



February 5, 2021

Your State House Concord, New Hampshire



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

This week, my committee had two full days of hearings. HB 425 created two new positions in the Department of Information Technology, and also a cybersecurity council. The sponsor reported that these positions already existed and were fully funded; the council also doesn't seem to be necessarily in statute.

HB 591 revised tobacco shop licensing fees for the liquor commission, and authorized two new investigators. The sponsor presented an amendment since the bill accidentally doubled fees for alcohol plus tobacco licensees, rather than being graduated for tobacco only shops! We discussed the investigators, since there were disagreements as to whether they should be investigators (who have police powers and are needed in criminal cases) or “examiners” (civilian employees, who primarily audit the books; they're a bit cheaper.) No real consensus from the testimony; I'm not sure why this bill came to my committee since Commerce properly oversees the liquor commission operations and Ways & Means deals with the fees.

I presented my HB 94, which resets some professional licenses, for a variety of professions, to be two years expiring throughout the year rather than all on the same date. It's an efficiency improvement for the office of professional licensure and certification, and will make some things simpler for licensees as well. No opposition, and not too many questions. HB 70, on the other hand, had a flurry of opposition. This authorizes a certificate for eyebrow microblading, and passed easily last year, before dying in the Senate after Covid. The tattoo artists apparently realized it

created new competition, and came out in force. The worst of it was that they apparently didn't understand that the bill gives the body art board full authority to define the training required – so they raised red flags of weekend seminars and risky procedures. One benefit of having so many returning members on the committee was that we remembered last year and voted immediately, 19-0, to pass the bill!

HB 211 was another repeat, this one making some changes to the Manchester city retirement system. I asked why we were involved, and it seems any municipal pension system must be under the control of the state legislature, in order to qualify as a federally tax advantaged plan. This bill modifies the benefits and contributions for new employees only; the sponsor rather casually dismissed any effect on recruitment, claiming young job applicants are only concerned about the amount of their paycheck, and not about deductions. It was also brought out that the Manchester board of mayor and aldermen had not weighed in on this issue, and a representative from the union spoke against the bill. We won't take any action until after the aldermen meet.

HB 356, also about the Manchester retirement system, was just some sensible updates to keep it in sync with IRS regulations. No controversy. We then voted on two bills from last week: HB 390, stretching out the repayment of the retirement system's unfunded liability by 5 years, was discussed and voted to kill, 18-1 (the sponsor.) HB 536, adding state death benefits for public works employees killed in the line of duty, was debated a little then recommended to pass, 18-1.

HB 209, licensure of music therapists, brought a lot of people to testify: mostly music therapists, or people who used them but wanted the expense covered by their health insurance (Medicaid and



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most private insurers insist on paying *licensed* practitioners only.) The speech-language and hearing professionals came out in opposition, with issues about the scope of practice and how it interacted with theirs. Regardless of the merits of licensing music therapists, I don't like the bill: it's not clear if the board is an advisory or regulatory board, there is no rulemaking authority, no disciplinary capability, and no enforcement mechanism. All the requirements are directly from their professional organization, nothing unique to New Hampshire. It's purely a paper license for insurance reimbursement, and if insurance companies accepted the certification we'd not have to worry about this.

HB 230, regulation of child day care providers, brought out dozens of people to testify, both for and against. The “against” people were largely day care providers intent on boosting the *quality* of care by keeping the minimum continuing education requirement (currently 18 hours per year, set in rules; the bill lowered it to 6 hours) and denying the use of practical experience to substitute for the required classroom training. The “pro” argument was that the state needed to enhance the *quantity* of care by making it easier for people to work in the field of child care, and minimize expenses for these businesses. I'm on the pro side, because I think the state should be mandating only the minimum standards – and people who want higher quality child care can find it, and pay for it.

HB 377, allowing the state Fire Marshal to exempt some recovery houses from needing sprinklers, was opposed by some recovery houses who interpreted the list of conditions needed to qualify for the exemption as additional requirements not otherwise applicable! They also pointed out that such exemptions can and have been granted on a one by one basis, but the fire service would prefer to have this as an allowable alternative in statute.

HB 631, regarding regulation of interpreters for the deaf, was our first experience with sign interpreters and captioned hearings. No difficulty on our part, and the bill had no opposition. It's largely updates to terminology, and had passed the House last year.

HB 345, establishing a license for wild mushroom harvesters, was another repeat. This time, though, the sponsors made it clear that the license was in response to federal regulations that made it illegal to sell (either to restaurants or grocery stores) any wild foods that were not collected by licensed harvesters. This seems ridiculous, but given the situation, I wouldn't want to keep New Hampshire foragers out of the market.

HB 219, repealing the registration of athlete agents, was a repeat of a bill I submitted ten years ago. The sponsor introduced it as not appropriate this year, since the NCAA is revising its rules and contracts for athletes and their agents, and he asked us to kill it. We immediately did so, 14-2.

HB 208, repealing the registration for lightning rod dealers, was explained as a relic of previous times, since lightning rod dealers are covered by the state fire code and electrical code. The fire marshal, who is responsible for maintaining the registry, testified that it was obsolete and unnecessary, so we voted 17-0 to pass the bill.

HB 217, repealing the state statute for registering hawkers and peddlers, and HB 218, repealing the similar statute for itinerant vendors, in both cases left the local authority to regulate and license these vendors, including background checks and surety bonds. The deputy secretary of state testified that they had almost no complaints about the registered vendors, and had never, to his knowledge, tapped into a surety bond (\$5,000 required.) Nobody testified against either of these bills, but the



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committee asked a lot of questions. I pointed out that if we passed both bills, the later one would wipe out the other; I plan to get an amendment to merge them instead.

I introduced HB 369, about physical agent modalities by occupational therapists, which was a request of the licensing agency, and an amendment prepared by the board. Fortunately, an occupational therapist was there to explain that “physical agent modalities” meant using ultrasound or electrical devices, and that the bill eliminated a redundant certification. It expands their scope of practice to their full extent of training.

We also voted on HB 356, a housekeeping bill allowing the Manchester retirement system replace board members who could no longer serve, and adopt updated IRS regulations by rule rather than coming to the legislature: ought to pass, 15-0. HB 425, on the cybersecurity council, passed 17-0 with the sponsor's amendment to strip out the redundant positions.



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