if they are recommended as OUGHT TO PASS they will likely pass and move on to the Senate.*

HB 1438, relative to residential leases including provisions prohibiting tenants from possessing **firearms, explosives, or ammunition** within the premises. INEXPEDIENT TO LEGISLATE Vote 16-1. Rep. Michael Sylvia for Judiciary. This bill would allow a landlord to prohibit a tenant from possessing firearms, explosives, or ammunition. They can do this already through the lease process. The committee found no need for this bill. *[With a renewed public interest in violence prevention legislation, we include this bill in our selected list.]*

HB 1727-FN, relative to monitoring perfluorinated chemicals in **public water supplies**. INEXPEDIENT TO LEGISLATE Vote 15-0. Rep. Chris Christensen for Resources, Recreation and Development. Nobody wants to vote against clean water. However, this session we have had a number of bills repeating and or overlapping on the same issues. Two comprehensive bills, HB 485 and HB 1101, have already been approved by the House this session, and this bill was seen as unnecessary. *[Illustrates the point made in previous alerts that we need to know more than the bill title to decide whether we should support or oppose it.]*

HB 1459, prohibiting autonomous vehicles on New Hampshire highways. INEXPEDIENT TO LEGISLATE Vote 14-0. Rep. Steven Smith for Transportation. No one testified in support of this bill. Advocates for the disabled and the trucking industry testified in opposition. Earlier this year, House Transportation passed a prudent testing program for autonomous vehicles unanimously, and that program should go forward. The bill also is in conflict with federal prohibitions on states banning autonomous vehicles. *[This is the kind of knee-jerk bill we wish would never be submitted.]*

On the regular Calendar, meaning there will be floor debate, are the following of particular interest to League or of broad public interest: The full calendar can be accessed via this link: http://www.gencourt.state.nh.us/house/caljournals/calendars/2018/HC_9.pdf

HB 1275, relative to the placement of minors at the **Sununu Youth Drug Treatment Center**. INEXPEDIENT TO LEGISLATE. Vote 12-0. Rep. Allen Cook for Children and Family Law. Placing first time offenders in a forced secure treatment program or trying to force those with a current drug

issue into treatment is counter productive and cost prohibitive to an individual and the state. Additionally, the committee had numerous people testify against this bill.

HB 1587, raising the **minimum age for marriage** . OUGHT TO PASS WITH AMENDMENT Vote 13-0. Rep. John Lewicke for Children and Family Law. Currently RSA 457:4 sets the age for marriage with judicial approval at 13 for females, 14 for males and 18 for persons entering into a same sex marriage. As amended, this bill simply prohibits marriage for anyone under the age of 16 which eliminates all the discriminatory provisions in the current statute. Persons 16 or 17 of age could still marry with judicial approval. (related bill HB 1287 is recommended ITL because this bill covers the issue better.) Related bill **HB 1661**, relative to the protection of minors who petition the court to marry. OUGHT TO PASS WITH AMENDMENT, unanimous recommendation.)

HB 1753-FN, **reducing the age for legally possessing alcohol**. OUGHT TO PASS WITH AMENDMENT Vote 16-3. Rep. Shannon Chandley for Criminal Justice and Public Safety. This bill as originally drafted sought to lower the age of legal possession of or intoxication by alcohol from 21 years of age to 20 years of age. **The committee was not supportive of this proposal**, but did recognize this bill as a vehicle to reintroduce the House position on **transportation of alcoholic beverages by a minor**.... This bill, as amended by the committee, increases the list of family members with whom a minor can legally transport alcoholic beverages in a vehicle [and apparently doesn't lower the drinking age].... identical language was passed by the House in 2017 session. It failed in the Senate.

HB 1552, requiring school districts to submit an annual report concerning **gifted students**. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS. Vote 16-4. Rep. Michael Moffett for the Minority of Education. **NH ranks near the bottom nationally in terms of support for gifted students**. This bill simply requires school districts to **submit an annual narrative report to the NH Dept of Education with regard to what, if anything, a district does to identify and support gifted students**. These reports would simply be filed in a "Best Practices" folder which would be public information at the DOE. There is no cost and no policy mandate. This measure includes a broad definition of "gifted," but leaves it to districts to determine locally who they feel should be classified as gifted. *[League is appalled to learn that such information is not being reported so that schools can address the needs of these students.]*

HB 1744, **authorizing a parent to exempt his or her child from participating in the statewide assessment program**. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 12-7. Rep. Victoria Sullivan for the Majority of Education. This bill simply clarifies that a parent has the authority to opt his or her child out of the statewide assessment. The Every Student Succeeds Act (ESSA) allows for parental opt out, if supported under state law. Many parents have significant security concerns in regard to the online assessments. Other parents have expressed concerns that these tests lead to anxiety or request information that is non-academic. Some parents have, in the past, been told by districts that every child must participate. The majority of the committee believes that parents are capable of making this decision for their children. Rep. Mary Heath for the Minority of Education. The minority finds that the NH state assessment program was established by RSA 193-C:1 in 1993 for the purpose of improvement and accountability in education; understanding that a well-educated populace is essential for the maintenance of democracy, the continued growth of our economy, and the encouragement of personal enrichment and development. Furthermore, it emphasized the importance of widespread participation in the statewide education improvement and assessment program as essential. This bill changes that priority and allows a student's parent or guardian to exempt his or her child from the assessment. If a critical body of students do not participate in the statewide assessment, the local community and state have no way to

gauge the extent to which the local schools are meeting their responsibility for an adequate education and the degree to which all students are showing improvement over time. The minority finds that the intent and purpose of the statewide assessment could very well be compromised by this bill.

HB 1582, relative to the **authority of the moderator to verify the device count [meaning the electronic ballot scan device]**. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 14-6.

Rep. Norman Silber for the Majority of Election Law. This bill **allows for a random verification count of ballots by hand, under direction of the moderator, after the voting process is concluded.** Only federal or statewide offices or issues may be included in the verification count. If the verification count is different from the machine count, this bill requires that the verification count is to be used in the vote tally. The results of the election are not complete until the verification is complete. The bill provides that discrepancies are to then be reported and investigated, with no specific process or time line for such investigation to occur. While moderators have always had the authority to conduct hand counts, either to total or verify, that process has been for use when issues have arisen in the actual processing of the ballots. While the committee heard issues in regards to ballot processing and the validity of results, none of the cited examples were in recent years or in New Hampshire. None of the issues referred to supported any conclusion that hacking has occurred in New Hampshire. The process as outlined in this bill would significantly delay the reporting of the election result. The verification count would allow public access to review all ballots prior to any official recount creating questions over the integrity of the ballots when official recounts are actually counted, as the verification is only for some of the races on the ballot. This state has more recounts than any other state in the country. Moderators already take appropriate steps to test and verify machine counts prior to the commencement of voting, and after voting has concluded. The bipartisan majority of the committee agreed that this bill is unnecessary

Rep. Marjorie Porter for the Minority of Election Law. Recent events in the news have made us aware that voting machines being used nationwide are vulnerable to hacking. Although the devices used to count our votes in NH are of the safer sort, and moderators check their accuracy before each election, it is still possible for someone with nefarious intent to interfere with their internal workings to change the count on Election Day. A 2009 statutory committee recommended post-election random audits of the machines to assure their accuracy, and the NH Election Procedure Manual given to election officials in 2014 states town moderators may conduct a post-election count on Election Day at their discretion. Although no legislation was passed to rescind moderators' authority to conduct such audits, the language was removed from the 2016 edition of the manual, causing confusion. This bill establishes in law that moderators may do random device count audits, and outlines a procedure for doing so. The minority believes "trust but verify" is good advice for the state to follow. *[Similar in some ways to HB1520 on the Consent Calendar ITL, some League members passionately supported this bill as individuals, but League as an organization did not support it, for lack of evidence that voting machine inaccuracies were occurring to justify the confusion and extra work and possible ballot insecurity this would entail.]*

HB 1804-FN, relative to **work requirements for able-bodied adults for public assistance programs.** MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 15-5.

Rep. Lucy Weber for the Majority of Health, Human Services and Elderly Affairs. This bill would prohibit the commissioner of health and human services from waiving the federal work requirements under the Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire Employment Program (NHEP). It would establish new and different work requirements for these programs that would track those written into the New Hampshire Health Protection Program (NHHPP)...*[the write-up goes on to explain technical issues with the bill, which is why they voted ITL.]*

CACR 15, Providing that **taxpayers have standing to bring actions against the government.** OUGHT TO PASS. Vote 18-0. Rep. Paul Berch for Judiciary. This constitutional amendment restores to the taxpayers of our state the legal ability to bring certain lawsuits relating to the spending of public funds by the state or the political subdivision in which the taxpayer resides. In doing so, our taxpayers will have broader access to our courts and greater ability to ensure governmental accountability. *[note: this is a proposed constitutional amendment. We described the process needed to get this on the November ballot in an earlier alert.]*

HB 1706, relative to the construction of a **Lake Sunapee public boat ramp.** INEXPEDIENT TO LEGISLATE Vote 19-2. Rep. Mark McConkey for Public Works and Highways. This bill proposed to fund the construction of the Fish and Game Department's proposed Lake Sunapee public deep-water boat launch with parking at... the Wild Goose site... funded by a \$2,075,000 bond appropriation. While the location was favored by the Fish and Game Department, the Department of Environmental Services, and the Public Works and Highways committee in 2017, it was not ultimately funded in the 2017 Capital Budget. In September 2017 Governor Sununu created the Lake Sunapee Public Boat Access Development Commission. The Commission's charge is to "research and evaluate both potential alternatives for development of the Wild Goose property and potential alternative opportunities for expansion of public boat access at Lake Sunapee." The Commission's report is due on March 1. Recognizing that the Commission's recommendations will directly affect future decisions by the Governor, the legislature, and Fish and Game regarding the Lake Sunapee boat ramp, the committee believes it is unwise to move forward with funding the project as proposed in this bill. *[This is a victory for the town of Newbury and for one of our League members who has been actively involved on the Commission. She urges ITL on this bill, as the Commission has plans for an alternative site at much less expense.]*

HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air. OUGHT TO PASS Vote 19-0. ...This bill has already been unanimously recommended by the Resources, Recreation and Development Committee and subsequently passed the House by voice vote prior to referral to this committee. Testimony received by the committee, including from DES, strongly supports this bill. *[One of the national League's early studies resulting in national advocacy efforts was on clean water and air regulations. We support this bill.]*

HB 1230, establishing a **commission to study the economic impact of national carbon pricing on New Hampshire.** MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT. Vote 12-9. *[League did not have anyone volunteer to follow this important bill, but as it recommends a study of an important environmental issue, we are inclined to support doing the study, therefore go with the minority on Ought to Pass.]*

HB 1515, relative to **an exemption from the combustion ban on construction and demolition debris.** MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 15-6. Rep. Glen Aldrich for the Majority of Science, Technology and Energy. This bill is enabling legislation that simply removes a barrier that prevents the combustion of bio-oil and synthetic gas extracted from construction and demolition debris, and opens the door for further research and development of another source of bio-fuel. *[League had no one to follow this bill. For complete reasons on both sides, see p.47 of the March 2 House Calendar.]*

A string of bills concerning healthcare follow:

HB 1241, establishing a **commission to assess benefits and costs of a “health care for all” program** for New Hampshire. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS Vote 11-8. See p. 49 for arguments on both sides. *[This seems like an issue that could benefit from a timely study.]*

HB 1362, authorizing individuals and certain businesses to **purchase health insurance from out-of-state companies**. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS Vote 12-8. Rep. Kermit Williams for the Majority of Commerce and Consumer Affairs. This bill would allow out of state insurance companies to offer health insurance plans under certain circumstances that would provide less benefits than currently required, presumably for a lower cost. While the committee recognizes concerns over the rising costs of health insurance, we were unsure this policy would help this issue and believe it requires further study.

Rep. Laurie Sanborn for the Minority of Commerce and Consumer Affairs. Last Fall we learned that health care premiums in our state would increase on average 52 percent in 2018. We now have the highest health insurance costs in the nation. It is high time to pass innovative ideas to allow for more choices and more competition. With the new administration in DC, we have heard that more options will be given to states to craft their own strategies for lowering costs. We can purchase nearly everything else from anywhere, so why not health insurance? We must rethink options, enable and encourage new market opportunities, and allow for additional consumer choices. The minority believes that allowing the purchase of health insurance from out of state companies would be a small step in the right direction.

HB 1516, establishing a **commission to examine the feasibility of the New England states entering into a compact for a single payor health care program**. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 11-9. Rep. Laurie Sanborn for the Majority of Commerce and Consumer Affairs. Our neighboring state of Vermont studied the issue of single payer health care and learned that it would double their state budget and potentially double costs on their large employers who already offer their own plans. They rejected a single payer system and so should we. Instead, let’s focus our efforts on examining ways that NH can expand more affordable health insurance and health care options for our citizens.

Rep. Edward Butler for the Minority of Commerce and Consumer Affairs. This bill would create a commission to study an issue that gets raised repeatedly in the Commerce Committee – that of health insurance products being able to be supported and sold across state borders. In addition, it would explore the issue of a single payer system within the concept of a multi-state compact. The minority thinks that such an exploration within the commission process could yield important discussions regarding cost, affordability and access and should be supported.

Some Election Law bills:

HB 1264, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.” MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE Vote 11-9.

Rep. Barbara Griffin for the Majority of Election Law. This bill modifies the general statutory definitions of “resident or inhabitant” and “residence or residency.” It does so by eliminating the reference to “for the indefinite future” in the existing definition. Under current law our Supreme Court has found that the reference to the indefinite future separates residents from those merely domiciled here, **definitions critical to voting eligibility**. As it currently exists, the law effectively creates two classes of voters. Testimony before the committee by those in favor and opposed to the bill rightly made reference to the State Constitution that refers to inhabitants having equal rights to vote. The majority of the committee believes it is important to ensure that “equal” right to vote by aligning the

definitions of domicile, resident, and inhabitant. Testimony made it clear there are two classes of voters because testimony opposed to the bill contained repeated reference to the fact that a certain class of persons would lose ability to vote. Some objection to the change made reference to the fact that certain voters, who currently do not need to comply with motor vehicle laws, would have to with this bill. It was said that a requirement to comply with motor vehicle licensing and registration of vehicles would create a post-election poll tax. A poll tax is something that must be required before the vote; this change creates no such pre-vote obligation. Additionally, this distinction serves to clarify that we currently have two classes of voters; some need to register their cars, some don't. This legislation does not change current practice of driver's licensing and motor vehicle registration. What this legislation does do is clear decades of confusion and conflation of common terms used in our statutes: resident, domicile, and inhabitant. Under this legislation, someone who is domiciled in our state will be considered a resident and must follow the laws of our state. The majority of the committee believes that those living and voting in New Hampshire should follow our laws and statutes.

Rep. David Huot for the Minority of Election Law. The minority believes the deletion of "for the indefinite future" from RSA 21:6 and RSA 21:6-a will accomplish nothing with respect to election law except for potentially creating a situation in which another lawsuit could be filed. It does not change the law as decided in the Newburger v. Peterson case in 1972. Changing language in these statutes could only result in unforeseen consequences such as altering eligibility for such things as in-state tuition rates, hunting and fishing licenses and other legal benefits of New Hampshire residence. *[League supports the minority position of ITL on this bill, yet another attempt to deter some people from voting. And we don't want to have another lawsuit.]*

HB 1368, political contributions made by limited liability companies. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS Vote 11-9. See the arguments of this campaign reform bill on p. 52 of the House Calendar. *[League supports Ought to Pass.]*

HB 1814-FN-LOCAL, relative to **additional education grants** to municipalities for the purpose of restoring reductions in **stabilization grants**. FINANCE: INEXPEDIENT TO LEGISLATE Vote 24-0. The House already passed the bill, but Finance found it inappropriate to put this money back into the budget.

HB 1319, prohibiting discrimination based on gender identity. MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT. Vote 10-8. Rep. Jason Janvrin for the Majority of Judiciary. This bill would add gender identity to NH's existing Human Rights Act, RSA Chapter 354-A, which already includes race, gender, religion, marital status and sexual orientation. It would prohibit discrimination in employment, housing and public spaces (also known as public accommodations), such as restaurants, business, and hospitals, based upon gender identity.... See p. 57 of the House Calendar for arguments on both sides. *[League supports this civil rights bill.]*

HB 1344, collective bargaining under the right-to-know law. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 9-7. See p. 57 for arguments on both sides. *[League chuckles that legislators who routinely go into closed party caucus sessions in the middle of an executive session would argue for greater transparency of the bargaining process. Just sayin'.]*

CACR 19, Providing that the people of the state may enact local laws that protect health, safety and welfare. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 11-8. *[League observed several hearings on this constitutional amendment, thought the trend was toward further study. Not sure why it changed.]* For more background see p. 62 of the House Calendar

and visit the website of the organization behind the bill, the NH Community Rights Network, at <http://www.nhcommunityrights.org/>

HB 2018, the state 10-year transportation improvement program. OUGHT TO PASS WITH AMENDMENT. Vote 21-2. This huge piece of work consumes the Public Works and Highways Committee. Thank you for your work. See pp. 62-63 of the House Calendar for more information.

HB 1686-FN, applications for and the use of education tax credits. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 13-10. *[This bill has been in the news lately. Currently businesses can allocate a portion of their taxes to a scholarship fund for families opting for private schools. This bill expands that to individuals who pay the state's Interest and Dividends Tax. Seems it would take funds that would otherwise go to the general fund, puts them into a scholarship fund, and potentially allows the payers of the state's Interest and Dividends Tax to use that as a charitable deduction.]* A detailed fiscal analysis is offered by Rep. Susan Almy for the Minority of Ways and Means on p. 66 of the House Calendar.

HB 1694, requiring a civics examination as a high school graduation requirement. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS Vote 11-8. Rep. Terry Wolf for the Majority of Education. This well-intentioned bill could have significant consequences. In 2016, the legislature passed HB 157 which required all high school students to pass a local competency assessment in government and civics. The bill allowed high schools to use the US Citizenship and Immigration Services test to satisfy the requirement. **In 2017, this very legislature passed SB 45, mandating a course in civics as a requirement for high school graduation. This was a huge step and demonstrates the importance the legislature put on civics education.** The course requires nine elements, including the US constitution, the NH constitution, the three branches of government, and the responsibility to engage in civic activity. This bill proposes to change the statute for a third year in a row, requiring a passing grade on the US Citizenship and Immigration Services test to be able to graduate high school. NH does not require any single test for graduation. While it may sound appealing, the majority is concerned that it **could lead to teaching to the test and elements of the course could be lost**, such as NH history and the importance of NH in the primary process. School districts have barely had time to implement the comprehensive changes that we made last year. The majority prefers to let school districts adapt to the new policy. *[League agrees with the majority on this one—kill this bill! Preparing young people for civic life requires way more than passing a multiple choice test!]*

HB 1772-FN, permitting online voting registration. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT Vote 11-9 along party lines. Rep. Wayne Moynihan for the Minority of Election Law. This bill directs the Secretary of State to create and maintain an online voter registration (OVR) system. 37 other states, including... Vermont and Massachusetts, have OVR systems in operation and have found the means and methods to operate the systems securely and efficiently to the satisfaction of their citizens. Also, the State of Oklahoma is transitioning to OVR, and the District of Columbia has adopted OVR... *[The NH Campaign for Voting Rights, of which League is a member, supports this effort to increase potential voters' access to registration. In the 21st century, there is no good reason this couldn't be done in our state too.]*

Three bills related to abortion and women's right to choose:

HB 1707-FN, relative to information regarding abortion. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE Vote 11-9. The minority points out "...As

introduced, this bill contains specific requirements for what information must be given to a pregnant woman as “required informed consent.” It provides that certain information must be provided to the woman in person by a physician at least 24 hours before an abortion is to be performed. The bill provides that any departure from this schedule, except for limited medical emergencies, will be cause for a civil malpractice action, allowing for not only actual damages but also for punitive damages.” Explanations of the reservations both sides have about this bill are on p. 69 of the Calendar. *[League supports Inexpedient to Legislate in line with our national position on abortion being a private decision between a woman and her physician.]*

HB 1680-FN, relative to **abortions after viability**. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 10-8. See the highly emotional arguments on both sides on pp. 71-71 of the House Calendar.

HB 1721-FN, relative to **coercive abortions**. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS Vote 15-3. Rep. Charlotte DiLorenzo for the Majority of Judiciary. This bill is purportedly intended to protect women from so-called coercive abortions, but it does so by targeting medical providers rather than individuals doing the “coercing.” Moreover, nowhere in the bill’s five pages does it define “coercion... *[League supports ITL]*

HB 1485, relative to **security deposits for apartment rentals**. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 10-8. *[Housing rights coalitions in NH ask everyone to support ITL on this bill that would require 2 months security deposit in addition to the usual terms of rental, putting housing out of reach of many.]*

HB 1541-FN, relative to **registration and road toll fees for hybrid and electric vehicles**. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE Vote 19-2. Rep. David Milz for the Majority of Public Works and Highways. This bill is simply an attempt to create a means to capture the road toll for electric and plug-in hybrid vehicles, similar to the vehicles powered by gasoline and propane...a way to ensure that all vehicles using our roads and bridges pay their fair share [for maintenance and repair of roads and bridges].

HB 1802-FN-LOCAL, relative to the **statewide education property tax**. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT Vote 15-6. Rep. Marc Abear for the Majority of Ways and Means. This bill requires municipalities to remit any excess statewide education property tax (SWEPT) to the state for deposit in the general fund. The excess required to be remitted to the state is the difference between the SWEPT collected by the municipality and the municipality’s calculated cost of providing an opportunity for adequate education. (More arguments on p. 79 of the Calendar.) *[League members studying education issues will realize that SWEPT money in most towns/cities goes directly to the school district. Property-rich towns are at a decided advantage in the way SWEPT is raised and allocated.]*

Hearings in the House week of March 6-8 are very few, as they will be in session for three days. However, a key **work session in Finance** is planned for **Thursday, March 8**: Room 209, LOB (room may change to a bigger room if needed—look for sign on the door) 4:00 p.m. or immediately following close of House session. Division work session on HB 1698-FN-L relative to the cost of special education services for foster children; HB 1763-FN-A, establishing a road usage fee [for fuel-efficient vehicles] and making an appropriation **SB 193-FN**, establishing education freedom savings accounts for students (**the “voucher” bill**)--public hearing on the newest amended version.

Finance will hold Executive Session on the above bills and others on Wed. March 14 at 10 am in LOB 210-211.

The Senate will meet in session on Thursday, March 8, beginning at 10 am. Here are some of the bills we have been following that they will vote on:

SB 438, postponement of local elections. Committee recommends Ought to Pass with Amendment *[but this is not the amendment League likes]*, 4-0. League supports the concept of standardizing procedures when a local election must be postponed because of a weather or other emergency, but we object to making the Secretary of State the decision maker in what is a local matter, as well as other distortions of town meeting procedures. An amendment proposed by the NH Municipal Assn would take care of that problem. *[League supports that proposed amendment, likely to be offered by Sen. Fuller-Clark. If the amendment passes, League supports passage of SB438. If no amendment is made, we support ITL for SB438]*

SB 527-FN-L, re absentee voting. Committee recommends Ought to Pass with Amendment, vote 2-0. This bill includes signature verification in the process for absentee ballots but allows exception for those with disabilities who need assistance completing a ballot and for those who submit ID when applying for an absentee ballot. *[The NH-ACLU objected to the original bill, as did LWNH in testimony, when a photocopy of an approved photo ID was to be submitted with the application. League believed that would be a deterrent to persons with disabilities and to elderly persons who no longer drive and may have no easy way to get photocopies made of IDs. With that requirement removed in the amended version, and if ACLU sees the original problems address, we are inclined to let this new process go forward and see how it works.]*

Senate hearings and committee meetings March 5-9: almost all seem to be executive sessions, with no specific bills listed.

Two upcoming Senate bills demand our attention.

Coming up for a hearing in the Senate Judiciary (but not yet scheduled) is **SB 593, a bill to repeal New Hampshire's death penalty statute.** It changes the penalty for a capital crime from death to life in prison without possibility of parole. The bill has broad bipartisan support, with 13 senators already listed as co-sponsors. Yes, that is enough to pass the bill in the NH Senate! The full co-sponsor list (House and Senate) includes: Senators Avar, Daniels, Ward, Giuda, French, Woodburn, Watters, Fuller Clark, Feltes, Soucy, Hennessey, Kahn, Lasky; Rep. McGuire, Merr. 29; Rep. O'Leary, Hills. 13; Rep. Cushing, Rock. 21; Rep. Kotowski, Merr. 24; Rep. Souza, Hills. 43

League urges support for passage of SB 593. The League of Women Voters has a national position opposing the death penalty. The fiscal note for SB 593 points out that no one can know the number of future capital murder trials, but it is clear that the costs of a trial with the death penalty off the table are a fraction of the cost of capital trials and their mandated appeals process when the death penalty is involved. (The state pays for both prosecution and defense in these expensive trials.) Fiscal details can be found in the note at the end of the bill. Here is a link to the text of the bill:

http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1723&txtFormat=htm

Also not yet scheduled is **SB357**, which was re-referred to committee to consider **an amendment** by Sen. Martha Hennessey **to allow school boards to prohibit firearms in school safe zones.** Stay tuned for the hearing date and time!