



February 10, 2023

Your State House

Concord, New Hampshire



To my constituents in Allenstown, Dunbarton, Epsom, & Hooksett,

This week, I was very busy. First, I presented my HB 147, which addresses the way sexual harassment policies are adopted. It was a request of the staff from the ethics committee, who were concerned that these policies were imposed by the joint facilities committee. It is a well-established principle that a committee cannot impose its policies on the entire body, and this bill eliminates that conflict. The committee was interested but took no definite action that day.

My committee heard my HB 655, which recodifies the statutes governing the Office of Professional Licensing and Certification (OPLC) and many of the boards it supports. This was a request by the study committee I was on this summer, and the bill attempts to clarify the duties and responsibilities of the office and the boards. There was over two hours of testimony on the bill, much of it from boards who objected to the deletions of their current board statutes. Some of this was confusion that the broader scope of OPLC responsibilities actually included the deleted policies, but some others – the psychology board in particular – wanted the more specific procedures in their current statute included in the revised law. The bill went to subcommittee, with a particular emphasis on the investigations and discipline sections.

We then debated and voted on most of the bills we had previously heard. HB 337, requiring licensing boards to provide information in advance of meetings, was amended to correct an erroneous reference (that caused it to cost quite a bit!) and protect private information, and passed unanimously. HB 449, on pension calculations for Group II (police, fire and corrections) was retained

in committee since the similar HB 436 was in subcommittee. HB 571, creating a cost of living adjustment for GII retirees, was a split decision: all the Democrats voted to pass, the Republicans to kill it. The full House will have to make a decision! My position on this is that a defined benefit pension is *defined*, that is set, and cost of living increases are not included. I was also opposed to this one as it was only for Group II, and explicitly excluded most retirees.

HB 341, licensing massage establishments, was not quite a partisan vote: one Democrat joined all the Republicans in voting to kill it. Our position is that using a licensing organization to enforce the laws against human trafficking is inappropriate and dangerous to the licensing agents; charging the legitimate establishments to help law enforcement “get” the illicit ones was also seen as problematic. We have laws against human trafficking and prostitution; it's not the duty of massage therapists to pay to help law enforcement investigate or prosecute these crimes.

HB 620, creating the department of early childhood education to run a 3-year pilot program (with one-time money!) was debated before failing in a partisan split. Besides the folly of creating a new department for a pilot program (the supporters did have an amendment to have the department of education run the pilot), the opponents were convinced that the state should stay out of early childhood education. Preschool programs have a mixed record; in fact *academic* preschool has been shown to harm children. We feel this is the *parents'* job!

HB 183, exempting instructors at the fire academy (and probably the police standards and training academy) from the limitation on hours worked for retired fire (police), was unanimously voted to retain. While it seemed like a good idea at first, we



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were unable to get actual numbers of people or hours worked, and were unwilling to give a blanket exemption to a few people. HB 193, technical corrections to the retirement statute, had a clarifying amendment before it was passed unanimously. HB 391, data sharing between the departments of health & human services and environmental services (to support commissions on environmentally caused diseases), also had a clarifying amendment before passing unanimously.

HB 409, allowing licensed barbers, cosmetologists and and estheticians from other states get a New Hampshire license, was amended to ensure the out of state license was “in good standing” (that is, not under disciplinary action) and voted unanimously to pass. HB 109, my bill on occupational therapists, had an amendment to add exclusions for other professions whose scope of practice might overlap that of occupational therapists, and passed, again unanimously. HB 266, my bill specifying how remote or hybrid meetings needed to meet the right to know law, passed unanimously, without even an amendment!

CACR1, creating the position of lieutenant governor, was unanimously voted to be killed. We didn't want to create an elected position without defined duties or responsibilities, and didn't see the need for a standby when the governor hasn't been able to complete his term only two or three times this century - and those were very short periods (the last was a week when Governor Hassan resigned to be sworn in as US senator a week before the newly-elected governor was sworn in.)

HB 250, increasing the accidental line-of duty death benefit from 50% to 100% of salary, was debated at some length. We argued about how this compared to what survivors would get shortly after retirement, but really, the benefit is most needed

for younger workers. One member brought up that this imposes an unfunded mandate on towns, who would pay for this benefit increase. It's fairly rare – there are currently only 25 or so survivors collecting it. Finally, we voted to pass it, 15-5; I was on the losing side.

Finally, we dealt with HB 180, renaming Columbus Day to Indigenous People's Day. One member brought in an amendment to rename the holiday “Italian Heritage Day,” which is how it is usually celebrated. That amendment passed, 14-6; the bill as amended passed, 13-7. The opposition, including me, mostly believed that this was not going to satisfy the sponsors of the bill, who would most likely be back next year. I was also concerned that it diminished the accomplishments of Columbus, who, regardless of any moral failings he may have had, managed to bring the Americas into the larger world community. He changed world history in many ways. I don't plan to debate this bill on the floor – I made these same points when we killed the same bill a few years ago.

We heard HB 518, asking for a commission to study regulation of pharmacists and pharmacies. The intent is to see if separately the profession and the business makes sense, since very few pharmacists these days own the business. We didn't take action on it, but I didn't see any support from the committee. We think that there's no reason the interested parties can't study that without a bill.

HB 532, licensing music therapists, is a repeat of a bill we've seen twice already. Their primary concern seems to be that without a license, they can't bill insurance (either private or Medicaid) for their services, so the clients have to pay out of pocket. There are 30 odd music therapists working in New Hampshire, so the more skeptical of us tend to think this isn't much of a problem.



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HB 507 would allow unlicensed individuals to practice legally as long as they made it clear that they were not licensed or certified by the state. An interesting idea, and I tend to support, but I can't see it passing the legislature.

HB 594 specified that the OPLC director, in consultation with the boards, would determine if other states' licensing requirements were essentially similar to ours, so that licenses could be exchanged without too much hassle (just the criminal background check, if needed, and of course the payment...) The only opposition was from the real estate agents, who were concerned because we had given them explicit reciprocity criteria last session; they were relieved when several of us pointed out that no other state has our colonial-era land laws, and therefore anyone coming into the state would need to show familiarity with them. We voted unanimously to approve the bill; I was glad to see that the director promised to post equivalency data as it was developed (say, Florida is similar but Alabama isn't) since I tried to get the boards to do it five or six years ago, and none has!

HB 644 exempts some specific, safe procedures from the cosmetology license: washing and styling hair, applying makeup, and threading eyebrows. This is to encourage "blow dry bars" and other non-licensed beauty businesses, who will not need to hire licensed cosmetologists to perform these procedures. It generated many questions from the committee about the safety of these procedures, and was sent to subcommittee for further analysis. HB 644 also eliminated the "booth license" for independent contractors who worked in salons, but that didn't raise questions.

Friday, two subcommittees met on some of our more important bills. I substituted for a member who had to work on the GII pension bill, HB 436.

We went through an amendment that had been agreed in principle at the last meeting (which I hadn't attended.) The amendment still has some minor fixes needed, so the subcommittee will meet again to actually vote on it, but the intent was agreed and fleshed out in detail.

HB 436, as amended, takes five policy positions. First, it defines "vested" for the retirement system as "10 years of service." This has been assumed for decades, but never previously defined. Second, it limits any future changes in benefit calculations to those affecting employees with less than three years service. This is because future increases in benefits increase costs to everyone, while future decreases are perceived by employees as a violation of their employment contract and so an unconstitutional retroactive law. The three year window, explicitly stated, establishes a time frame for future changes, if necessary – sort of a probationary period. Third, it revises the maximum retirement benefit for employees who were in service, but not vested, in 2011, from 85% to 100% of final salary. This is only possible for long service employees (35 years and up) and is the same as the limit for employees vested in 2011. The limit of \$120,000 for all employees, set in 2011, is changed to \$125,000, and increased 1.25% per year, effective in 2025. This is a minimal increase to account for inflation. Fourth, it deletes the transition for Group II members in service but not vested in 2011, over ten years. This transition affected years of service needed to retire, lowest age at retirement, and the multiplication factor for years of service in calculating the pension. Fifth, it fully funds this change by allocating \$25 million from the general fund each year for ten years. This pays for the expected cost of this benefit improvement without downshifting anything to the cities and towns who employ most GII personnel.



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The intent of this change is to eliminate the tiered pension benefits for Group II, which have caused resentment and a feeling of betrayal (since many believe that they had a contract with their employer, guaranteeing their pension benefits.) With the current problems of recruitment and retention among police, fire and corrections officers, it is believed that by gradually eliminating these tiers will encourage officers to stay employed until they qualify for the higher pension, and reassure them that future changes will be prospective only. I hope so, as we're paying a great deal to improve benefits for a relatively small number of employees.

The other subcommittee worked on my HB 655, OPLC recodification, scoping out an amendment which will, among other things, more explicitly include privacy protections in investigations.



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