



Your State House Concord, New Hampshire



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To my constituents in [Allenstown](#), [Epsom](#), & [Pittsfield](#):

This week, back from vacation, my committee met to recommend four Senate bills. These had passed the House on the recommendation of another committee, but had some aspect that deserved further scrutiny. SB 80, on the board of mental health practice, had gone to subcommittee and had an amendment to clarify the language of the criminal record check requirement. This bill was all minor technical changes and supported by all stakeholders; it was recommended unanimously. SB 120, transferring the controlled drug prescription monitoring program from the pharmacy board to the office of professional licensing, also had a minor amendment, this one largely requiring the program *administrator* to make reports, not the program. It, too, was recommended unanimously.

SB 163, on solid waste facility permits, which I had cosponsored, specified that these permits were to be granted or refused no more than 180 days after receipt (120 if no public hearing was required, which is not common.) This is necessary because without other statutory requirements, permits must be issued within 60 days, and solid waste facilities need longer due to complexity and to ensure proper public notice. Again, we unanimously recommended this bill.

SB 232, adopting the psychology interstate compact, was not as smooth as the others. I had prepared an amendment to require compact rules be approved by a legislative committee before they became effective, but the lawyer for the compact insisted that any modification to the language of the bill would invalidate it, since the federal constitution required all states to adopt the same

language; they were also convinced that allowing one state unilateral authority to reject the rules would invalidate the other states' contracts. Apparently our constitutional provision that all laws be approved by the legislature was trumped by this federal provision on impairment of contracts. I was still concerned that the bill required the state to accept as law all rules adopted by the compact commission, (which has not yet been formed), whenever adopted, and whatever they said. And getting out of the compact (the only way to refuse one of its rules) requires an act of the legislature plus a six month wait! After some debate, the committee recommended it, 12-6.

We also reviewed Senate amendments on four House bills we'd passed earlier, and agreed to ask the House to concur with all the amendments. My HB 112, on the mechanical licensing board, had an amendment I'd brought in, clarifying that, when working on generators, electricians can shut off the gas and gas fitters can shut off the electricity without requiring an additional license. On HB 562, the building code update, the amendment adopted the latest version of the compromise on lightweight floor structures, adopted by the building code review board well after the bill passed the House. On HB 224, emergency death benefits for EMTs, the amendment was simply language clarifications.

HB 468, including attendance stipends as "earnable compensation" towards pensions, had an unrelated amendment to also include all teaching pay for community college instructors. As we had found out on a different bill, if they teach a summer course, it doesn't apply to their pensions even though the usual percentage is taken out. The committee agreed that this was a reasonable way to address the problem and recommended concurring.



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I also attended a presentation of the House amendment to SB 242, which is to address the issue of the Wayfair supreme court decision that allowed other states to require remote sellers enforce their sales tax collections. At this point, the bill is attempting to collect data and allow the attorney general's office to coordinate with the department of revenue assessment, with the intention of going to court to settle some of the open issues. We primarily want to protect our small retailers from having to assess and pay sales taxes to the over 10,000 taxing jurisdictions, all of which can have different rates and different definitions of what's taxable. Even medium sized companies need protection from inconsistent and inconvenient sales tax laws: for example, one state requires payment if sales exceed \$100 K "last year." Does that mean the company's fiscal year? Calendar year? Or a rolling 12 month period that might mean being required to do it in April but not in May? Everyone was convinced that if Congress doesn't pass a law to settle this issue (it's one of their constitutional responsibilities, but betting is 100-1 against their taking useful action anytime soon) it will take a court case or three to settle the amount of inconvenience states can impose on remote sellers (and which ones) in order to collect sales taxes (since most people, for some reason, don't seem to file use tax returns and pay it voluntarily.)



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