

The 2016 Legislative Year in Review

*By Susan Bruce, Arnie Alpert, and Maggie Fogarty
American Friends Service Committee, New Hampshire Program*

How the bills are categorized

The 2016 legislative session concluded on June 16. We offer a recap on the bills we were watching. We've divided them into four categories: those we actively supported, actively opposed, generally liked, and generally disliked.

A bill that is classified as "actively supported" or "actively opposed" means that AFSC went to hearings, submitted testimony, and closely followed its path in the newsletter and on our radio show. Bills we generally liked or disliked are bills we paid attention to, but did not prioritize.

You can see that each bill is hyperlinked to the "docket" on the General Court webpage. From that site you can find the bill's text, a report on the path it took from introduction to its ultimate fate, and links to reports on any roll call votes that took place. Take a look at the "[docket abbreviations](#)" if some of the jargon is confusing.

Voting Records

For each bill we have indicated whether votes were cast by voice, by roll call, or by "division." A voice vote means the Speaker of the House or the President of the Senate determined whether "yea" or "nay" was in the majority on any motion based on the voices of the lawmakers; there is no record of who voted which way. A division vote in the House means that a precise vote count was taken, but that the votes of individual members were not recorded. If a roll call was taken, however, you can look up how each member voted (or if they did not vote at all). Be careful in reading these because it can be confusing. For example, a "yea" vote on an ITL ("inexpedient to legislate") motion is a vote to kill a bill, not a vote in favor of the bill. A vote on a motion to table is not necessarily an indication of how that member would have voted had the bill come up for an actual vote.

If we have reported a numerical vote, you can assume it was by roll call unless we specified it was a "division." You can look up roll calls in a number of ways if you want to find out how particular members voted. For one thing, each member has her/his own page where you can click on <voting record> and see all recorded votes. Alternatively, you can go to the docket for any bill and click on <RC> if it shows up in the docket. Or, you can click on the [Voting Record](#) page where you can search your way through roll calls on any House or Senate votes by year and bill number (going back to 1999!).

If the House and Senate passed differing versions of the same bill, they might have appointed a Committee of Conference (COC) to attempt to resolve differences. In some cases, the COCs did not reach agreement, which means that the bill died.

Finally, in most cases the final step for a bill to become law is for it to be signed by the Governor if it has passed both the House and Senate with the same language. At this time, many of the successful bills are somewhere in the pipeline between the General Court and the Governor's desk. When it reaches her, she will either sign the bill into law, allow it to become law without her signature, or veto it.

Reminder about State House Lingo

OTP - "Ought to Pass," the recommendation for approving a bill or amendment.

ITL - "Inexpedient to Legislate," the recommendation for defeating a bill or an amendment. "ITL" can also be used as a verb.

CoC - "Committee of Conference," where House and Senate members seek to resolve differences on bills in which the two chambers have approved different language.

Interim Study - A bill sent to "interim study" is neither passed nor defeated, but returned for further attention to the committee that studied it in the first place. In some cases, interim study is a polite way to kill a bill without an actual up or down vote. In other cases, the proposal will get serious attention and could return next year with changes intended to address flaws that were identified in the study process.

Bills We Actively Supported That Passed 😊

[HB 1696](#)

This bill extends the NH Health Protection Program (expanded Medicaid under the Affordable Care Act) through December 31, 2018. It was a long, contentious fight, but 50,000 low-income residents will continue to have access to health care. Voices of Faith maintained a vigil at each session of the House and the Senate, and won the respect of those to whom they were appealing (and singing).

The key vote turned out to be the "Umberger Amendment," which made the bill's provisions "severable" in the event that the federal Center for Medicare and Medicaid Services rules any of its provisions to be illegal. This was especially important due to amendments which added work requirements and which deny Medicaid access to all non-citizens. After debate and an initial tie vote in the House, Speaker of the House Shawn Jasper cast a tie-breaking vote in favor of

the amendment, thus paving the way for a constructive outcome to a contentious process. In the Senate, where the Senate President and GOP Majority Leader backed the proposal, the outcome was never in much doubt.

Since the revised program is once again scheduled to “sunset” in two years, the Medicaid debate will return after the election, perhaps as part of the next budget rather than as a separate process.

[SB533](#)

Relative to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery and making supplemental appropriations to the commission, the New Hampshire housing finance authority, and the department of health and human services, bureau of drug and alcohol services. In addition to appropriating funds for drug treatment and drug courts, this bill also appropriated \$2 million for supportive housing projects to help recovering addicts.

Bills We Actively Supported That Failed ☹

[SB 463](#)

Suspending the imposition of the death penalty, until such time that the methods exist to ensure that the death penalty cannot be imposed upon an innocent person. For the second session in a row, Senators deadlocked 12 - 12, after which the bill was tabled.

[HB 1480](#)

Establishing a state minimum wage. This bill would have set the minimum wage at \$8.25 and the tipped minimum wage at \$4.00. There were incremental increases over a three year period, topping out at a very modest \$9.50 an hour by 2019. It was voted ITL by a roll call vote of 185-143.

[SB 407](#)

Relative to temporary worker rights. This bill would require temporary staff companies to provide temporary workers with certain information and protections. It was referred to interim study.

[SB 412](#)

Establishing a minimum wage. This bill would have established a minimum wage of \$12 per hour. It was killed in one of the many along-party-lines roll call votes of 14-10.

Bills We Actively Opposed that Failed ☺

[HB 1370](#)

Relative to termination of tenancy. This bill was intended to give landlords even more grounds to evict tenants with only seven days notice. It was amended to stipulate that court summonses would be filed in the court where the property is located, as opposed to filing in the court where the landlord's office is. That would have been a big help to tenants, but the provision met with strong opposition by landlords. We hope the "change of venue" measure returns as stand-alone legislation in the next session.

[HB 1621](#)

Relative to sanctuary cities. This bill prohibits the state from distributing any federal funds to a municipality that has adopted an ordinance stating that it will not cooperate with federal law enforcement or immigration enforcement. The Municipal and County Government Committee rejected it 13-2 and put its ITL motion on the Consent Calendar. Representative Baldasaro had it removed from the Consent Calendar and brought to the House floor, where it was tabled, never again to be brought back for consideration.

[HB 324](#)

Relative to membership in a union. This bill permits the members of a union to vote to decertify the union if the membership falls below 50%. It also permits employers to require such a vote if the number of employees who pay union dues falls below 50% of the total number of employees. This bill was introduced in 2015. In 2016 it was voted ITL by a voice vote.

[HB 1552](#)

Extending the penalty of death to acts of terrorism and civil rights offenses. We are opposed to expanding the death penalty, and so were a majority of House members. This bill was ITL'd by voice vote.

[HB 1629](#)

Prohibiting any member of a foreign terrorist organization from receiving public assistance, medical assistance, or food stamps. This bill came with a "fink" provision, intended to entice people to turn in anyone whom they believed to be a member of a terrorist group. The potential for unwarranted harassment was alarming. The bill was ITL'd in a division vote of 279-62.

Bills We Actively Opposed that Passed ☹️

There weren't any! 😊

Bills We Generally Liked That Passed 😊

[HB 659](#)

Relative to eligibility for an absentee ballot. NH already allows people who have religious commitments, physical disabilities, or employment obligations that prevent them from getting to the polls, to vote absentee. This bill expanded the list to allow people caring for children or infirm adults to vote with an absentee ballot. The bill passed and has been signed into law by the governor.

[HB 1116](#)

Relative to net metering. Net energy metering allows consumers who produce their own energy to get credited when they produce more power than they can use. This applies to residential customers who have solar panels, as well as larger business or municipal projects. The governor signed this bill on May 2. The PUC is working to come up with a new way of crediting projects that generate excess energy that gets sent back to the grid, which is a good thing, because the newly increased cap has nearly been reached.

[HB 1426](#)

Relative to earned time credits for prisoners participating in educational programming. Increases the time of sentence reduction for prisoners completing educational programs. It was signed by the governor on June 3.

Bills we Generally Liked that Failed ☹️

[HB 1511](#)

Relative to hours of polling. This bill stipulated that the polls would open no later than 6 am and close no earlier than 8 pm. The majority found that the one-size-fits-all approach did not provide enough flexibility to meet the needs of all towns. The bill was ITL'd

[HB 198](#)

Allowing all voters to vote absentee. This would have made voting easier and more accessible for many. It was ITL'd by a voice vote.

[HB 1346](#)

Relative to minimum wage for tipped employees. This bill would have established a minimum wage of \$3.27 for tipped employees. It would increase incrementally by \$1 a year to be equal to the federal minimum wage by 2020. It was defeated in a roll call vote of 190-137.

[HB 1376](#)

Relative to temporary workers. This bill would require an employer to offer a full time temporary worker a permanent position after 6 months of employment. It was defeated by a voice vote. We liked the idea behind this. We hope it will come back in a more detailed and comprehensive form.

[HB 1311](#)

Relative to solitary confinement. This bill defined solitary confinement, created conditions for the use of solitary confinement, and established a committee to study the use of solitary confinement in New Hampshire prisons. It was ITL'd by voice vote.

[SB 197](#)

Relative to mandatory minimum sentences. This bill would have eliminated them. It was referred to interim study.

[HB 1368](#)

Requiring firearms owners to have liability insurance. It sounded like a good idea to us, but was voted ITL in a roll call vote of 287-22.

[HB 1622](#)

Relative to radioactive waste and establishing a nuclear waste storage fee. A 1986 law prohibiting an underground radioactive waste dump was repealed in 2011 as part of the state budget. This bill was an attempt to reinstate the 30 year old law and charge a fee for storing nuclear waste on the site of Seabrook Station. It was ITL'd by a roll call vote of 171-145.

[HB 1661](#)

Relative to conversion "therapy" seeking to change a person's sexual orientation. This would have prevented licensed counselors from engaging in conversion therapy with a person under 18 years of age. It passed the House (229-99) and was amended and passed in the Senate (16-8). The House did not concur, and so the bill went to a CoC. House and Senate supporters, plus outside advocates, expected the differences to be worked out. But the CoC failed to reach agreement, the CoC report wasn't signed, and a proposal with substantial support in both chambers died.

[SCR 3](#)

A resolution applying to the United States Congress to convene a limited convention for the exclusive purpose of proposing amendments to the federal Constitution concerning election reform that do not abrogate or amend the first amendment to the federal Constitution. It passed the Senate, but was tabled in the House.

Bills We Generally Disliked that Passed ☹

[HB 1428](#)

Establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program, making an appropriation to the police standards and training council, repealing the police standards and training council training fund, making a capital appropriation to the police standards and training council, adding a quorum requirement to the performance audit and oversight committee, relative to liquor commission revenue shortfalls, and relative to the rivers management and protection program.

We mocked the title of this bill – until we learned that the language of [SB 381](#) had been incorporated into the rest of the messy stew of non-germane amendments. Unfortunately it was not reflected in the title, even though the title was changed four times. This allows the burning of construction debris at certain municipal waste incinerators, and exempts them from air pollution control regulations. This applies to the Wheelabrator incinerator in Concord. There are no environmental protections written into this bill. Construction debris may well consist of all manner of hazardous materials, including: lead, arsenic, asbestos, and mercury. That it was larded into a non-germane amendment fest including measures to fund drinking water programs made it difficult for the governor to veto, and we are sorry to report that she signed it on June 24.

[HB 500](#)

Repealing the prohibition on the use of silencing devices for taking wildlife. The bill's sponsors call it the "Hunters Hearing Protection Act." As we've said all along, this doesn't seem sporting to us. We are disappointed to report that the governor signed this on June 10.

[HB 1482](#)

Relative to the Interstate Voter Registration Crosscheck Program. This bill authorizes the Secretary of State to enter into an agreement to share voter information and data through the Interstate Voter Registration Crosscheck Program. This program was created by Kris Kobach, the Secretary of State in

Kansas. Florida and Oregon have dropped out of the program, stating that they felt the data they received was unreliable. In 2013, 40,000 Virginia voters were purged from the voter list just weeks before election day. This program has been used to generate hysteria about voter fraud, something that is actually quite rare. We are sorry to report that NH will be participating in this program (but not before the 2016 election). The governor signed this measure into law on June 3.

Bills We Generally Disliked That Failed 😊

[HB 1542](#)

Requiring drug testing of public assistance recipients. This called for the Department of Health and Human Services to establish a drug testing program for TANF recipients. The bill was voted ITL by voice vote.

[HB 1425](#)

Restricting the use of food stamps in convenience stores. This would have restricted the use of food stamps in convenience stores to the purchase of milk. The bill was voted ITL by a voice vote.

[SB 529](#)

Establishing a food stamp identification requirement for participants in the food stamp program. The bill was referred to interim study.

[HB 1617](#)

Relative to housing projects by the New Hampshire Housing Finance Authority. This bill was intended to prohibit the NHHFA from funding a project unless a market study supports the need for a housing project in the proposed location. It turned out that that is exactly what the NH Housing Finance Authority does. The bill was ITL'd.

[HB 183](#)

Relative to voter registration forms. This bill was introduced in 2015. It would remove the threatening language about motor vehicle registration from the voter registration form. It was sent to interim study.

[HB 1564](#)

Establishing an independent redistricting commission. The majority found that the current system is working just fine (for them). The bill was ITL'd in a roll call vote of 210-151.

[HB 1313](#)

Relative to eligibility to vote and relative to availability of voter information. This would create a 10-day residency requirement for voting. It passed the House but was ITL'd in the Senate.

[SB 4](#)

Relative to eligibility to vote and relative to eligibility of voter information. This began as a bill to require a 30-day residency requirement for voting purposes. It passed the Senate, and was amended in the House to add some language about the NH Constitution and the term domicile. The Senate did not concur, so a CoC was formed. The CoC changed the 30-day residency requirement to 10 days. The House voted for the CoC report, but it was deadlocked 12-12 in the Senate, so the bill failed.

[CACR 17](#)

A constitutional amendment providing that a person must be a resident of the state to establish a domicile for the purpose of voting. It was tabled by a voice vote.

[HB 1341](#)

Relative to employee payments to unions. This would permit an employee who is not a member of a union, but is required to pay fees to a union, to opt to have those fees contributed to a charitable organization. Referred to interim study.

[HB 1252](#)

Permitting employers to pay wages to employees weekly or biweekly. This would allow employers to issue paychecks every two weeks without a waiver from the Department of Labor. It would save on bookkeeping costs for businesses, and at least four of the sponsors were restaurant owners. This measure would negatively impact low wage workers. No workers testified in support of the bill. It was tabled by voice vote in the Senate.

[HB 512](#)

Prohibiting confiscation by law enforcement officers of firearms, ammunition, or firearms accessories during a state of emergency. The House version had strict penalties for these officers, and specified that the prohibition included United Nations Troops and United Nations Armed Forces. The Senate eliminated some of the law enforcement officers, including anyone from the UN. The governor vetoed the bill. The House was unsuccessful in overriding the veto.

[HB 594](#)

Establishing Keno. Not this year. It passed the House but was voted ITL in a roll call vote of 13-10 in the Senate.

[SB 551](#)

The annual one-casino bill. Not this year. It was tabled before it got out of the Senate.

[SCR 4](#)

A resolution applying for an Article V convention to propose an amendment to the constitution of the United States that imposes fiscal restraints on the federal government. It cleared the Senate but was tabled in the Senate.

[HB 1600](#)

Prohibiting possession of a flamethrower. Way to ruin all the fun. It was ITL'd in a roll call vote of 294-10.

About State House Watch

The AFSC is a Quaker organization supported by people of many faiths who care about peace, social justice, humanitarian service, and nonviolent change. AFSC's New Hampshire *State House Watch* newsletter is published weekly during legislative sessions to bring you information about matters being discussed in Concord including housing, the death penalty, immigration, and labor rights. We also follow the state budget and tax system, voting rights, corrections policy, and more. Click [here](#) for back issues of *State House Watch*.

The "State House Watch" radio show airs on WNHN-FM during the legislative season. Click [here](#) for podcasts of our 2016 episodes.

Arnie Alpert and Maggie Fogarty direct the New Hampshire Program, publish the newsletter, and co-host the "State House Watch" radio show. Susan Bruce is a State House Watch researcher and writer. Fred Portnoy produces the radio show.

Your donations make our work possible. Click the "[DONATE NOW](#)" button on our [web page](#) to send a secure donation to support the work of the AFSC's New Hampshire Program.

In addition to your donations, "State House Watch" is also supported by a grant from the Anne Slade Frey Charitable Trust.

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Arnie and Maggie

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