



January 20, 2023

Your State House

Concord, New Hampshire



To my constituents in [Allenstown](#), Dunbarton, [Epsom](#), & Hooksett,

This week, my committee met to hear ten more bills. HB 355, which would create a study committee on data sharing between state and federal public housing agencies, seemed to be a request for research help by the sponsor. We were not convinced that we needed to study this subject, and voted unanimously to kill the bill. HB 366, prohibiting some non-compete clauses and nondisclosure agreements regarding free and open source software, was seen as interference in employment contracts and likely to inhibit software companies from growing or relocating in New Hampshire. It, too, was unanimously rejected by the committee.

HB 391, regarding a data sharing memorandum of understanding (MOU) between the departments of health & human services and environmental services, provided a learning experience on public health data collection and analysis. The departments agreed that they didn't need a perpetual MOU, were providing each other with data that is publicly available on their website (and does not contain any individual data), and were members of the legislative commissions on environmental health. The bill went to subcommittee to consider the end dates of the commissions, and the real need for any statutory mandate on data sharing between departments.

HB 327 prohibited the state from using proprietary java scripts on any of its websites. After some education on java scripts and the concerns about them, we heard from the department of information technology on what would be involved in ensuring that none were present on the executive branch (only) 80+ websites and 270+ applications. It

would be a massive, multi-year effort that would divert the department from all its other projects simply to analyze all those programs and determine if there were any such java scripts, and then reprogram any that were found. This did not seem to be a wise use of resources, since the dangers of proprietary java scripts were potential, not confirmed. Again, we voted unanimously to kill this bill.

HB 230 required the department of agriculture, markets and food to use an electronic data system for all registrations. This was a request of the department, since they currently do a great deal of manual data entry, and the existing systems (if any) are antiques. Setting up for the animal database we required last year brought an information systems expert to the department, who has scoped out what a reasonable system would cost and accomplish. Since the cost was easily covered by the current registration fees, the committee voted unanimously to pass this bill on to Finance.

HB 266, my bill to clarify requirements for hybrid or virtual meetings for rulemaking, had a number of questions on authority. I explained that the bill did not give anyone the authority to hold a virtual or hybrid meeting, but if they had such authority from another source, this specified the process to comply with the right to know laws. HB 337, requiring OPLC to provide notice and documents prior to meetings, had many questions on how it could be implemented. It went to subcommittee to work on some of the details.

HB 109, my bill on occupational therapy practice, had an amendment because the final bill was missing a few lines (my mistake in not checking it carefully enough!) and a request by OPLC to add a standard statement on exceptions for students and individuals in related professions where the scope



Your State House

Concord, New Hampshire



of practice was very close or even overlapping. It, too, went to subcommittee to reconcile these points.

HB 258, establishing a certificate for animal chiropractors, had resulted in language that did not reflect the sponsor's intent, so she had a simplifying amendment to just declare that animal chiropractic was not veterinary medicine. The veterinarians were opposed, of course; the veterinary board has been issuing cease and desist letters to animal chiropractors! People who use chiropractic for their animals (show dogs, injured pets, horses...) were satisfied with the care they received and felt a referral from a veterinarian was a needless cost and delay. So off to subcommittee it went!

Finally, HB 409, requiring the board of barbering, cosmetology and esthetics to grant a license to anyone with a current license from another jurisdiction, deleted the current subjective language of "substantially equivalent." The sponsor and several others spoke in favor, presenting data that licensing issues restrict movement and employment growth, and also that New Hampshire's requirements are substantially similar to most other states'. We require 1500 hours of education for a cosmetologist, about average in the country, but not requiring any experience and limited testing. The board of cosmetology expressed their opposition to the bill but didn't say exactly why. Unfortunately, some committee members seemed antagonistic to the idea. My position, after talking to every hair stylist I've used in New Hampshire is that 1500 classroom hours is excessive; the safety and sanitation areas are typically covered in the first third of the training, and after that it's all practice. The only reasonable comment came from OPLC, who noted a "current, valid" license included one that had been

suspended; they suggested "in good standing" as better language. The subcommittee will have fun with this one.

To finish off the week, I presented my HB 330 to the committee on state-federal relations. This bill deletes the requirement that the National Guard enlistment incentive program and educational assistance program go through the formal rulemaking process, increases the maximum enlistment incentive from \$500 to \$1000, and puts fines from the military court into the enlistment incentive fund. Formal rulemaking is not required for any other function of this department, not least because they don't deal with the general public, only the Guard and military veterans. The committee seemed concerned about the fines, but fortunately the Guard commander was there to inform them that there are very few fines, adding up to less than \$2000 most years, and they have adequate safeguards to ensure they are not "policing for profit." After some discussion, the committee voted to pass the bill.



Carol McGuire

Representative Carol McGuire
carol@mcguire4house.com
782-4918